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East Tennessee State University

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The Tangled Roots of the Holocaust: An Analysis of the Evolution of Colonial Discourse
through the Prohibition of Sexual Relations and Marriages between Races

A thesis
presented to
the faculty of the Department of History
East Tennessee State University

In partial fulfillment
of the requirements for the degree
Master of Arts in History

by
Bianka Adamatti
May 2021

Dr. Stephen Fritz, Chair
Dr. Daniel Newcomer
Dr. John Rankin

Keywords: colonial discourse, Holocaust, sexual relations, marriages, modernity, racism

ABSTRACT

The Tangled Roots of the Holocaust: An Analysis of the Evolution of Colonial Discourse through the Prohibition of Sexual Relations and Marriages between Races

by

Bianka Adamatti

The Nazi violence did not have its origins only in the brutality of the First World War or radical nationalist ideologies, but also in European colonialism. Hence, the goal of this thesis is to demonstrate that colonial processes were fundamental to the origins of the Holocaust. To prove this, I applied the content analysis to detect colonial discourse (stereotype, ambivalence, and mimicry) in three legislations from different contexts, which prohibited sexual relations and marriages between races. The documents analyzed exemplified the segregationist thinking of each period of colonization. Portuguese laws from the beginning of modernity demonstrate the transition from religious to racist thought. Analyzing German Southwest Africa, there is the application of racist pseudoscience, and finally, in Nazism, a mixture of both, but also an evolution of colonial discourse. At the end, I proved the existence of colonial discourse in the Nuremberg Laws, demonstrating how earlier colonialisms influenced the Holocaust.

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CHAPTER 1. INTRODUCTION

The National Socialist regime (1933-1945) has similarities with the colonial domination perpetrated by Europeans during the Modern Era. One such similarity is the diminishing discourse of individuals and similar techniques employed by Western Europe. In order to demonstrate that colonial processes influenced the origins of the Holocaust, I will analyze colonial discourse in three different laws, from different periods, which prohibited sexual relations and marriages between races. To achieve this objective, I will use the methodology of content analysis to identify indicators of colonial discourse (ambivalence, stereotype, and mimicry) in laws, which prohibited sexual relations and mixed marriages. I will apply this method in documents from Portugal (first period of colonization); German Southwest Africa, nowadays Namibia (Imperial rule); and finally use the collected data to examine the Nuremberg Laws that I consider the third period of colonization. Normally, scholars and researchers use these categories in texts from recognized processes of colonial domination; however, they do not use this methodology to recognize colonial discourse. In this research, I will combine evidences from colonial and Nazi periods to prove how they operated in a similar way. Colonizers and Nazis had the same strategy to dehumanize their chosen enemies, creating a stereotype based on a dichotomous relationship, and then consolidating it through *ambivalence*. The relation between *the oppressors* and the *dominated* represents the abyss between *them* and *us* and is a method to separate two different worlds. This relation constitutes a paradox, they do not have a direct relation, but both sides need each other to exist, in other words, an ambivalent relationship.

The methodological analysis from the perspective of post-colonial studies and the legislative study of colonial and Nazi periods characterizes an unprecedented research. In this

way, in addition to this introductory chapter, this thesis will have three parts. In the introduction, I will talk about the historiographical debate between historians who see a process of continuity between colonialism and National Socialism, and those who believe in a separation and look to the Holocaust as a unique phenomenon. Still in this chapter, I will present the concept of colonial discourse, seen by the point of view of post-colonial theory, presenting the three categories - stereotype, ambivalence, and mimicry. After, I will explore the first period of colonization, represented by Portuguese colonization. I will approach the history of the first laws that separated Christians and Pagans, demonstrating the Church's influence on government decisions and law making. I will discuss the evolution of discriminatory discourse and how it evolved, going from the strictly religious (still in the Middle Ages), to the religious that tried to cover racist connotations, in modern times. In the third chapter, I will analyze documents from the German domination of present-day Namibia. I will present the context of emergence of laws that forbade interracial marriages, showing how the recent unification of German influenced the juridical structure. I will also demonstrate the evolution of the colonial discourse, which abandons the religious mask of the beginning of modernity and positions itself as scientifically racist. Finally, in the last chapter, I will apply the examination made previously to content analysis in the Nuremberg Laws. The aim is to demonstrate how the two phases of colonialism had an influence on the constitution of the Nazi discourse. In addition, the common point of all the chapters is the application of the same methodology, to establish an equal parameter that allows the scientific framework of the analysis. Therefore, in order to have a viable benchmark and to see a clear evolution in colonial discourse, I will use laws that forbade sexual relations and mixed marriages, offering a clear view on the colonizer's conduct. This subject is unexplored by

historians, who usually address issues such as conquest and extermination to prove or deny the connection between colonialism and Nazism.

Scholars like Pascal Grosse and Birthe Kundrus pointed out some discontinuities between colonial domination and the Nazi rule. Grosse postulates that the end of German rule in South West Africa in 1918 may be considered more violent than the policy of oppression against the natives. The end of World War I and the Treaty of Versailles turned Germany into an *Allied colony*, which stripped it of its expansionist ambitions¹. Otherwise, according to Kundrus, the comparison between colonial and fascist violence is superficial because the discourse cannot be confused with the policies applied. The historian also uses the example of Franz Xavier Ritter von Epp, a former colonial officer, indicating that his work was restricted to Africa only and was not continued in the Third Reich².

In Robert Gerwarth's view, the war of annihilation promoted by National Socialism meant a halt on European colonialism, not a continuity, as some historians point out³. Gerwarth reinforces this thesis by arguing that even with the mass annihilation of indigenous populations, it is wrong to suggest that colonialism is synonymous with extermination. Colonial wars and colonial massacres were particularly common in native revolts. In the case of the invasion of Poland, there was no confrontation between indigenous peoples and Germans, and the aim was to expel or exterminate the local population before settlement. The historian also states that there is no evidence of direct structural continuity between Nazi and German colonialist phenomena.

¹ Pascal Grosse, "What Does German Colonialism Have to Do with National Socialism? A Conceptual Framework," in *Germany's Colonial Pasts*, ed. Eric Ames, Mareia Klotz, and Lora Wildenthal (Lincoln: University of Nebraska Press), 120.

² Birthe Kundrus, "Kontinuitäten, Parallelen, Rezeptionen. Überlegungen zur 'Kolonialisierung' des Nationalsozialismus," *Werkstatt Geschichte* 43 (2006): 45-62.

³ Robert Gerwarth, "Hannah Arendt's Ghosts: Reflections on the Disputable Path from Windhoek to Auschwitz," *Central European History* 42, no. 2 (June 2009): 285.

In addition, he indicates differences between German racism perpetrated in the colonies and Anti-Semitism. First, the colonial racism was obviously against non-Europeans. Unlike this period, what happened in Nazi Germany was Anti-Semitism, which Gerwarth argues is different from color-coded colonial racism. The difference is that the Jew was considered an internal enemy, their ability to camouflage themselves as European was what made them dangerous⁴.

However, Gerwarth demonstrates a continuity in the extermination policies applied by European empires during modernity. He argues that the racial discourse applied to the colonies is similar throughout the modern colonial process, regardless of the European country of origin⁵. This is the moment when the author's arguments contradict themselves. Another scholar to defend the connection between Nazism and colonialism applies the thesis used to refute Hannah Arendt's argument. In *The Origins of Totalitarianism*, Hannah Arendt argues that the atrocities practiced by German colonization are unprecedented, representing the most brutal processes. In contradicting Arendt's argument, Gerwarth indirectly applies the theory used by scholars of decolonial studies, such as Aimé Césaire and his classic *Discourse on Colonialism*. Césaire demonstrates strongly and dramatically the repercussions of modern European colonialism on the perpetration of the Holocaust. For the author, Nazism was previously legitimized because of racial hatred fueled by colonial domination. Nazism made Europeans taste their own poison, because Hitler "applied to Europe colonialist procedures which until then had been reserved exclusively for the Arabs of Algeria, the "coolies" of India, and the "niggers" of Africa."⁶ In summary, the argument that Gerwarth uses to deconstruct Arendt's conclusions is the same as the

⁴ Gerwarth, "Hannah Arendt's Ghosts," 296.

⁵ Gerwarth, "Hannah Arendt's Ghosts," 287-9.

⁶ Aimé Césaire, *Discourse on Colonialism* (New York: Monthly Review Press, 2000), 36.

one that is used by decolonial scholars to justify the link between atrocities committed in German colonies and those of the Nazi Regime.

Several historians have been working to prove connections between Windhoek and Auschwitz. Dirk Moses had been writing a series of books and articles aimed at establishing a link between the colonial genocides of the 'racial century' (1850-1950), connecting the phenomena to the genocide perpetrated by National Socialism. Overall, they conclude that the Holocaust is the ultimate expression of modernity, which was developed and refined through the experience of domination and colonization. Jürgen Zimmerer is one of the historians who defends the colonial nature of the Nazi mass violence. The historian argues that the problem of linking National Socialism with colonialism is political and emotional. Placing the Holocaust on a level of uniqueness mean denying all other previous genocides, which could increase mass murders⁷. For the same author, European colonialism has experienced various stages of development and assumed different forms in its 500 years of history. Belief in one's own justice, or the missionary conversion of the natives, was always the ideological prerequisite for the expansion of power. In the nineteenth century, the highlight was the emergence of racial hierarchy, supported by social Darwinism. This idea was applied to both colonizers and the colonized, as well as competition between colonial powers. The conviction about a common space to protect and survive is one of the essential parallels between colonialism and National Socialist politics⁸. Therefore, the domination of African territories can be compared to the 1939

⁷ Jürgen Zimmerer, "Colonialism and Holocaust: Towards an Archeology of Genocide," in *Genocide and Settler Society: frontier violence and stolen indigenous children in Australia history*, ed. Dirk Moses (New York: Berghan Books, 2004), 49.

⁸ Jürgen Zimmerer, "The birth of the Oastland out of the spirit of colonialism: postcolonial perspective on the Nazi policy of conquest and extermination," in *Colonialism and Genocide*, ed. Dirk Moses and Dan Stone (New York: Routledge, 2007), 108.

German invasion of Poland. For the Germans, both spaces were misused and needed to be readjusted to German standards. In both cases, officers described places as dirty, uncultivated with backward inhabitants and no culture. In this way, the connection between German colonialism and Nazi Regime have similar ideological justification, with Jews and blacks on the same level of inferiority, according to the Nazis⁹.

Thus, Gerwarth's argument about the distinction between color-coded racism and anti-Semitism is insufficient. In the eyes of decolonial theorists such as Pablo Casanova, Jews had faced *internal colonialism*, a process that submits stigmatized minorities to inferior treatment and domination by specific ethnic groups. The scholar states that these internally colonized peoples are considered *a distinct race* and inferior¹⁰. Thus, Walter Mignolo states that Jews occupied a place equivalent to of blacks and indigenous people in external colonial processes¹¹. Another argument supporting the ideological link developed between Windhoek and Auschwitz is the earliest precedent of the Nuremberg Laws. Those acts banned interracial marriages in German South-West Africa in 1906, as pointed out by David Olusoga and Casper Erichsen¹². The similarities between both laws are further evidence of the continuity of the same form of racist discrimination that began in modern colonialism and was further developed by Nazi Germany.

After exposing both arguments, I will contribute to this debate by bringing a new approach, which connects not only Windhoek and Auschwitz, but also all colonial processes.

⁹ Zimmerer, "Colonialism and Holocaust," 52-3.

¹⁰ Pablo G. Casanova, "Colonialismo Interno (uma redefinição)," in *A teoria Marxista hoje: problemas e perspectivas*, ed. Atilio A. Boron, Javier Amadeo, and Sabrina Gonzalez (Buenos Aires: CLACSO, 2006), 435.

¹¹ Walter Mignolo, *Desobediencia Epistémica: retórica de la modernidade, lógica de la colonialidad, y gramática de la descolonialidad* (Buenos Aires: Ediciones del Siglo, 2010), 60.

¹² David Olusoga and Casper W. Erichsen, *The Kaiser's Holocaust: Germany's forgotten genocide* (London: Faber and Faber, 2010), 302.

Specifically, showing similarities between both discourses, and thus, how the Nazi regime enhanced the colonization process and reproduced similar methods as earlier colonialisms. Methods that can be evidenced with the colonial discourse proposal of the post-colonialist Homi Bhabha.

Colonial Discourse

Post-colonialism is a critical approach that aims to overcome the crisis of understanding produced by the inability of old theories and categories to explain the world. The *post* of post-colonial does not mean that the effects of colonial rule were lifted the moment it ended territorial rule under a colony. On the contrary, the conflicts of power and the regimes of power-knowledge continued and continue in the so-called post-colonial nations. Therefore, in Stuart Hall's point of view, what will be distinctive in post-colonialism will be the ability to make a re-reading of colonization, as well as the present time from a decentralized writing, from the diaspora; or even globally, of the great imperial narratives of the past, which were centered on the nation.¹³

Post-colonialism as a term originated in discussions about the decolonization of African and Asian colonies after the Second World War. Moreover, the Third World intellectuals produced post-colonial discussions, based in the departments of cultural studies, English language, and anthropology at English universities and later at North American universities. Despite a long colonial history in Latin America and reactions to the effects of colonization, which we can call coloniality, intellectuals from that region have not been and are not in the field of post-colonial studies. For example, Homi Bhabha, Edward Said, and Gayatri Spivak - the most expressive

¹³ Stuart Hall, "Quando foi o Pós-Colonial? Pensando no Limite," in *Da Diáspora: Identidades e Mediações Culturais*, ed. Stuart Hall (Belo Horizonte: UFMG, 2003), 109.

names in the post-colonial academic field - do not refer to Latin America in their studies. Not only, but also as a result of the silence or the obliteration of postcolonial theory to the contributions of Latin American intellectuals, a network of research by Latin American researchers around decoloniality was created at the turn of the millennium or, as Escobar names, around a modernity/coloniality research program.¹⁴

In this thesis, I am not going to explore the theory defended by the decolonialists because the focus of the debate is the colonial discourse, which has its origin in post-colonialism. In this sense, I will explore the idea of colonial discourse, starting with the meaning of *discourse* and its implications in social matters. The discourse represents the use of language as a form of social practice and not only an individual activity or a reflection of situational variables.¹⁵ For Norman Fairclough, the following points show central aspects of the notion of discourse. The first is discourse as a mode of action, where people can interact in society and with other beings, using a representation mode. Second, the discourse is in a dialectical relationship with social practice, consequently being a condition and an effect that results from such a relationship; Third, social structures at all levels shape discourse structure, whether broad or particular social relations, norms, and conventions.¹⁶

In addition, we can also observe the presence of elements that constitute the discourse as a component present in the midst of a social practice. As Fairclough states, there are three main aspects of the social function of discourse: a) discourse contributes to the formation of social identities and to position the role of each subject in society; b) discourse contributes to the

¹⁴ Arturo Escobar, "Worlds and Knowledges Otherwise," *Cultural Studies* 21, no. 2-3 (2007): 182-3.

¹⁵ Norman Fairclough, *Discourse and Social Change* (Cambridge: Polity Press, 1992), 63.

¹⁶ *Ibid.*, 63.

construction of social relations between the subjects; and c) discourse is fundamental for the formation of knowledge and belief systems.¹⁷ These three effects are connected respectively to three functions of language and dimensions of meaning. The identity function is related to the ways in which social identities are established in discourse. The relational function operates on the social relations between the participants, how they are represented and negotiated. The ideational function to ways in which texts signify the world and its processes and relations.¹⁸

After the presentation of the idea of discourse and its insertion in the social context, I analyze how this notion was carried out in the face of colonialism (and colonial discourse), as well as what were its implications for the colonized social subjects.

The resistance against colonial rule, in addition to changing the direction of Western history, denies the historicist notion of time, as a progressive and methodical phenomenon. The examination of colonial depersonalization, in addition to removing the idea of person as a humanist individual, also goes against social reality as a pre-conceived representation of human knowledge. When analyzing Homi Bhabha's theories, explained essentially in his work, *The Location of Culture* (1998), it is well-known that the relation between *the oppressors* and the *dominated* represents the abyss between *them* and *us*, as a method to separate two different worlds. The author interprets the works of Frantz Fanon, *The Wretched of the Earth* (1961) and *Black Skin, White Masks* (1952), where the content that integrates and validates the colonial discourse is explained, primarily around the colonizer and colonized relationship. He also

¹⁷ Ibid., 64.

¹⁸ Ibid., 65.

addresses Edward Said's essential work, *Orientalism* (1978), in which the author deals with the discursive scope of colonialism.

For Ellis Cashmore, colonial discourse emphasizes the role of domination, exploitation and banishment involved in the construction of any cultural artifact, including, knowledge, language, morals or attitude.¹⁹ In Fanon's view, a psychoanalytical justification is necessary. It arose from the considerations observed in the selfish acts of the colonial government, where the imposition of a cultural plaster is expressed in the *transitive verb colonize*, to civilize or modernize native peoples. This results in obsolete, inert institutions under the dominator's supervision. The validity of violence occurs in the creation of the colonial social space, with the definition of caricatures represented in racial hatred, being absorbed and incorporated into the western tradition. These interventions of political and psychic violence in the social heart, added to the emptying of identity, lead Fanon to describe the rupture of the extension of colonial consciousness and society as a kind of *Manichaeism Delirium*.²⁰

Thus, when the *violence of meanings* is placed at the risk of political and social danger, it is possible to verify the power of language, and consequently, the importance of imposing colonial rule. The oppressor, through the control of all institutions, manages to exert manipulative power on the colonized, working both on the sending of messages, the mind, and the grasping capacity of the representatives of the colonizing and colonized ambivalent relationship. From these statements, it is possible to understand how the colonial discourse is constituted within a society.²¹

¹⁹ Ellis Cashmore, *Dictionary of Race and Ethnic Relations* (New York and London: Routledge, 1996), 78.

²⁰ Homi K. Bhabha, *The Location of Culture* (New York and London: Routledge, 1994), 69.

²¹ *Ibid.*, 118-27.

Fanon points out that racial differences act in such a way that they create two parallel worlds, two completely different realities, demonstrating the action of ambivalence by defining identities. The author states that the area inhabited by the colonized is not complementary to the area inhabited by the colonists. They are distinct and opposite zones. They oppose each other because of a logic of superiority. Obeying the principle of reciprocal exclusion, there is no possible reconciliation.²²

Edward Said observes that colonialism produces ways of being, and this statement is important when mentioning exteriority. Because usually what circulates is not the truth, but a representation translated by language, as the discourse and cultural exchange. Language itself is a highly organized and coded system that employs many schemes for expressing, indicating, exchanging messages and information.²³

The colonial discourse interpreted by Homi Bhabha demonstrates an understanding of knowledge, which encompasses three important concepts for the extraction of colonial discourse: stereotype, ambivalence, and mimicry. Stereotype is its main discursive strategy. Considered as a form of knowledge and identification that oscillates between what is always in place, already known, and something that must be anxiously repeated, needs no proof, and is taken as absolute and intrinsic truth. The ambivalence process is the tool that enables the action of the stereotype, explored when building a theory of colonial discourse. This is because it is the force of ambivalence that gives the colonial stereotype its validity, guaranteed its repetition, in historical contexts that glimpse typical features of coloniality. Therefore, stereotype underlies the strategies

²² Frantz Fanon, *Os Condenados da Terra* (Rio de Janeiro: Civilização Brasileira, 1968), 28-9.

²³ Edward W. Said, *Orientalismo: O Oriente como Invenção do Ocidente* (São Paulo: Companhia das Letras, 2007), 52.

of marginalization and segregation of a certain group of individuals, which frames them in certain unchanging characteristics, always drawing a dividing line between good and bad. Although not true, the effect it produces is like real.²⁴ An important aspect of colonial discourse is its dependence on the concept of fixity in the ideological construction of alterity. Thus, fixity, which suggests repetition, rigidity and an unchanging order (and disorder) as a sign of representation. It connects rigidity and unchanging order, degeneration and demonic repetition.²⁵

The key to ambivalence is the questioning of positions about the meanings of oppression and discrimination. The discourse of stereotyping occurs through the recognition of figures as positive or negative, understood in the processes of *subjectivation*, a relationship that occurs dichotomously, completing itself. To understand the consequences of colonial power, it is essential not to succumb to its regime of truth, questioning its representations so that it becomes possible to understand the performance of ambivalence as a crucial object of colonial discourse. This logic becomes essential to unravel the links of discriminatory acts that justify the discursive and political practices of racial and cultural hierarchy. To understand the consequences of colonial power, it is essential not to succumb to its regime of truth, questioning its representations so that it becomes possible to understand the role of ambivalence as a key object of colonial discourse. This becomes essential to unravel the links of discriminatory acts that justify the discursive and political practices of racial and cultural hierarchy.

Colonial discourse became an apparatus of power, supported at the same time in the rejection and recognition of differences, functioning as a creative agent of fixed images and complex relationships that work with the production of knowledge in the form of antithesis:

²⁴ Bhabha, *The Location of Culture*, 117-8.

²⁵ Ibid., 117.

pleasure x displeasure, beautiful x ugly, civilized vs. barbaric and so on. The colonizer and colonized are always evaluated in the opposite way, but in a way that they complement each other. The objective of colonial discourse is to present the colonized as a population of degenerate types based on racial origin in order to justify the conquest and establish systems of administration and instruction.²⁶

Edward Said seeks to analyze the representation system of East versus West relations, through a proposal to examine the semiotics of Orientalist power, from the perspective of the various forms of European discourse, which cast the so-called East as a unified place in race, geography, politics, and culture. For the author, it is necessary to look at *Orientalism* as a discourse modality, because there is no possibility of verifying the phenomenon only from a political, sociological, military, ideological, and scientific point of view. The invention of the East by the hands of the West came to command the imagination of the entire world; in such a way that no one considered the limitations on thinking and the actions that they triggered because of that.²⁷ Bhabha analyzes that Said identifies the content of Orientalism as the unconscious repository of fantasy, imaginative writings and essential ideas, and its form as a manifest, diachronic aspect, determined historically and discursively.²⁸

The dominated subject is always presented disproportionately in opposition or domination by the holders of power, through a symbolic game that directs the dominated as a target or adversary. Thus, the process of subjectivation does not occur without the insertion of the relation between colonizer and colonized within the colonial discourse. The non-specification

²⁶ Ibid., 115.

²⁷ Said, *Orientalismo*, 29-30.

²⁸ Bhabha, *The Location of Culture*, 101-3.

of the subject restricts the effectiveness of colonial discourse, there is no way to verify the power without imposing stereotypes on both poles. Thus, it is impossible to have power relations without the presence of ambivalence that gives life to the construction of the stereotype of the oppressed, such as barbarism, savagery, examples of indicators that characterize the dominated in colonial messages.

Ambivalence is also a strategic concept, validating both stereotype and mimicry, and for Ashcroft, Griffiths and Tiffin, it is a term developed in psychoanalysis to describe the paradox between wanting something and wanting its opposite. It also refers to a simultaneous attraction and repulsion of an object, person, or action. Adapted in the theory of colonial discourse by Homi Bhabha, it describes the complex mixture of attraction and repulsion that characterizes the relationship between colonizer and colonized. The relationship is ambivalent because the colonized subject is never simply and completely opposed to the colonizer. Rather than assuming that some colonized subjects are accomplices and some resistant, ambivalence suggests that complicity and resistance exist in a fluctuating relationship in the colonial context.²⁹

The myth of racial hierarchy, where the purity of race is the aspect produced by the colonial stereotype, is intended to normalize the division of human beings along a scale of superiority. The power apparatus is the colonial discourse that is used from a process of refusal of those considered racially inferior, generating strength in the argumentation used. Therefore, it is through stereotype that the beginning of subjectivation occurs within the colonial discourse, establishing the characters for both the colonizer and the colonized. In other words, the primary point of subjectification within colonial discourse is through stereotype, for both colonizer and

²⁹ Bill Ashcroft, Gareth Griffiths, and Helen Tiffin, *Key Concepts in Post-Colonial Studies* (London and New York: Routledge, 1998), 12-3.

colonized. This is not a mere simplification; the established roles represent a false reality. Thus, because their fixity, engendering, and trap, occurs the denial of the game of difference. This denial turns the colonial subject into a misfit; and the opposite - the possibility of difference, - would free the skin/culture signifier from the fixations of racial typology, blood analytics, and ideologies of racial and cultural domination or degeneration.³⁰

Stereotypical racist discourse, inserted in the colonial context, acts within government institutions, through a split that gives rise to the roles of powerful and oppressed groups. The practice of this discourse serves as the origin for the racial, cultural, and historical differences, mirrored by the stereotypic molds. In addition, myths are seen as an unquestionable truth, and will be institutionalized as a series of ideologies loaded with prejudice and discriminatory content. Strategies of hierarchization and social marginalization will work around this, being employed at all levels of the administration of the colonies, so the (false) arguments will be thrown in favor of the colonizer's power.

The building of mimicry depends of ambivalence and to be effective, mimicry must continuously produce its slide, its excess, its game of difference. It also comes from the diachronic game of the colonizer versus colonized, being a double articulation, characterized by a complex strategy of reform, regulation and discipline. It is considered the sign of the inappropriate, a difference or recalcitrance that orders the dominant strategic function of colonial power, and intensifies surveillance and poses an imminent threat to both normalized knowledge and disciplinary powers.³¹

³⁰ Bhabha, *The Location of Culture*, 107.

³¹ Ibid., 141.

According to Ashcroft, Griffiths and Tiffin, mimicry is an increasingly important term in post-colonial theory, even describing the ambivalent relationship between colonizer and colonized. When colonial discourse encourages the colonized individual to *imitate* the colonizer, worshiping the colonist's cultural habits, institutions, and values. The result is never a simple reproduction of these pulls. On the contrary, in the end, the colonized becomes a blurred copy of the colonizer, a fake reproduction. This is because mimicry approaches mockery, arousing laughter because of imitation. Mimicry, therefore, finds an uncertainty in colonial domination, a doubt in its control of the colonized's behavior.³² In other words, mimicry is generally understood to refer to members of a colonized society who were pushed to imitate and take on the culture of the colonizers.

Mimicry guarantees the success of the colonial appropriation that the colonizer assigned to the colonized, however it is seen as similarity and threat, concomitantly. The revelation of the ambivalence intrinsic to the colonial discourse is what destabilizes its authority, because at the same time that the stereotype is a diachronic relationship, the mimicry can also be configured as such. Its destabilizes the power relationship built by the oppressor, making their copy believe that he can dominate in the same way as the dominator, because even if they are not, the image and similarity can be seen, in a mixture of reverie and reality that coexist. The reform promoted by the colonizer puts at risk the very legitimacy of colonial relations, as it creates a crisis in the conceptualization of the subjects that compose them, causing it to raise doubts about the roles defined by the stereotype.³³ Bhabha says that in colonial mimicry, dominator's desire is not related to the object, but to strategic objectives, which he calls the metonymy of presence. In

³² Ashcroft, Griffiths, and Tiffin, *Key Concepts in Post-Colonial Studies*, 139.

³³ Bhabha, *The Location of Culture*, 128.

mimicry, the representation of identity and meaning is rearticulated along the axis of metonymy. Thus, mimicry is a camouflage, not a harmonization or repression of difference, but a form of similarity that differs from the presence and defends it, exposing it in part. Its threat comes from the strategy of producing conflicting, fantastic and discriminatory identity effects in the power game that is elusive because it hides no essence, no *self*.³⁴

I observe, in order to characterize colonial discourse, all the characteristics mentioned above - stereotype, ambivalence, and mimicry – should not be detected concomitantly. Normally, colonizer diversify its artifices and apply different techniques of colonial discourse. In this way, the form of linguist expression involves a form of pre-judgment, a mistake sponsored by the Eurocentric point of view. The Western look at a specific place or culture with a visor, determining certain stereotypes already absorbed is to reduce or make use of that reality in fact. It is about falling into the trap imposed by the colonizer in seducing their spectators in an engaging discourse with apparently facts, proven through empiricism and the historical context. The colonial discourse acts through the subjugation of individuals considered inferior, created a modern-colonial myth. Population accept a myth and this (fake) discourse reaches the most insane levels, such as extermination.

Content Analysis

To detect colonial discourse in texts, the methodology that fits the objective of this thesis is content analysis. Content analysis is a methodology developed by Laurence Bardin that allows a systematic and objective description of the content of the text. Even though it is a method

³⁴ Ibid., 129-30.

developed in the field of linguistics, it covers areas mainly of the social sciences, having an interdisciplinary scope. Content analysis aims to assess the presence (or absence) of a content characteristic or a set of characteristics in a given message fragment that is chosen for analysis. In this thesis, the set of characteristics chosen was what makes up the colonial discourse. For Eurocentric thinking, the racism present in Nazi Germany is evident, but traditional history does not connect this racism with colonialism. For this reason, I chose to combine post-colonialism and the method of content analysis. So that it demonstrates that, the discriminatory roots of Nazism lie in colonialism, which is proven through the colonial discourse.

For this, it is essential to follow the steps provided by the methodology, so that the result of this qualitative research has scientific rigor. First, I carried out a pre-survey to delimit the analyzed material and formulate objectives. Later, I classified the registration categories, which allow the interpretation of the chosen texts. The categories must be chosen according to a classification criterion; in this case, I selected the indicators that characterize the presence of colonial discourse: stereotype, ambivalence, and mimicry. The choice of the method is also justified by the historical context being fundamental to reveal the situation of emergence of the analyzed documents. Therefore, I selected three different historical contexts, but with the application of the same methodology. At first, both seem to have different realities, but in the final analysis, they complement each other. In this way, the chapters will be separated by three different content analyzes (Portugal, German Southwest Africa, and Nazi Germany) that will be the guiding thread of the arguments that prove the connection between Colonialism and Nazism, or that demonstrate the evolution of colonial discourse throughout history.

CHAPTER 2. DISCRIMINATION AGAINST PAGANS IN THE PORTUGUESE LEGISLATION: BUILDING A PATH TO LEGALIZED RACISM

Laws that limited Jewish rights are old and have their origin in antiquity, specifically in Canon and Roman Laws. Marriages between Christians and pagans, such as Jews and Moors, have been a constant concern since the foundation of the Catholic Church. The Council of Elvira (now Granada, Spain, ca. 306 A.D) intended to regulate sexual relations and marriages. In addition to discussing the sex life of Christians, it postulated that they could not marry infidels, such as Jews and Moors. The main reason, according to the document, is that there could be no marital union between the faithful and the faithless. Likewise, Catholics could not marry someone who was not baptized.³⁵ In general, the guidelines defined by the canons directly influenced Rome, which began to incorporate religious institutions into its legislation. In addition to providing the organization of the Empire, the Church began to guide society on topics such as baptism, marriage, and conversion of pagans. Restrictions of contact between pagans and Christians and their alleged superiority over Jews were also codified. For example, in Theodosius Code (Roman emperor from 379 to 395), there was a law that did not allow a Christian to be a slave of a Jew.³⁶ In the same way, the text refers to Judaism with bad adjectives, noting that there is a path of conversion and worship of the *true* God.³⁷ Overall, titles 16.8 and

³⁵ Legal History Sources, The Council of Elvira, “16. Heretics shall not be joined in marriage with Catholic girls unless they accept the Catholic faith. Catholic girls may not marry Jews or heretics, because they cannot find a unity when the faithful and the unfaithful are joined. Parents who allow this to happen shall not commune for five years.” <http://legalhistorysources.com/Canon%20Law/ElviraCanons.htm>.

³⁶ The Latin Library, Imperatori Theodosiani Codex, CTh. 16.9. 0., “Ne christianum mancipium iudaeus habeat.” <https://www.thelatinlibrary.com/theodosius/theod16.shtml>.

³⁷ The Latin Library, Imperatori Theodosiani Codex, CTh. 16.8.1., “Imp. constantinus a. ad evagrium. iudaeis et maioribus eorum et patriarchis volumus intimari, quod, si quis post hanc legem aliquem, qui eorum feralem fugerit sectam et ad dei cultum respexerit, saxis aut alio furoris genere, quod nunc fieri cognovimus, ausus fuerit

16.9 of book XVI of the Theodosian Code regulate the life of Jews in society, always disqualifying their belief and culture, under penalty of the death of practitioners of Judaism.³⁸ Concomitantly, the Canon Code, as the Roman Law, was also a source of law, which regulated the functioning of the Catholic Church and guided its institutions. The Canon Code and Roman Laws inspired several legal structures, extending its reach to several European countries. The growth of the power of the Catholic Church in the middle age intensified the control of its faithful, limiting even casual contacts with the pagans, for example.³⁹

From the beginning, the control exercised by the Catholic Church, exceeded the limit of Christians, subjecting Jews to discriminatory practices. Like in Roman Laws, Jews could not be owners of Christian slaves; neither could Jews hold public office and exercise authority over Christians, just as they could not have Christians as employees in their homes. Converts from Judaism were also forbidden to have contact with unconverted members of their families of origin in order to preserve the faith.⁴⁰ After the year 1215, Jews were required to wear a badge to differentiate them from Christians.⁴¹ Canonical Jewry Law clearly tried to avoid any close contact between Jews and Christians to prevent intimacy and possible marriages. Therefore,

adtemptare, mox flammis dedendus est et cum omnibus suis participibus concremandus.” <https://www.thelatinlibrary.com/theodosius/theod16.shtml>.

³⁸ The Latin Library, Imperatori Theodosiani Codex, CTh 16.8; 16.9. <https://www.thelatinlibrary.com/theodosius/theod16.shtml>.

³⁹ James A. Brundage, *Medieval Canon Law* (New York: Routledge, 2013), 14-6.

⁴⁰ James A. Brundage, "Intermarriage between Christians and Jews in Medieval Canon Law." *Jewish History* 3, no. 1 (1988), 26.

⁴¹ Inspired by the Umar II Pact (Medina, 634-644), which enacted a series of restrictions on non-Muslims. The expansion of Muslim dominion in the 7th Century meant that Muslim leaders had to deal with non-Muslims who remained in the area for centuries. The Pact was similar to the treatment that the Catholic Church gave non-Christians during the Middle Ages. 4th Lateran Council, 1215, Canon 68, 69. <https://sourcebooks.fordham.edu/source/pact-umar.asp>

Christians could not sit at the same table as Jews, attend Jewish festivities, festivals, and celebrations.⁴² Even with all these obstacles imposed by the Catholic Church, through laws and guidelines, the number of mixed marriages was still high, which found in Judaism the alternative for the realization of such marriages.⁴³ Thus, the Church's strategy was to attribute the quality of infected blood to pagans, and consequently, any sexual relationship with a non-Christian would contaminate the soul. The Christian would only be *safe* after the Jew converted to Catholicism and was baptized, being able to celebrate the wedding in the proceedings of the Catholic Church.⁴⁴ As an alternative to keep Christians faithful to the Church, the myth of blood purity was born, being established principally in the late medieval period and early modernity. Jews and other unwanted people, therefore, came to be seen as infected and were to be avoided for the impure quality of their blood, being increasingly excluded from society.

However, several Catholic Church officials believed that the conversion and baptism of pagans did not have the power to change the infected quality of blood, as it was an intrinsic characteristic. In this sense, the blood cleaning statutes inaugurated a new wave of persecution of converts, called new Christians. As an example, the *Sentencia-Estatuto de Toledo* (1449) discussed the position of converts in society, and a series of accusations against New Christians.⁴⁵ Regarded as the earliest known reference to Jewish blood, and the first blood cleaning statute, it divided Spanish society according to blood purity: clean and infected.⁴⁶ The

⁴² Brundage, "Intermarriage between Christians and Jews," 26.

⁴³ Ibid., 29.

⁴⁴ Ibid., 31-2.

⁴⁵ Maria Luiza Tucci Carneiro, *Preconceito Racial em Portugal e Brasil Colônia: os cristãos-novos e o mito da pureza de sangue* (São Paulo: Perspectiva, 2005), 37.

⁴⁶ Toby Green, *Inquisição: O Reinado do Medo* (Rio de Janeiro: Objetiva 2011), 53.

situation worsened in 1492, with the expulsion of Jews and Moors from Spain, and five years later, from Portugal. The only option for those who stayed was forced conversion to Christianity. As in Spain, Portugal also faced the population's rejection of new Christians, a condition that was intensified after the establishment of the Portuguese Inquisitorial Court (1536) and new blood purity statutes.⁴⁷ Consequently, Portuguese society was divided between pure and impure blood, a segregation that was supported by the State and the Portuguese legal system.⁴⁸

The codification of laws and customs only occurred after the reign of John I (1385-1433), who started the elaboration of the *Ordenações Afonsinas*.⁴⁹ In the following reign, of Edward, the legislation had not yet been concluded, it was only in 1446, that the work was finished, however some adjustments and revisions were made until the year 1554. The Portuguese legislation literally discriminated against Moors and Jews from the 15th to the 18th century, having different treatment from the rest of society.⁵⁰ As stated earlier, Canon Laws inspired several Christian countries in Europe, from the medieval age; the canonical influence can be seen in the Portuguese *Ordenações*, where several texts were imported from the canons. Additionally, the *Ordenações* also had Roman Law influence, which defined the structure of several European legal systems. In this sense, if any law on *Ordenações* were silent about a specific topic, Roman Law and Canon Law, respectively, would be used to resolve the specific case.

⁴⁷ Carneiro, *Preconceito Racial em Portugal e Brasil Colônia*, 43-4.

⁴⁸ Albert Sicroff, *Los Estatutos de Limpieza de Sangre. Controversias entre los siglos XV e XVII* (Madrid: Tauros, 1981), 120.

⁴⁹ The term *Ordenações* mean a system of laws, which ruled Portugal for several centuries. There were three different *Ordenações* (Afonsinas, Manuelinas and Filipinas), having the name of each governor. Following the example of other authors and works, I preferred not to translate their names.

⁵⁰ Carneiro, *Preconceito Racial em Portugal e Brasil Colônia*, 49.

Content Analysis of Title XIV, Book 5 of the Ordenações Filipinas

The groups stigmatized by Portuguese society in the *Ordenações Afonsinas* were the Jews and Moors. However, after the Conquest of America, the *Ordenações Manuelinas* (1514-1521) added new Christians, Gypsies, and Indigenous to the list. In 1603, the *Ordenações Filipinas* included blacks and mulattos.⁵¹ There were no indicators of prohibition of mixed marriages in all analyzed text of Portuguese *Ordenações*⁵²; however, by the application of subsidiary law, that is, the Canon Laws, and the interpretation of the legal system as a whole, it was clear that they were not allowed. Nevertheless, all *Ordenações* prohibited sexual relations between Pagans and Christians, which will be the object of analysis here. Moreover, by analogy, prohibiting sexual relations follows the same logic as mixed marriages, which consisted of not infecting the Christian's pure blood with the impure from Jews. The chosen law, for the purpose of content analysis, are within the *Ordenações Filipinas*. In addition to including a wider list of minority groups it has a better written text and its duration was the longest (1603-1867).⁵³ Therefore, I will apply the content analysis to decipher the context in which the analyzed documents appeared, in order to reveal hidden messages in the text, or in other words, indicators of colonial discourse: stereotype, ambivalence, and mimicry.

The chosen law of the *Ordenações Filipinas* ⁵⁴:

⁵¹ Carneiro, *Preconceito Racial em Portugal e Brasil Colônia*, 50.

⁵² The historian Maria Luiza Tucci Carneiro claims that several documents refer to an Ordination that prohibited mixed marriages, but no historian has discovered those documents yet.

⁵³ The Philippines Ordinances were extinguished in 1867 in Portugal, but had a longer duration in Brazil, remaining in force until 1916.

⁵⁴ First, the analyzed section was adapted from Old Portuguese to contemporary Portuguese, so that it could be translated into English. I added the words in parentheses that denote the gender of the noun, because as Portuguese is a language that expresses genres directly, the translation into English for analysis purposes would be confusing. The original version is at <http://www1.ci.uc.pt/ihti/proj/filipinas/15p1164.htm>.

1. About the Pagan who sleeps with a Christian (female) and about the Christian (male) who
2. sleeps with a pagan.
3. Any Christian (male), who has a carnal knowledge of a Moor (female), or with any other
4. pagan; or a Christian (female) with a Moor (male), or Jew, or with any other pagan, must
5. die for that, the same penalty will be applied for the pagan.⁵⁵
6. And this, when such a carnal knowledge is made willingly and knowingly; because if any
7. woman of such a condition were forced, there should therefore be no penalty, there will
8. only be such penalty if someone commits it willingly.⁵⁶
9. And even that when such a sin is done out of ignorance, not knowing, nor having just
10. reason to know how the other person was under another Law, there should therefore be
11. no penalty of justice.⁵⁷
12. And only the person, who is aware of the said paganism, or has a just reason to know it,
13. will be punished, if the person is found guilty.⁵⁸

Signs of Stereotype in the Title XIV, Book 5 of the Ordenações Filipinas

Initially, I will demonstrate the interpretation that arises because of the analysis of the document, specifically evidences that allow the identification of stereotyping, one of the indicators of colonial discourse. I would like to point out that even though it was influenced by

⁵⁵ Fragment 1

⁵⁶ Fragment 2

⁵⁷ Fragment 3

⁵⁸ Fragment 4

the first two *Ordenações* (*Afonsinas* and *Manuelinas*), and in certain aspects the text was practically unchanged, the addition of some categories became visible because of the colonization process. As fragment 1 shows, there is an exhaustive exposure of three different groups: Christians, Moors, and Jews. However, the expression “or with any other pagan” is subjective and gives scope for open interpretation, and may include any other group that does not follow the Catholic faith. As I mentioned above, the text of the *Ordenações Afonsinas*⁵⁹ mentioned only Jews and Moors as pagans, but in the set of laws that followed (*Ordenações Manuelinas*)⁶⁰, there was an addition to the opening for *other infidels*, which remained in the *Filipinas* text. The opening of the rule represents a danger not only for legal certainty, but also for the State, because it allows the interpreter and the judge to decide with discretion⁶¹ on specific cases. In the situation analyzed here, “any other pagan” enters the concept of general terms⁶², that is, it lacks the definition of content, leaving room for subjective interpretation. In other words, whoever applied the law might define who the other pagans are, deciding with partiality. This means the judge may include anyone following his discretionary judgment. Consequently, this logic would frame the native peoples of the conquered territories because they followed a faith other than Christianity, that is, they were considered pagans. In this sense, the open interpretation of the concept of pagan facilitated and even increased the persecution of the so-called infidels, which could be classified as such, due to subjective conduct.

⁵⁹ University of Coimbra, *Ordenações Afonsinas*, Book 5, Title XXV, <http://www.ci.uc.pt/ihti/proj/afonsinas/15pg94.htm>.

⁶⁰ University of Coimbra, *Ordenações Manuelinas*, Book 5, Title XXI, <http://www1.ci.uc.pt/ihti/proj/manuelinas/15p70.htm>.

⁶¹ The term here is used from legal hermeneutics, for more information look at: KRELL, DAVID FARRELL. "A Hermeneutics of Discretion." *Research in Phenomenology* 15 (1985): 1-27.

⁶² Karl Engisch, *Introdução ao Pensamento Jurídico*, 6th ed. (Lisboa: Fundação Calouste Gulbenkian, 1983), 228.

Still on the concept of “any other pagan”, I see that it is the key to demonstrate the colonial discourse of the examined legislation. For the methodology used here, the context in which the document emerged is what determines the nature of the legislation. When analyzing the text of the *Ordenações Filipinas*, it would be easy to fall into the trap of religious intolerance; however, their context of emergence differs from the *Ordenações Afonsinas*.⁶³ In addition to having full influence of the Canon Laws, the *Afonsinas* emerged in a period prior to the colonization, targeting only *Jews* and *Moors*, with no mention of other groups, the so-called pagans. In this case, in fact, the discriminatory discourse tends to religious intolerance. With the conquest of the peripheral territories such as in Brazil and Africa, the Portuguese added “any other pagan” to the list of excluded from their legislation. Thus, we see the insertion of the term within the *Ordenações Manuelinas*, maintained it in the *Filipinas*, as shown in the excerpt above. What happened is that the segregation, promoted by the restriction of sexual relations between Christians and pagans, goes beyond the religious question. For the Europeans, the main argument for questioning humanity and the absence of rationality of indigenous people and African slaves was the cult of other gods. The colonizers described them as beings without a god and therefore without a soul. The religious factor added to the racial (justified by the quality of the blood and the different phenotype) served as a justification for the implementation of the civilizing model of the European white man, which would take civilization and the *true god* to the pagans of the newly conquered lands. The main evidence that it was not just religious intolerance is that even after conversion, Europeans treated them as inferior beings, because the racial condition would remain, as well as other qualities intrinsic to their being. In the same way, it happened with the Jews that even converted to Christianity, they would continue with impure blood.

⁶³ University of Coimbra, *Ordenações Afonsinas*, Book 5, Title XXV, <http://www.ci.uc.pt/ihti/proj/afonsinas/l5pg94.htm>.

Even if the document does not conceptualize the groups mentioned, the stereotype is veiled in the content, as there is an alleged difference between Christians and pagans. In this way, the content analysis looks to unveil the hidden messages in the text, demonstrating through the context of the appearance of the documents, the legislator's intention in granting different forms of treatment. Thus, it is necessary to use other parts of the law and other documents to prove the discourse evidenced by the analysis in question. The segregation of minorities is not feasible without conceptualizing the stereotypes involved, as there is no way to pursue and stigmatize a group without defining it. In the case of Jews and Moors, the law is not clear about a coherent definition of the two groups, and I have not found any complementary or previous law that would bring any definite concept. The definition did not follow direct parameters and was influenced by a Christian culture that manipulated the society and worked for centuries on anti-Jewish propaganda in order to manipulate its followers. In this sense, the Catholic Church was the first promoter of myths against Jews, initiated in the High Middle Ages and passing through Modernity. At the end of this period, religious intolerance gave way to discourse adequate to modern parameters, in which we see the development of the Jew as belonging to an inferior race. Under this stigma, the myth of blood purity played a fundamental role for the basis of racist thinking, being constituted in fact, after the colonization of peripheral territories.

Because they have no apparent phenotypic features, such as the black man who was classified according to the color of his skin, there was a great difficulty in defining who were Jews and Moors. Therefore, according to the influence and reminiscence of canonical laws in Portugal, the concept was based on the religion they practiced. Normally, as the content of the law above indicates, documents and other laws used the term pagan or heretic to refer to those who did not practice Christianity. The term heretic can be synonymous with pagan, and its

concept is in book V of the *Ordenações Filipinas*. For the law, the heretic is “the person who tenaciously believes or sustains a feeling declared wrong against the Church. The heretic is synonymous with heterodox.”⁶⁴ The part that refers to crimes of heresy was revoked in 1830, after the enactment of the Criminal Code, in addition to the weakening of the Inquisitorial Courts, and a greater separation between State and religion. Both expressions cited in this excerpt refer to the person who does not follow or who denies the Christian faith, and can fit any religion other than that of the Catholic Church. A document of February 12, 1806 corroborates the inquisitorial persecution of those who did not profess the Christian faith. The document is an act of the Holy Office that encouraged the population of Coimbra (Portugal) to denounce the heretics of society. They must denounce those who “follow or have followed the accursed law of the Moors, observing the precepts of the Koran” also the Jews, for “belief in the Law of Moses, not recognizing Jesus Christ, our redeemer by true God.”⁶⁵ The text also cites the followers of Calvin and Luther, and anyone with a connection to the *heresiarch* condemned by the Church.⁶⁶ However, as I explained above, there is never an exact conceptualization of Jews or Moors.

The first Portuguese-language dictionary launched in 1713, written by the Priest Raphael Bluteau, did not present the concept of the term *Moor*, but conceptualizes that a Jew is “one who was born to Jewish parents or who professes the law of the Jews.”⁶⁷ The description is not expressed as to the meaning of *being Jewish*, and did not indicate physical characteristics.

⁶⁴ Ordenações Filipinas, Book V, Title I. <http://www.ci.uc.pt/ihti/proj/afonsinas/l5ind.htm>

⁶⁵ National Library of Portugal, Os Inquisidores Apostólicos contra a Heretica Pravidade, “Coleção de papeis impressos e manuscriptos originaes, mui interessantes para conhecimento da historia da Inquisição em Portugal” in: Antonio Joaquim Moreira, 1863, 11.

⁶⁶ Ibid., 11.

⁶⁷ Raphael Bluteau, *Vocabulário Português e Latino* (Coimbra: Ex Libris – José Mindlin, 1713), 213.

However, he points out customs that even though it is not clear what “the law of the Jews” is, by analogy and his place of speech, refers to the Jewish religion. The same dictionary states that, "according to the belief of the Mohammedans, the Jews are in hell lower than the Christians."⁶⁸ The document further states that an individual who was an apostate Jew said the reason for this punishment is the falsification of Sacred Scripture.⁶⁹ In this way, the document demonstrates that Jews were unwanted people not only for Christians, but also for Moors. They were also blamed for their own destiny, for pursuing a negative path, and for having misrepresented symbols and sacred sites for Christianity. Connected to this is the myth of the Jews being responsible for the death of Jesus Christ, an initial accusation that served the pioneers of Christianity to forge the evil image of the Jews, strengthening the idea of *Jewish danger*. The heyday came from the installation of the Iberian Inquisition, a time when the Catholic Church strengthened its discourse against heretics in order to seek Christian unity.⁷⁰

The creation of the stereotype of the Jew as an *evil being* was fundamental to support segregationist practices. Culture played a fundamental role in the propagation and fixation of these myths in the society controlled by the Church. Anti-Semitism grew with the development of art and literature as well as its spread among the popular masses. Almost all cultural events characterized the Jew in a ridiculous or hateful way.⁷¹ Art represented the Jew through the image of a traitor, or infidel, exemplified by Judas.⁷² Sacred painting helped to express the figure of the

⁶⁸ Ibid., 213.

⁶⁹ Ibid., 213.

⁷⁰ Maria Luiza Tucci Carneiro, *Dez Mitos sobre os judeus* (São Paulo: Ateliê Editorial, 2014), 39-41.

⁷¹ Léon Poliakov, *De Cristo aos Judeus da Corte: História do Antissemitismo* (São Paulo: Perspectiva, 2007), 106.

⁷² Carneiro, *Dez Mitos sobre os judeus*, 52-3.

disloyal Jew, as in the example of Jean Bourdichon's famous *Le Baiser de Judas* (1505), and Caravaggio's *Capture of Christ* (1602). In these paintings, as in others of the time, the betrayer of Jesus Christ is portrayed through exaggerated, almost monstrous features, and the hooked nose, which would become a caricature representation of Jews. In the same sense, Dante Alighieri (1265-1321), also contributed to the spread of hatred towards the Jews in his *Divine Comedy*, placing Judas on the level of traitor and saying that the death of Jesus Christ brought satisfaction to the Jews.⁷³

The Catholic Church used all available forms in order to make the figure of the Jew a scapegoat, represented as a diabolical figure and responsible for all the evils of the time, such as the black plague in the middle Ages.⁷⁴ As Léon Poliakov states, a tail, goat's beard, and horns represented the Jews; they were also weak and sick, were born disfigured, and affected by malignant infections that only the Christian blood might cure.⁷⁵ Maria Luiza Tucci Carneiro maintains that the popular imagination created an evil image that left the minds and occupied the papers assuming cartoons or caricatures, acting according to the manipulation of the powerful groups of the society.⁷⁶ The stigmas represented not only the physical side of the Jew, but also their character. In addition to the hooked nose, flat feet, big beard, and filth, the Jew is represented as a greedy and cheating person, always alongside large amounts of money. The representation of the lie is so well done, and addressed in all ways, that it seems to be true, reinforcing the discourse of superiority reproduced by dominant groups.

⁷³ Carneiro, *Dez Mitos sobre os judeus*, 52-3.

⁷⁴ Edgar Morin, *Cultura e Barbárie Europeias* (Rio de Janeiro: Bertrand, 2009), 24.

⁷⁵ Poliakov, *De Cristo aos Judeus da Corte*, 121.

⁷⁶ Carneiro, *Dez Mitos Sobre os Judeus*, 25-6.

The documents I had access to refer to Jews connected to negatively connoted adjectives, always mentioning them as an inferior, defective, or dirty race. In a 1572 government decree, at the time of inquisitorial processes, the judges of confiscations for the crime of heresy and apostasy had to be someone with a good conscience and the confidence of the monarch, "without any race of Moor or Jew."⁷⁷ A document from 1728 demonstrated the importance of blood purity laws, which discouraged miscegenation between old and new Christians in Portugal and its colonies, by prohibiting the social ascension and the access of descendants of *people of the Nation*⁷⁸ to public jobs. In a Royal Order for the governor of Angola, King John V (1706-1750) observed that he should marry "a clean and flawless person of a new Christian, or mulatto"⁷⁹ otherwise he would lose his position. The stereotype represented in these documents shows the confusion between religious intolerance and racial prejudice. This demonstrates how the discourse of religious anti-Judaism is gradually replaced by the new airs of Modernity, in which racial hierarchies will structure the new societies. The Jew, in trying to escape this endless religious persecution found a way to camouflage himself in conversion to Catholicism. However, their new condition as a new Christian did not free them from something that, for the Church, was intrinsic to his or her person, the impure blood. Thus, even after assuming the position of convert, the Jew continued to be persecuted for a racist connotation, in which they inherited all the traditional accusations carried by their group. In this case, (forced) conversion was not enough, because for the dominant groups, a Jew would never cease to be a Jew, they would

⁷⁷ National Archive of Rio de Janeiro. Livro dourado da Relação do Rio de Janeiro. Title Archive: Relação da Bahia. Code 84, July 26, 1572, 30v - 42v.

⁷⁸ Hebrew Nation

⁷⁹ National Archive of Rio de Janeiro. Catálogo cronológico de avisos, provisões, cartas régias e alvarás que existem na Secretaria de Estado de Angola. Title Archive: Negócios de Portugal. Code 59, April 24, 1728, 125v.

always carry their destructive characteristics, as it was something that was part of his constitution as a subject.

The stereotype of other pagan groups, such as indigenous and black, as well as that of the Jews and the Moors, is also not expressed in the law. However, the inferiority was justified by racial aspects and by the nature of the impure blood, carrying adjectives of negative connotation in their mentions. In a document dated November 17, 1718, I note the use of the expressions *barbaric*, referring to the Gentiles⁸⁰, or in the case of this letter, indigenous. The document deals with the conquest of barbarians in the Piaguí region (currently in the state of Sergipe, Brazil), noting that all Gentiles found must be handed over to the General Government.⁸¹ Another document of August 25, 1719 delegates a determined Captain-General to “kill all barbarian and indigenous people”⁸² near the village of Cairú (located in the current state of Bahia, Brazil). The text connects *indigenous* with *barbaric people*, regarding a war to control their so-called *hostilities*. The letter still gives war instructions and asks God to direct "the soul of the blindness of barbarity, and puts them in the true faith, and the law of the same Lord"⁸³. Still in the same letter, the sender says that barbarians must "submit to our domain"⁸⁴, and talks about "difficulty in domesticating them"⁸⁵. The text could not be clearer. Stereotypes are clearly apparent

⁸⁰ Gentiles were considered to be all those who did not profess the Catholic faith, the so-called pagans. In these groups were indigenous, Jews, blacks, Moors, etc.

⁸¹ Biblioteca Nacional Digital Brasil, Documentos Históricos Rio de Janeiro, Ordem para o Sargento-mor Francisco Xavier fazer guerra ao gentio bárbaro nos distritos de Piaguí, 138.

⁸² Biblioteca Nacional Digital Brasil, Documentos Históricos Rio de Janeiro, Regimento que o Capitão-mor Antônio Veloso da Silva, Cabo de toda a gente bárbara e índios levou, para observar quanto durar a guerra, que é mandado a fazer o gentio bárbaro, dos matos do termo da Vila do Cairú e das circunvizinhas a ela, 309.

⁸³ Ibid., 312.

⁸⁴ Ibid., 314.

⁸⁵ Ibid., 314.

throughout the document. First, by connecting the indigenous people with the adjective *barbaric*, and this so-called *barbarism* which is linked to the lack of belief in Catholicism, considered the only possible faith. There is also the use of the word *domesticate*, which refers to the wild animal, which must be controlled. Therefore, the document cited is the perfect characterization of the stereotype of the indigenous, in the context of the emergence of the *Ordenações Filipinas*, demonstrating the mixture between religious and racist variations.

About African slaves, Europeans usually described them with animalistic adjectives and called them “indolent” Document of September 15, 1716, when quoting the enslaved, refers to women, men, and their children, using words as “female,” “male,” and “litter,”⁸⁶ terms that are usually used to define and distinguish species of animals. Another document of October 10, 1725, which deals with the arrest of a mulatto, refers to him, as “lazy”.⁸⁷ The term was commonly associated with enslaved blacks and mulattos for not submitting to their masters' orders and *not wanting to work* or being lazy.

Hence, the presence of stereotype in the analyzed legislation is intrinsic in the text. However, it is evident when the binomial relationship is characterized by Christian/Jew; Christian/Moorish; Christian/pagan; barbaric/civilized. This demonstrates the relationship between two poles, which at the same time they attracted, repel each other; because they cannot exist without other, even representing the opposite, their illustration is based in the existence of the other. The stereotype of *being a pagan* (in this case anyone who was not a Catholic) carries with it a series of obstacles. In this scenario, the restriction on having sex with Christians. The

⁸⁶ Biblioteca Nacional Digital Brasil, Documentos Históricos Rio de Janeiro, Instrução que há de seguir João Batista Cabral Capitão-mor das entradas dos mocambos dos Sertões de Jacobina, Jacuipe, e Rio das Contas na entrada que vai fazer, 169.

⁸⁷ Biblioteca Nacional Digital Brasil, Documentos Históricos Rio de Janeiro, Carta para o Coronel Manuel de Brito Casado, 198.

persecution of minority groups is not feasible without their definition, conceptualization of stereotypes, as there is no way to segregate and stigmatize without defining them. In this sense, religion played an auxiliary role in colonial discourse, as it supported racial justifications at the beginning of modernity.

The colonizer's strategy is to define the colonized in a rigid and immutable concept, in order to give effectiveness to the stereotype created by them, so that they can initiate (and justify) persecution and exclusion. Whoever is in the position of power is the one who defines stereotypes and uses this condition to manipulate information, define qualities, adjectives and promote *false truths*. Minority groups, already disqualified for their culture, and alleged inferiority, are called barbarians and uneducated. In this sense, stereotype is fundamental for establishing power relations and dominance with the support of society. The creation of the stereotype of ethnic minorities using repeatedly negative adjectives and the dynamics of images, prepare minds to authorize genocide, or any type of physical or symbolic violence. Fragments of realities are often distorted and become an acceptable lie for dominant groups to gain (or maintain) power. This is enough to inflate hate speech and promote legalized *hunts* targeting minority groups, as is the case with the Inquisition.

Given the data inferred in the analysis, and the examination of the auxiliary documents, I verified the existence of stereotype in the text of the examined law. Even though it is intrinsic in the text, the auxiliary documents in the context of the emergence of the *Ordenações Filipinas* conceptualize and allow the formation of two poles: Christians and pagans, or pure and impure bloods.

Indicators of Ambivalence in the Title XIV, Book 5 of the Ordenações Filipinas

The identification of the stereotype is fundamental for the conceptualization of the dominant and dominated groups in a colonialist structure. Without the stereotype, there is no ambivalence, because it can identify who will be the persecutor and the persecuted, justifying the strategies of marginalization and segregation. Therefore, the two strategies of colonial discourse, represented by stereotype and ambivalence are connected, as there is no way to segregate, without identifying. Ambivalence is detected when there is the creation of two antagonistic poles, the separation of groups based on racial characteristics. In the case in question, in fragment 1, this is easily visualized. Ambivalence is noticed when there is segregation of the oppressed groups, that is, when there is a prohibition on sexual relations between Christians and Moors; Christians and Jews; Christians and "any other pagan." By prohibiting sexual relations between Christians and any type of pagan, the law attempts to prevent the birth of individuals considered to be of mixed blood. The mixture of Christians and pagans could carry Christianity to ruin and put its hegemony at risk.

Fragment 1 further mentions that Christians and pagans who have sex should receive the death penalty. Typically, crimes against property or persons received extreme punishments; however, in this case, the death penalty was applied to serve as an example to others. Fear was a useful instrument of segregation and affirmed the existing division between Christians and pagans. The legislation was complex, and penalties were imposed according to the accused's social class, conditions, and *race*. For example, the same crime could be punished with a whipping in a public square for a certain person, or for other individuals, the exile to Brazil or Africa. Of course, the harshest penalties were directed at the so-called pagans.

Analyzing fragments 2, 3 and, 4 together, I notice that the problem was not the sexual intercourse itself, but if it was practiced with the knowledge of the status of the other participant.

The law even excludes Christian women who are victims of rape, reaffirming that they would only be condemned if they practiced the act voluntarily (fragment 2). The blood purity argument was so weak and manipulative, that only a Christian who was aware of the other individual's pagan status would be punished. This proves that the myth of blood purity was created to scare Christians and keep Catholicism as the main religion.

If read together, the entire set of laws corroborates the position of favoring a certain group of Portuguese society. The *Ordenações Filipinas* clearly differentiate Jews, Moors and other pagans from Christians, receiving discriminatory treatment and being excluded in various areas. Thus, the restriction of sexual relations between Christians and pagans is only the tip of the iceberg. Another measure provided by law to try to control the coexistence between Jews and Moors with Christians, considered illegal by the Church, was the determination to bring signs that would distinguish them pejoratively from the population. In this way, even if they were from different social classes, and had different clothes, “they will signal that they are known, it should be noted, the Jews with a yellow cap or hat, and the Moors a red cloth moon with four fingers on the right shoulder, on the cover and clothing.”⁸⁸ Initially, the penalty for those who failed to comply was the bail of a thousand *réis*⁸⁹, the second time, two thousand *réis*, and the third time there was a prison sentence.⁹⁰

During the Medieval age, the Jewry quarter separated the communities, creating Jewish and Christian sides. However, after the year 1497, and the forced conversion of the Jews in

⁸⁸ University of Coimbra, *Ordenações Filipinas*, Book V, Title XCIV, <http://www1.ci.uc.pt/ihti/proj/filipinas/l5ind.htm>.

⁸⁹ Portuguese currency.

⁹⁰ University of Coimbra, *Ordenações Filipinas*, Book V, Title XCIV, <http://www1.ci.uc.pt/ihti/proj/filipinas/l5ind.htm>.

Portugal, the Jewries ceased to exist and started to inhabit only the popular imagination. From then on, the New Christians were Catholic for societal purposes, but they could officially keep their Judaism practices within their homes. An entire generation was created through a religious and cultural dualism, in which they publicly behaved like Catholics, but could maintain their own Jewish identity. Nevertheless, with the establishment of the Inquisition in 1536, common practices of Judaism were prohibited, classified, and hierarchized based on a racist logic. The situation generated a climate of distrust on the part of the population, as they believed that the Jews continued to worship their beliefs in their homes, so they were dishonest and untrustworthy. Society was even encouraged to denounce practitioners of crypto-Judaism⁹¹, with manuals to learn how to recognize Jewish practices. New Christians did not normally work on Saturdays, did not eat pork, performed certain funerary rites, and practiced circumcision, among other things. Neighbors usually accused new Christians, who were arrested, and many confessed *spontaneously* through torture sessions. When caught, they had to confess their practices, because denying the crime of Judaism, meant the lack of regret and only a regretful heretic could be reconciled with the Catholic faith and admitted to Christian fellowship.

Those who had evidence against them and denied their crimes, even if they were not repeat offenders, were sentenced to the fires of Inquisition. The main objective was to extinguish any remnants of paganism in the Portuguese lands, which of course also applied to their colonies, where there was also persecution by the Holy Office. The Inquisition became a way of oppressing native cultures in the colonies, reaching out to America, Africa, and Asia. African slaves and mulattos were also victims of inquisitorial persecution, due to the African religion,

⁹¹ National Library of Portugal, Os Inquisidores Apostólicos contra a Heretica Pravidade, Colecção de papeis impressos e manuscriptos originaes, mui interessantes para conhecimento da historia da Inquisição em Portugal, Antonio Joaquim Moreira, 1863, 11.

accused of witchcraft and the worship of demons. They were punished for crimes beyond those previously described, to demonstrate to the population the moralizing conduct of the Inquisition, in order to standardize life social and religious times. The majority of the Portuguese workforce was composed of African slaves, who, when uprooted from their homes, were forced to construct a new identity, incorporating elements of European culture into their new being.⁹²

The Inquisitorial documents show a change from a system of assimilation to a system of annihilation. Consequently, discrimination was masked by religious arguments when the confrontation was social, supported by a racist doctrine.⁹³ The inquisitorial process was perverse, and legalized hunting made converts' lives a nightmare. In this sense, one of the strategies to try to escape persecution was by marrying an old Christian (Catholic). Permission for weddings was controversial and decided on a case-by-case basis after a detailed analysis of the New Christian's ancestry. In the past, the prohibition of marriages between Christians and pagans was justified by baptism and necessitating its insertion in Catholic doctrine. However, even after the conversion of the pagans, the arguments changed and took on a racial connotation, based on the purity of blood. This generated discussions within the Church itself, which saw positives and negatives of mixed marriages.

The mixed marriages of new Christians and old Christians was, for a long time, a way for converts to acquire status and guarantee the *cleansing of blood*. Marriage could be a way of covering up their Jewish origins and escaping inquisitorial persecution. Precautions were taken so that mainly the nobility did not enter into marriage alliances with people of *blood contaminated by the Hebrew race*. The prohibition of mixed marriages was legal, but some

⁹² Daniela Buono Calainho, "Africanos penitenciados pela Inquisição portuguesa," *Revista Lusófona de Ciência das Religiões*, no. 5 (2004): 48-9. (pp. 47-63)

⁹³ Carneiro, *Preconceito Racial em Portugal e Brasil Colônia*, 44.

exceptions were made (primarily for economic reasons), as long as authorized by the king. Laws had prohibited old Christians from accessing certain public offices because they were married to people from the Hebrew Nation. In addition to being treated as New Christians in a pejorative way, the children of a New Christian marriage were called *a quarter of new Christian*. If someone had only one Jewish predecessor, he was described having *a part as a New Christian*, and if Jewish blood predominated, as *more than half a new Christian*. Priest Vieira, at various times, argued in favor of mixed marriages. He reasoned that marriages could contribute to the extinction of Judaism, where it would be extinguished by forgetfulness, as there would be no one to perpetuate it. Nevertheless, he also contradicted himself by saying that the drawback of these marriages was the communication of Jewish blood.⁹⁴

In 1671, the Tribunal of the Holy Office influenced the enactment of a decree prohibiting marriage between new Christians and old Christians. Two months later, a new charter banned New Christians from taking office in the republic.⁹⁵ Diligences to check the purity of the blood had to be processed, in order to verify if the candidate did not have a Christian-New, Moor or mulatto part. Christians also could not be married to a woman who had some of these *defects*.⁹⁶ Old Christians, influenced by the myths and stereotypes of the Jews built over the centuries, were obsessed with their purity and avoided any contact with new Christians. Marriage to Jewish descendants could blemish heredity, since the descendants would inherit blood that was considered infected from their father or mother. In addition, they would be prevented from entering public office and would be more susceptible to persecution by the inquisitorial offices.

⁹⁴ Carneiro, *Preconceito Racial em Portugal e Brasil Colônia*, 110-2.

⁹⁵ Antonio José Saraiva, Alvará de 22 de maio de 1671 in: *Coleção de Legislação Portuguesa*, vol. 8, 191.

⁹⁶ Antonio José Saraiva, Alvará de 16 de agosto de 1671 in: *Coleção de Legislação Portuguesa*, vol.8, 192.

The *Ordenações Filipinas* were promulgated in a context in which society had already faced the *Other*, and had already prepared its segregationist discourse, previously applied to pagans for the peoples of the *new world*. Thus, assuming the contexts of the Portuguese metropolis and colonies, I affirm that the analyzed law has signs of colonial discourse, identified by ambivalence. I demonstrated that both the Portuguese government and the Catholic Church went to great lengths to eliminate any Jewish influence from the Portuguese kingdom, and even so, it still created two distinct worlds of new Christians and old Christians, or impure and pure bloods.

Indicators of Mimicry in the Title XIV, Book 5 of the Ordenações Filipinas

From a detailed analysis of all fragments of the law that aims to prohibit sexual relations between pagans and Christians, I see implicit traces of mimicry, especially when analyzing the context in which the law was in force. First, in fragment 1, by forbidding sexual relations between Christians and pagans, under penalty of death, there is an attempt at forced conversion of so-called heretics. The prohibition of Judaism in Portugal corroborates this thought, in which there was no other way out, except the acceptance of Catholicism and conversion. In other words, the government, supported by the Catholic Church, cracked down on the Jews to renounce their religion and customs and assume Christianity.

For three centuries there was a process of mass extermination of those who did not comply with the rules established by the Inquisitorial Offices, and consequently, by the Portuguese government. The explicit separation between Christians and pagans, and the forced conversion of pagans to Christianity, characterize ambivalence in different ways. In the second case, the Jew converts to Christianity with the false promise that he will be treated equally with

old Christians, which logically does not happen. For, even if the conversion occurs in a forced way, the condition of ambivalence is not abandoned, but reinforced by the instrument of mimicry.

The Church, as a dominant group, seeks to reform the Jew or Moor, transforming them into a reproduction, a copy, converting them into a new Christian. The moment that the Catholic Church decides for the forced conversion of pagans, it tries to project its image through the transformation in the new Christian. However, for the dominator, even they appropriate all of a convert's life, there will still be a slice of difference that will never leave the condition of Jew because the copy will never be the original. Although their disguises served for everyday life, they dissolve when the power between colonizer and colonized is challenged. In short, either the pagan assumed paganism and was taken to the fires, or in an attempt to assimilate and convert, he was still treated as impure blood (and still ran the risk of being denounced for heresy). In the first option, there is the ambivalence strategy; in the second, we see mimicry and ambivalence. When there is the conversion and non-insertion of the new Christian in Portuguese or colonial society, colonial discourse has all its faces put into practice. We see the definition of who is a Jew, characterized by their impure blood and inferior race, then there is the conversion and creation of a false copy of a Christian, who in the end will be segregated and excluded from traditional society.

The mimicry strategy articulated and targeted all non-Christian groups in Portuguese metropolitan and colonial society, that is, in addition to Jews and Moors, native and enslaved peoples should also be converted and baptized. Members of the Catholic societies were sent to the conquered lands in order to catechize and civilize the *savages*, ignoring their previous beliefs and imposing a so-called superior God. Countless letters written by Priests tell of their

experiences in the attempt to convert the Brazilian Indigenous. Several letters speak of the resistance of the natives to accept the word of Christ, as the letter of Father Vieira, dated March 24, 1661. Vieira reports that indigenous say “that we oppress the Indians and do violence to them and have them discontented, and it is the opposite, we are their redeemers from captivity and tyranny, we have given them Christian and civil freedom that they enjoy today.”⁹⁷ Vieira argued that he was in fact convinced that the best was being done to save the *souls* of the indigenous people. Here we note the articulation of the colonial discourse, since the colonizer in fact believes in the superiority of their belief and culture.

I observe that during the life of the law analyzed here (1603-1867), the historical context underwent a series of changes. Initially, there was a confusion of religious and racial discourse, in which the Catholic Church itself was lost in its arguments and was unable to sustain them, based exclusively on religion. Later, with the advance of modernity, we see the prominence of restrictions based on the purity of the blood or infected race. Finally, we see the legal abandonment of restrictions on ethnic minorities, with the weakening of the Inquisition and the institution of Pombaline Reforms. On October 5, 1768, a decree instituted by Marquis of Pombal (1750 to 1777, chief minister to King Joseph I) obliged families of old Christians to marry their children with new Christians. The decree was intended to end the anti-Jewish arrogance of the nobility.⁹⁸ On April 4, 1755, Pombal instituted measures that encouraged marriages between *whites* and indigenous people. I note that mixed marriages were common in colonial Brazil, but not recommended by the Catholic Church and viewed negatively by the government. The

⁹⁷ Serafim Leite S.I, “Correspondence from Padre Antônio Vieira to Padre Geral Gosvínio Nickel, March 24, 1661, Rio das Almazonas, Brazil,” *Novas Cartas Jesuíticas* (São Paulo: Companhia Editora Nacional, 1940), 307.

⁹⁸ Jorge Martins, *Portugal e os Judeus*, vol. 1 (Lisboa: Nova Veja, 2006), 214.

Pombaline reforms aimed to assimilate the indigenous people into society, ensuring honors and economic and political benefits for the contracting parties and the descendants of the marriages.⁹⁹

The measures implemented by Pombal were influenced by the example of the Enlightenment and represented the separation of the Church from the State. Following the English example, he believed in Portuguese economic strengthening, through better organization and definition of the government's role. Thus, all of his measures that, at first, seem to be guided by the inclusion of the *Other* in society, in fact had an economic interest. Like the encouragement of marriage between Native peoples and Europeans, the main objective was to control and populate the colony. Native populations would be destroyed as ethnic groups, bowing to the customs of the colonizers, through biological miscegenation, linguistic, and cultural homogenization. A document dated June 7, 1755 shows the reproduction of the colonialist discourse, as it affirms that the indigenous people “do not have the necessary aptitude that is required for the government, without anyone who can direct them proposing not only the means of civility, but of convenience, and persuading them with the very dictates of rationality.”¹⁰⁰

The objective was clear, and it was never really to accept the indigenous, but transforming them into a puppet of the Portuguese government, so that they could be easily controlled. In this way, the subtle colonialism imposed by Portugal tried to mimic the native peoples, converting them into a poor reproduction of the Europeans that would always (will be) harassed. The legal persecution of the Holy Office may have been overcome, but we see from the

⁹⁹ Antônio Delgado da Silva, “Alvará de 4 de abril de 1755,” *Collecção da legislação portuguesa. Desde a última compilação das ordenações. Legislação de 1750 a 1762* (Lisboa: Typografia Maigrense, 1830), 368.

¹⁰⁰ National Library of Portugal, Directorio que se deve observar nas povoações dos Índios do Pará, e Maranhão em quanto sua Majestade não mandar o contrário, June 7, 1755, 1.

Pombaline Measures the *legalization* of colonial discourse through mimicry. In addition, even if there were no physical exterminations, there were a *cultural genocide*, in which customs and cultures were exterminated to make room for the most evolved, dictated by the European standard. The advent of modernity made possible the evolution of this discourse, which was evolved and improved. The evolution of scientific research has hierarchized human beings and spread their *pseudoscience* to the whole world. The logic places the Europeans at the top, justifying all the measures that were to come, reinforcing their arguments and expanding their ambitions for domination. Equipped with an argumentative apparatus of their superiority, the man, white, heterosexual, Christian, went on to the second wave of colonization, imperialism.

Thus, after a detailed analysis of the content, I confirm the existence of mimicry indicators in the text of the law, confirmed by the institution of the forced conversion of the so-called pagans, to Catholicism.

CHAPTER 3. THE GERMAN DELIRIUM FOR WHITE SUPREMACY: ANALYSIS OF COLONIAL DISCOURSE IN THE *MISCHEHENVERBOT* OF GERMAN SOUTHWEST AFRICA

The permissibility or prohibition of sexual relations and mixed marriages represents the strategic actions of colonial domination. Portugal was a clear example in which, initially, when it prohibited interracial relations, it acted in an exterminating conduct. Later, when its domination goals changed, it assumed an assimilationist conduct, allowing and even encouraging such unions. Other European countries also had records of the prohibition of mixed marriages, since the discourse of white (colonial) hegemony was something prevalent in Eurocentric thinking. Thus, racism masked by religious discourse, evolved into a pseudoscience of scientific racism, which tried to *find* scientific justifications for the conquest and domination of native peoples. *Science* demonstrated through body and behavioral analysis the superiority of the white race, placing indigenous and black people in a position of *natural* inferiority. Therefore, in this chapter, I move on to the second phase of colonialism, or imperialism, which mainly affected the African continent. I will demonstrate the evolution of racist thinking expressed in the prohibition of marriages between colonizer and colonized, analyzing the intrinsic colonial discourse in the text of the law. For this, I will use the content analysis methodology once again, and as done in the previous chapter, I will analyze the legislation according to each indicator of colonial discourse.

Throughout this chapter, the content analysis of the decree that prohibited marriages between whites and natives is what will establish the focus of the examination of the other documents found in the National Archives of Namibia. I will conduct the arguments in order to

demonstrate the colonial discourse established by the three indicators (stereotype, ambivalence, and mimicry). As was done in the analysis of Portuguese documentation, I will enumerate the decree by lines and divide it into fragments for better visualization.

Mischehenverbot of September 1905

For the new German Empire, its recent formation as a nation-state made it difficult to manage its overseas colonies. The codification of its own legislation had not yet been finalized, and several legal structures needed to be unified, meeting the aims of the new state. In this context, the codification of laws that organized their African and Pacific colonies faced a series of difficulties, resulting in complicated regulations in the legal area. The lack of experience in maintaining colonial territories led the Germans to reconsider one of their basic pillars: a strong state, with structured legislation. This inexperience is observed primarily when analyzing the development of legislative and legal processes in the government of the colonies. These nuances are detected in the examination of documents available in the National Archives of Namibia, which demonstrates the evolution of colonial legal matters. This can be seen essentially when it comes to marriage legislation, where legal discussions about the nature of interracial union are the main topic. However, the existence of thousands of documents on the subject and the endless discussions about the application (or not) of the decrees and regulations, demonstrate the confusion about the absence of categories, structured legislation, and clear definitions. In research in the National Archives of Namibia, I found important records that determined fundamental aspects in the articulation of the arguments that subjugated the colonized peoples.

The heart of the analysis will be the written text of September 23, 1905 by the deputy governor of German Southwest Africa, Hans Tecklenburg, and sent to all Civil Registry Offices

in the colonized territory. The governor temporarily halted marriages between natives and non-natives (including Bastards), being the culmination of restrictive measures related to marriages in the colony. The order became known as *Mischehenverbot* or the decree that banned mixed marriages. In reality, the order was temporary because the colony was waiting for legal definitions from Berlin to clarify the situation.

The text of *Mischehenverbot* reads as follows¹⁰¹:

1. I propose to induce a decision from the Colonial Department of the Foreign Ministry
2. regarding the permissibility of civil marriages between whites and Natives, and
3. Bastards¹⁰², which according to the new version of the Colonial Basic Law of 19
4. September 1900, has become doubtful. Taking this into account, until further notice, such
5. marriages are, not be concluded.¹⁰³ I remark with emphasis that these mixed marriages
6. are considered legally, politically, and socially undesirable by government.¹⁰⁴

The Stereotype in the Mischehenverbot of September 1905

First, I will present the interpretation resulted from the document analysis, particularly the identification of evidence of stereotype – one of the indicators that demonstrates existence of colonial discourse. I emphasize that even though the document was generated within a colonization process (German in Southwest Africa) this does not mean that it contains colonial

¹⁰¹ NAN-ZBU 666 - F IV r 1: 22.

¹⁰² Fragment 1

¹⁰³ Fragment 2

¹⁰⁴ Fragment 3

discourse. Therefore, in this case, the application of the content analysis methodology becomes essential in order to find the indicators that signalize colonial discourse.

The stereotype is visualized in the first sentence of the text, in line 2, when the binomial relationship between *whites* and *natives* is categorized, which demonstrates in practice the supposed natural difference between the so-called superior and inferior races. The stereotype characterized by *being native* is rooted in a series of prohibitions against the colonized population, as in the case, the prohibition on marrying Germans. When reading the document, without analyzing the historical context of the emergence of the law, we do not observe the implicit discrimination, as it appears as a rule that protects both categories. However, the document protects the *white race* when we contrast it with the scenario in which it fits, exemplifying the racist thinking of the time, that saw the native as an infecting agent of European whites. There are no explicit indications of stereotyping in the document, that is, the definition of a group of individuals. Thus, content analysis aims to unveil unspoken messages, which are not on the surface of the text. The prohibition of interracial marriages arose in a context of colonial domination, and for this reason it is a law with a discriminatory character, however it is not explicit with regard to the reasons for the prohibition of mixed marriages. Therefore, the use of other documents can prove the unveiled discourse by the analysis in question, demonstrating the legislator's thinking when categorizing and differentiating the individuals in question.

The marginalization of subordinate groups is not feasible without conceptualizing the stereotypes involved, as there is no way to pursue and stigmatize a group without defining it. In this sense, on August 10, 1890 before the enactment of the ban on mixed marriages, Colonial Basic Law (SchGG) introduced the category of *Eingebornen*, native or indigenous, in which the

law differentiated the treatment of natives and non-natives, for purposes of consular jurisdiction. Thus, the law that should be applied only to non-natives, generated in addition to the categorization of natives (*Eingebornen*), that of non-natives (*Nichteingeborenen*) as a result. However, the categorization was confusing and did not explain the difference between natives and non-natives. In addition, *Eingebornen* could also be a son of German parents who was born in the colony. In order to address these problems, in December 1893, appeared the definition of who was considered indigenous in the eyes of the Empire. Thus, for the Imperial Decree, indigenous peoples were considered those who: “1. those adherents to the protected areas-domestic number; 2. the adherents to another color number; 3. those declaring adherence (integral adherence).”¹⁰⁵ Protected areas meant colonized regions, which had a specific law, different from Germany. That is, all natives and individuals with different phenotypes were classified as *Eingebornen*.

The framing of colonized peoples in a rigid and immutable concept is part of the colonizer’s strategy to define a stereotype, in a tactic prior to persecution and exclusion. In this case, the dual dominator-dominated relationship hides the idea that the indigenous people belong to a lower race, being unveiled at the moment when documents of the time connected to prohibitive legislation are read together. The documents contrast the images of the colonizing white and the colonized native, who are described with positive and negative characteristics, respectively.

Whoever is in the position of power is the one who defines certain stereotypes, and uses this condition to mask information, define adjectives, and create accusations. In this scenario, the society in Europe receives the image of the natives as *degenerate* from the colonizers’ voice;

¹⁰⁵ NAN-ZBU 666 F IV r 1, p 13f.

they believe a lie that apparently seems to be true. The indigenous peoples are disqualified for their culture and lifestyle, and for not having similarities with the European, they are classified as uneducated and barbaric. In this sense, the stereotype, in addition to being able to delimit and separate the cult from the uncultured, is a foundation in the support of the metropolis to the colonization exercised. The creation of derogatory metaphors helped to fix the black stigma as an animal being, reinforcing the discourse produced by the dominant group. The implementation of European zoos where indigenous people were exhibited at animal exhibitions is an example of the success of colonial discourse, which aroused the curiosity of whites for people that they viewed as uncivilized.

The letter from Hans Tecklenburg, deputy governor of German Southwest Africa (GSWA), addressed to the Colonial Office in Berlin is a strong indication of the presence of colonial discourse present in the analyzed laws. When dealing with the permissibility of mixed marriages, Tecklenburg expressly opposes and uses arguments based on an alleged racial difference between whites and natives. He is concerned about the consequences of the future of the permanence of the pure race and German civilization, and that this endangers the hegemony of the white man in general. The governor also notes that miscegenation of races weakens individuals, who end up inheriting indigenous characteristics. He states that “experience teaches that each race connection does not improve, but rather worsens: Descendants are, as a rule, physically weak.”¹⁰⁶ The *double descendants* represent a dysfunction to the cultural and biological notion, as they are not completely European or native. He also states that he sees "results of worsening European race in the marriages of colonial Spain, in South America, and in

¹⁰⁶ BAB, f. R 1001/5423, 67-72.

frequent Portuguese contacts with Africans."¹⁰⁷ The argument continues in the sense that in Southwest Africa, "the white man is still a minority compared to the vast majority of natives, and still needs to assert himself."¹⁰⁸

All the arguments are made in order to put the existence of the white race at risk, due to the increase in miscegenation. Tecklenburg's speech is straightforward and characterizes racist thinking at the time, and unlike others who try to hide it, the broadcaster is straightforward in his justifications. The document is extremely important, as it reveals the stereotype of *whites* and *natives* placing them in the position that the colonial discourse proposes. In this sense, the dualistic relationship is proven when there is a separation of the two worlds inhabited by colonizer and colonized, so that they are excluded, but paradoxically complement each other. At the same time that the colonized must be restricted to his underworld created by the colonizer, he must exist to guarantee the superior position of the white man. When the European fears miscegenation, noting that he can put his hegemony at risk, he refers to his role as dominator. In your mind, this can only exist if there is said racial purity.

In view of the data inferred in the analysis, I confirm the existence of a stereotype in the discourse of the examined law. Even though it is intrinsic to the decree, the auxiliary documents conceptualize and allow the placement of the two groups of individuals in *Mischehenverbot*.

Ambivalence in the Mischehenverbot of September 1905

At first, I proposed examining the stereotype in the law that prohibited marriages between Germans and natives, in order to identify the dominant and dominated group in the colonialist

¹⁰⁷ Ibid., 67-72.

¹⁰⁸ Ibid., 67-72.

structure. Now, I will deal with the interpretations that result from the analysis that allow identifying indicators of ambivalence, one of the characteristics that highlights the existence of colonial discourse. In fragment 2, the question of the permissibility of marriages between whites and natives becomes questionable according to the new version of the Colonial Basic Law of September 1900. The update of the legislation expressly excluded the application of the marriage law to the *Eingebornen*. In addition, it affirmed that the natives are only subject to the provisions regarding the conduct of weddings, "insofar as this is determined by the imperial ordinance."¹⁰⁹ This made marriages difficult, not only between whites and indigenous, but also between indigenous peoples. However, the law did not make the situation clear, showing that decisions would be taken on a case-by-case basis. The legal omission of this cited law that allowed the legal prohibition on marriages between whites and natives in 1905. This can be seen in the analyzed law here, fragment 2 demonstrates the express prohibition of mixed marriages.

The Germans' disorganization and unpreparedness to manage the colony is evident. As in the case in question, colonial laws open loopholes for alternative interpretations, in which they normally ended up harming dominated groups. The immaturity of the colonizers is evidenced by placing terms such as *questionable* and *doubt* in a regulation that should be followed by Civil Registry, for example, and enforced throughout the territory. A weak and uncertain law casts doubt on the sovereignty of a nation-state, demonstrating its inability to govern. As stated earlier, this is mainly a consequence of newly unified Germany and inexperience in colonial domains, causing confusion in the structure of legal systems. The other documents that will be analyzed

¹⁰⁹ Staats – und Universitätsbibliothek Bremen, Das Schutzgebietgesetz nebst der Verordnung betr. die Rechtsverhältnisse in den Schutzgebieten und dem Gesetz über die Konsulargerichtsbarkeit in Anwendung auf die Schutzgebiete sowie den. Berlin, 1910, 36-7.

reinforce the Germans' lack of preparation and disorganization, ignoring laws, disobeying decrees and creating alternative interpretations for already established legislation.

Fragment 3 is definitive in stating that the government due to legal, political, and social factors did not desire marriages between natives and whites. The letter written by Tecklenburg (analyzed in the stereotype category) justifies the reasons behind the action taken and therefore must be interpreted in conjunction with the decree. The factors cited in the decree are justified by the letter from Tecklenburg, which believes that the growth of the mixed population represents a genuine political and racial danger. He claims that the recognition of bastards as German citizens would allow them to participate in political life, having access to voting and military service. In short, they would be able to influence the colony's political future. Otherwise, the restrictions of law already applied to the natives would not apply to the double descendants, who were restricted from the use of weapons and possession of land, for example.¹¹⁰

In this context, historical analysis reveals that the perpetration of mixed marriages is one of the main points in the conservation of the white race. The logic of prohibiting interracial marriages is to prevent the birth of future *Mischlinge* individuals. In this regard, the legal impediment of these marriages can be interpreted as negative eugenics, because racial inferiority is considered a hereditary characteristic by pseudoscientists. Thus, the stereotypes of *indigenous* and *non-indigenous*, which are previously conceptualized¹¹¹, are only valid if there is ambivalence in the discourse. It is this discursive strategy that will make the stereotype permanent, making it an unquestionable truth, enabling its permanent repeatability of something that is taken for granted, justifying strategies of marginalization and segregation of the native

¹¹⁰ BAB, f. R 1001/5423, 67-72.

¹¹¹ NAN-ZBU 666 F IV r 1, p 13f.

population. The notion of ambivalence is contained within the dichotomy presented by the stereotype, the division of two distinct worlds that paradoxically attract and repel each other. The relationship between colonizer and colonized is typically ambivalent, which can be seen in the context of the colonization of South West African territory. Therefore, the two colonial strategies represented by stereotype and ambivalence are directly intertwined, as there is no way to form a typical colonial society without the definition of segregating concepts. Thus, as the example of German domination on the African continent shows, firstly they defined who would be colonizers and colonized, then defined and applied discriminatory acts. The ambivalence contained in the fragments in question is evident when there is a prohibition on mixed marriages, because the indigenous people belong to a race considered to be inferior. Hence, the colonial discourse was put into practice when there was a fixation of what it means to be a native, generating the message intrinsic to the ambivalent relationship text (native/non-native). The restriction of rights of colonized individuals is an indication of ambivalence in the colonizer's discourse, in which it confirms the stereotype created by themselves. This restriction is considered a condition for the validation of the colonizer's power, that is, the dominant groups will only have control of colonial society, when the natives are eliminated from public life. Therefore, the dominator creates a life apart and places the dominated on the margins of society. The documents that will be analyzed here, prove the existence of different rights for both groups.

The evidence that demonstrates the discriminatory character of the prohibition of mixed marriages is the intrinsic justification for the creation of laws that portrays the historical context of emergence. According to data from the Civil Registry Archives of Windhoek, in 1902, the numbers of interracial marriages were very low, representing less than 7% of registered marriages. In other cities in the African territory, the numbers were equal or lower, not posing a

threat to the *homogeneity* of German domination.¹¹² Looking the records found, lists of weddings concluded were made after the issuance of the decree, to check how many marriages the decree affected retroactively; this means that the decree should also be applied retroactively.¹¹³ If the rate of mixed marriages was so low, why was a ban regulated by law? Logically, the answer can be found in racial issues, and consequently, in the fear of increasing miscegenation.

The biggest problem lay in the legislation not differentiating dual-descendant children from pure Germans. The impasse came in 1897, after four German men married native women, raising questions about mixed offspring.¹¹⁴ The law said that anyone who married a German citizen would automatically become a German. The legitimate children of a German father would automatically also be a German citizen, with all the rights of a national.¹¹⁵ As no one in the colony knew how to provide adequate legal responses to the problem of citizenship for mixed children, a letter was sent to Berlin to address this. Berlin said that if the marriages had been carried out under current laws, the offspring should have the rights and duties of a German.¹¹⁶ Berlin's decision helped to overlook the application of the concept of *Eingebornen* (instituted in 1893) for a while, and people who were previously affected by the confusion and poor formulation of the law, had to ask for permission to marry legally. Thus, in 1898, it appears clearly for the first time in the records of the archives, that marriages between German men and

¹¹² NAN-ZBU 666 F IV r 1: 25f.

¹¹³ NAN-ZBU 666 F IV r1: 24.

¹¹⁴ NAN-ZBU 666 FIV r.1: 14.

¹¹⁵ Verfassung des Deutschen Reiches, § 3, cf. Bundes-Gesetzblatt des Deutschen Bundes, 1871: 63f and Reichsgesetz über die Erwerb und den Verlust der Reichs- und Staatsangehörigkeit vom 1. Juni 1870, § 3.

¹¹⁶ NAN-ZBU 666 F IV r 1: 14.

native women were considered politically unwanted by colonial society.¹¹⁷ Until then, all actions that affected native peoples, did not contain explicit racist connotations, the subtraction of indigenous rights existed, but with implicit discriminatory discourse.

In this sense, GSWA officials began to refuse to celebrate unions between German men and native women, supported by Governor Leutwein, who was against mixed marriage. The restrictions had no legal support, being guided by people without any legal expertise.¹¹⁸ The records show that German men did not have legal knowledge and that according to the law that governed the colony, marriages, even with native women, were permitted. The men addressed letters to the GSWA governor, dealing with requests for permission to marry indigenous women, which were mostly denied.¹¹⁹ The refusal was often motivated by the proponent's financial condition, mainly by leaving mixed-race children who would inherit the father's lands.¹²⁰ The debate on the legality of marriages between Germans and natives followed and the expert support of specialists confirmed that according to the laws in force, the said unions were allowed.¹²¹ Hundreds of pages within the archive demonstrate how the legality of marriages and the situation of children varied from case to case. In this scenario, it was more than necessary to revise the Colonial Basic Law in order to affirm legal certainty in the realization (or not) of marriages between colonizer and colonized. Even after the decree banning interracial marriages, records show that many tried to register their children (*Mischlinge*) but were denied registration.

¹¹⁷ NAN-ZBU 666 F IV r 1: 15r ff.

¹¹⁸ NAN-ZBU 666 F IV r 1: 15r ff.

¹¹⁹ NAN-ZBU 666, FIVr2, Bd 1: 11ff; NAN-ZBU 666 F IV r 2, Bd 1: 9; NAN-ZBU 666 F IV r 2, Bd 1: 10.

¹²⁰ NAN-ZBU 666 F IV r 2, Bd 1: 6.

¹²¹ NAN-ZBU 666 F IV r 1: 18ff.

The refusal was based on the invalidity of the marriage, according to the decree of September 1905.¹²² Due to the numerous attempts to register, an order dated November 1908, direct from Berlin, stated that the children of marriages between natives and non-natives should not be registered, as they meet the same justification for prohibiting such marriages. The document points out that the measure serves the interest of keeping the white race clean and tries to control new marriages.¹²³

The legal prohibition of marriages between Germans and natives was only an attempt to stop the unwanted mixture of races. Logically, since the German colonizer set foot in present-day Namibia, sexual relations and the possible birth of bastard children have happened. In this way, the colonial administration tried every way to prevent mixed-race children from being born, or ignoring their existence, as demonstrated by the denial of registration, so that they would not acquire the inheritance rights of their father. The decrees also tried to avoid extramarital relationships by imposing fines or imprisonment on those who, even after a fixed period for separation, continued to live together.¹²⁴ Another factor that demonstrates the attempt to avoid the reproduction of mixed races is the *export* of European women to the African continent, to work in brothels. Evidence shows that in 1904, in Windhoek there were at least two brothels working, to serve the colonizers.¹²⁵ Women took advantage of the war period in GSWA and a favorable market to earn money; on the other hand, it was a way to keep the colonists away from the natives.

¹²² NAN-ZBU 666 F IV r 2: 13.

¹²³ NAN-ZBU 666 FIV r1: 44.

¹²⁴ NAN-ZBU 666 FIV r.1: 90.

¹²⁵ NAN-BWI207 O 1 d 1.

Race laws were pioneered in Southwest Africa, becoming a model for racial legislation in other German colonies. Similar legislation was passed in German East Africa in 1906, and in Togo in 1908.¹²⁶ A decree by the 1912 colonial secretary of state for the German Samoa government, for example, states that "no more marriages between natives and non-natives will be held."¹²⁷ The decree also addresses the situation of children from mixed marriages. From the decree, the so-called *Mischlinge*, are considered native, not inheriting German citizenship. The law is clear and confirms that it does not retroact, that is, the descendants of mixed marriages born before the issuance of the decree remain in white status.¹²⁸ Racial laws spurred Germany's miscegenation debates, with scientific terminologies such as a mixture of race, racial purity and *Mischlinge* being discussed.

In view of all the data collected in the analysis of ambivalence indicators, in addition to the examined text itself demonstrating its existence, the documents in the archive reinforce its visualization. Colonizers made a harsh effort to prevent native and non-natives from merging their worlds, creating an unequal relationship, with restricted rights for the natives.

Mimicry in the Mischehenverbot of September 1905

In the analyzed laws, I did not find indicators of, as there are no records of attempts to transform or reform the native into a copy of the colonizer. However, in the early years of German colonization, it was the position of the evangelizing missions that marriages between

¹²⁶ Olusoga and Erichsen, *The Kaiser's Holocaust*, 244.

¹²⁷ Norbert B. Wagner, "Erlass Des Reichskolonialamts vom 17.01.1912," *Archiv des Deutschen Kolonialrechts*. Accessed August 01, 2020. <https://staatenlos.info/images/beweisarchiv/adK.pdf>.

¹²⁸ *Ibid.*, 193.

natives and Germans could be carried out, if the natives were converted. The government admitted that such unions would benefit the establishment of the German colony, facilitating the domination of native populations. Thus, the law of May 4, 1870, came to be applied, not only to whites, but also to natives, with regard to marriages and their descendants. The position gradually changed, due to the advance of the revolts of the natives, who resisted the colonial administration.

As in the Portuguese case, there is a change in the colonizer's strategy. First, the colonizer, influenced by the attempt to convert pagans into Christians, bets on the idea of controlling the native population through mimicry. The conversion would bring a false reality of equality to the indigenous people, who would have their rights and that of their offspring recognized by acquiring German citizenship. However, the non-acceptance of the whites and their government as sovereign, and the consequent revolts, caused the colonizer to change their strategy for extermination. Thus, the colonial discourse began to act by suppressing the rights of the natives, and by their extermination, which can be evidenced by the genocide of the hereros and namas.

In most of the German colonization period in present-day Namibia, there was no objective of assimilation of the indigenous people, and the clear evidence of this is the prohibition of marriages between colonizer and colonized. All the measures that I mentioned here highlight the intention of exclusion and segregation, being always emphasized that whites and indigenous people do not mix. What draws attention in the relationship between colonizer and colonized, in the experience of German domination, is that the approximation of the indigenous peoples to the Germanic culture has become unthinkable, as an act of profanation to the superior race. Granting the same rights as the Germans to the natives has become

unthinkable, as has the attempt to transform the native into German, as it is a racial condition, that is, immutable. There is no evidence of an attempt to transform the native into Germans, as it is a racial condition, that is, immutable. In reality, the risk of *contamination* of the white race was something that scared the colonizers, which could arise from miscegenation, and as shown above, they did everything to avoid it.

Undoubtedly, the experience on African soil opened the way for Germany to improve its studies, modernizing the existing research on scientific racism. The research field was highlighted mainly in anthropology and helped to define concepts of race, supported by human guinea pigs that were exported mainly from the colonial concentration camps instituted by the Germans. Thus, in colonialism we see Germany testing strategies for colonization and segregation of minority groups, with confusing acts and legislation to be applied. In Nazism, however, there is an evolution of restrictive measures, and even if the legislation presented interpretive openings, the dictatorial context always benefited the dominant groups. In this context, in the next chapter, approximations of the Portuguese and Namibian colonial context with the Nazi will be presented, to demonstrate the similarities and evolution of the colonial discourse in the three phases of European colonialism.

CHAPTER 4. THE EVOLUTION OF COLONIALISM: NUREMBERG LAWS AS THE PEAK OF MODERN RACIST THOUGHT

For Eurocentric authors, such as Anthony Giddens and Jürgen Habermas, modernity occurred from a series of transformations in several fields: evolution of thought, expansion of cities and separation between State and Church. However, according to the theoretical framework that guides the content analysis carried out in this thesis, for post-colonialism, modernity has its milestone in the year 1492, with the Conquest of America, the moment when Europe confronts the *Other*, violating, dominating, and colonizing it. The Europeans began to impose their customs and culture on the colonized, exercising their *white man's burden*, which consisted of the act of civilizing the so-called *barbarians*. The confrontation between both worlds resulted in cultural and racial comparisons, establishing the first theories of scale of superiority among human beings. In this sense, modernity inaugurated a general theoretical platform, which contextualized all form of racism. The examination of the historical-analytical part of the phenomenon demonstrates the evolution of racial thinking.¹²⁹

In pre-modernity, Jews were seen as a class, people, or devotees of another religion. However, with modernity, the Jewish situation became a problem, as everything started to be well planned and manufactured, including forms of exclusion. Thus, the segregation of the Jews was no longer a natural event, as they were assimilated and forced to convert to Christianity. Therefore, anti-Semitism arose because there were no more differences, as the new system

¹²⁹ Olivia Gall, "Relaciones entre racismo y modernidad: preguntas e planteamientos," in *Racismo, mestizaje y modernidad: visiones desde latitudes diversas*, ed. Olivia Gall (Ciudad del México: Universidad Nacional Autónoma de México, 2007), 69.

homogenized them and abolished all the old barriers of separation between Christians and Jews.¹³⁰ In this sense, the product of conversion, whether religious or cultural, is not change, but the loss of its quality. On the other side of conversion, there is a void, not another identity. The convert loses his identity without acquiring anything in return. This is the essence of the philosophical thought of racism, of the mimicry promoted by the colonizers. The dominators force the transformation into a naked copy of identity, which will never be European, but which also abandons its origin.

The rise of Nazism was only possible because of some aspects that are intrinsic to the modern phenomenon. In this case, getting rid of the opponent was not the end in itself, but the means to achieve a certain goal. The dominator does not seek genocide as an end, but as a means for the realization of the perfect society, where only the racially superior would remain. In the same way as the Holocaust, other genocides were perpetrated in order to meet the demands of the European, such as the extermination of the peoples originating in America, as well as the massacre of the Herero and Namas in present-day Namibia.

The basis of the discourse used to diminish Jews and other minorities persecuted by Nazism was forged in the early days of modernity, undergoing its development during this period. Terms used such as *cleansing blood*, *infected blood*, *unclean blood*, can be observed both in Nazi speeches and in modern Church discourses. The specialization of racist studies, through pseudoscientific studies, improved the racist terms and started to use signifiers like *racially superior* and *racially inferior*. The new racial terms were implemented primarily in the arguments of conquering Africa from the 18th century onwards.

¹³⁰ Zygmunt Bauman, *Modernidade e holocausto* (Rio de Janeiro: Zahar, 1998), 80.

Nazism, then, is not a continuation of colonial processes, but an evolution, as it represents a lethal variant, developed and acquired from previous experiences of using segregation methods. We see the junction of speeches from the beginning at the height of modernity, exemplified here in the transition from religious to racial discourse, and in the consolidation of scientific racism, with the exploration of the African continent. The use of laws that prohibited sexual relations or marriages between races is essential to understand the evolution and consolidation of racist thinking, as it tries to perpetuate white people in power. Miscegenation would jeopardize power control and the justification for conquering and dominating peripheral territories. Thus, in this chapter, we will see how the guiding thread of colonial discourse is the idea of the existence of a hierarchy of races, a basic concept in the ideology of National Socialism. For that, I will employ the analyses carried out in the previous chapters to demonstrate the existence of colonial discourse in the Nuremberg Laws, specifically about the restriction of intimate contact between Jews and Aryans.

The Context of Emergence of the Nuremberg Laws: the Search for the Nazi Racial Ideal

The racial purity of the German people has always been a central theme of Nazi ideology. In *Mein Kampf*, Hitler emphasizes the evils that the mixture of racially superior and inferior can cause in the perpetuation of a great civilization. In this way, interracial marriages posed a threat to the maintenance of the Aryan race and must be prevented. When Hitler came to power in 1933, the issue of mixed marriages became more difficult than previously thought, legally speaking. In the same year, an issued memorandum proposed that marriages and extramarital sexual contact between *those of German blood* and *those of foreign racial community* should be punishable. Other offenses considered a danger to the maintenance of the race would also be

punished. The document was unsuccessful due to a series of technical problems, such as there being no previous law that prohibited such marriages and defining who the foreigners were.¹³¹

Discussions about the differences between German-blooded and Jewish individuals continued in order to create a criminal law to protect German racial purity. The top leaders of the Nazi party, supported by some jurists, came to a consensus in proposing legislation that would restrict and penalize any sexual relationship between Jews and Germans. Nevertheless, even with the marriage permit that allowed 'inter-racial' unions still valid, some judges went ahead and banned them. Paragraphs 1303 and following of the Civil Code brought only the classic impediments, such as bigamy and marriages between certain relatives; however, certain judges began to deny marriages between Germans and Jews, based on general national principles, as had been provided for in Law for the Restoration of the Professional Civil Service. In September 1934, the Reich Minister of the Interior sent a circular letter to all states, guiding judges to observe the legislation more carefully, such as ordaining marriages between Jews and Germans, even if it did not meet the National Socialist ideology. The Supreme Court had the same opinion, citing the document, clarifying that court should recognize and enjoin such marriages. The circular letter and the Reich Supreme Court decision were not well accepted among the many civil servants who identified with anti-Semitic policies. Several judges still resisted and denied mixed marriages because for them, they were not following the essence of the Reich, which was to cultivate German blood and maintain purity.¹³² Legal prohibitions on interracial marriages

¹³¹ Ingo Müller, *Los juristas del horror: la "justicia" de Hitler: el pasado que Alemania no puede dejar atrás* (Bogotá: Rosa Mística, 2009), 136.

¹³² Müller, *Los juristas del horror*, 137.

began on May 21, 1935, with the express ban on marriages between German soldiers and non-Aryan women.¹³³

In July 1935, a second note from the Ministry of the Interior was issued, announcing that questions of interracial marriages would soon be clarified. Measures to elucidate the issue began to be put into practice as of the Reich's Party Conference, held in the city of Nuremberg, on September 15, 1935.¹³⁴ On that occasion, the meeting discussed topics such as the Jewish question, a concern that served as the basis for the creation of three new laws. The first regulated that the Nazi flag would then be the new national flag. The second established the fundamental distinction between citizens of the Reich, who had political and civil rights, and Jews, who were reclassified as subjects following precepts of German blood. Therefore, Jews did not have their rights of citizenship anymore; but were in a position similar to foreigners. The third law prohibited marriages and extramarital relations between Jews and citizens of German blood.¹³⁵ The three laws came to be known as the Nuremberg Laws and tried to solve the Jewish problem and the mixing of races.¹³⁶ In this chapter, in order to detect colonial discourse, the law I will analyze will be the third law of the Nuremberg Law, which prohibited marriages between Jews and Germans of pure blood.

Law for the Protection of German Blood and German Honor of September 15, 1935:¹³⁷

¹³³ Richard Evans, *O Terceiro Reich no poder* (São Paulo: Planeta do Brasil, 2011), 611.

¹³⁴ Müller, *Los juristas del horror*, 139.

¹³⁵ Saul Friedlander, *Nazi Germany and the Jews*, vol. 1, *The Years of Persecution* (New York: Harper Collins, 2008), 142.

¹³⁶ Months after the enactment of the Nuremberg Laws, the Minister of Interior clarified that gypsies and blacks were also considered racially inferior or racially less valuable, being in the same position as Jews in the laws. As the regime's focus was on the Jew, the analysis of colonial discourse will be directed to this minority.

¹³⁷ United States Holocaust Memorial Museum, Nuremberg Race Laws, <https://encyclopedia.ushmm.org/content/en/article/nuremberg-laws>.

1. Moved by the understanding that purity of German blood is the essential condition for the
2. continued existence of the German people, and inspired by the inflexible determination to
3. ensure the existence of the German nation for all time, the Reichstag has unanimously
4. adopted the following law, which is promulgated herewith.¹³⁸
5. Article 1- (1) Marriages between Jews and citizens of German or related blood are
6. forbidden. Marriages nevertheless concluded are invalid, even if concluded abroad to
7. circumvent this law.¹³⁹
8. (2) Annulment proceedings can be initiated only by the state prosecutor.
9. Article 2- Extramarital relations between Jews and citizens of German or related blood
10. are forbidden.¹⁴⁰
11. Article 3- Jews may not employ in their households female subjects of the state of
12. Germany or related blood who are under 45 years old.¹⁴¹
13. Article 4- (1) Jews are forbidden to fly the Reich or national flag or display Reich colors.
14. (2) They are, on the other hand, permitted to display the Jewish colors. The exercise of
15. this right is protected by the state.¹⁴²
16. Article 5 – (1) Any person who violates the prohibition under Article 1 will be punished
17. with a prison sentence with hard labor.
18. (2) A male who violates the prohibition under Article 2 will be punished with a jail term

¹³⁸ Fragment 1

¹³⁹ Fragment 2

¹⁴⁰ Fragment 3

¹⁴¹ Fragment 4

¹⁴² Fragment 5

19. or a prison sentence with hard labor.
20. (3) Any person violating the provisions under Articles 3 or 4 will be punished with a jail
21. term of up to one year and a fine, or with one or the other of these penalties.
22. Article 6 - The Reich Minister of the Interior, in coordination with the Deputy of the
23. Führer and the Reich Minister of Justice, will issue the legal and administrative
24. regulations required to implement and complete this law.
25. Article 7 - The law takes effect on the day following promulgation, except for Article 3,
26. which goes into force on January 1, 1936.

Stereotype in the Law for the Protection of German Blood and German Honor

As performed in the previous chapters, I will make the interpretation that arises because of the analysis of the law's content, particularly looking for evidence of stereotype. Unlike the other analyses that were done in isolation, here I will bring the result of the previous inferences in addition to proving the colonial discourse through the indicators, opposing and showing the similarity of the argumentative strategy. The visualization of stereotype is in the dualism of *German* and *Jew*, representing the social division that was being installed with the rise of Nazism and the promulgation of the Nuremberg Laws. The law reinforces the second Nuremberg Law, which bases the granting of political and civil rights to those with German blood. The text articulates very well all the nouns that represent the notion of *German*, such as “blood” (line 1), “people” (line 2), “nation” (line 3), and “citizens” (line 5). All the construction of the legislation indicates the exclusion of Jews, who are not accompanied by any noun, that is, it induces the interpreter to see their condition of exclusion from the regime. What reinforces this segregation is the beginning of fragment 2. The legal text speaks of the prohibition of marriages between

"Jews" and "citizens of German", which implies that Jews are not German citizens, even though they were born in Germany. The law confirms the pariah status that Nazism was *granting* to the Jew. In fragments 2, 3, and 4, the law connects "citizens of German" with "related blood", demonstrating that the civil and political rights of the German population, under Nazi custody, should obey principles of blood or racial purity.

As I noted in previous analyses, there is difficulty in conceptualizing stereotyped individuals in the law. As in the analysis of Portuguese legislation, there was no legal definition of a Jew. Observing the ineffectiveness of the law without an established concept, the lack of definition was resolved a few months later with the promulgation of the First Regulation to the Reich Citizenship on November 14, 1935. The main objective of the document was to conceptualize what a Jew was and to elucidate the problem of Mixed-blooded Jews (*Mischlinge*). A mixed-blooded individual is one who is descended from one or two grandparents who were racially Jewish. The law emphasizes that to be considered of fully Jewish blood, grandparents must belong to the Jewish religious community.¹⁴³ Moreover, about the concept of Jew the law said that:

§ 5(1) A Jew is anyone who descended from at least three grandparents who were fully Jewish by race. § 2, par. 2, second sentence will apply.

(2) A Jew is also anyone who descended from two fully Jewish grandparents, if:

(a) he belonged to the Jewish religious community at the time this law was issued or joined the community later;

(b) he was married to a Jewish person at the time the law was issued or married one subsequently;

(c) he is the offspring from a marriage with a Jew, in the sense of Section 1, which was contracted after the Law for the Protection of German Blood and German Honor became effective.¹⁴⁴

¹⁴³ German History in Documents and Images, First Regulation to the Reich Citizenship Law (November 14, 1935) https://ghdi.ghi-dc.org/docpage.cfm?docpage_id=2171.

¹⁴⁴ Ibid.

Defining a Jew was a complicated task that anti-Semites found difficult since the beginning of persecution of the Jews. There was never a clear definition, as demonstrated in the analysis of Portuguese laws. In the 1890s, the Deputy Hellmut Von Gerlach explained that the anti-Semitic members of the Reichstag never managed to create an anti-Jewish law because they did not find a feasible definition of what a Jew is.¹⁴⁵ In fact, the definition introduced by the auxiliary law is a fallacy and contradicts Nazi interests. The text clearly states that the individual is considered racially Jewish if there is evidence of connection to the Jewish religious community. As in the beginning of Modernity, there was confusion between religion and racism, as there is no way to sustain the inferiority of Jews without religious arguments. Although there have been scientific advances throughout modernity, primarily in the studies of the *human races*, it seems that Nazism has not abandoned the foundation of the inferiority of the Jew based on their religion. Since the 18th century, Germans invested in anthropological research to support a racial hierarchy, justifying Aryan superiority through superior natural qualities. The credibility of this *pseudoscience* is questioned when there is no possible basis, biological or genetic, for the formulation of a law that excludes Jews because of their natural *inferiority*. This demonstrates that the racial hierarchy experiments were manipulated according to the interests of the dominant groups. Therefore, the racial concept of the Jew is fragile and has no support on biological or natural factors.

The Nazis understood the importance of defining a concept of Jew in the Third Reich. The dualism produced by the colonial discourse would only be effective, through the attribution of the roles of dominator and dominated. For this reason, the prediction by law of all forms of Jews and half-Jews makes them a rigid, immutable concept. The Germans did the same thing in

¹⁴⁵ Raul Hilberg, *A Destruição dos Judeus Europeus*, vol. 1, (Barueri: Amarelis, 2016) v.1, 63.

the colonization of German Southwest Africa, when they created the restrictive law of mixed marriages and used complementary legislation that defined who the natives and *Mischlinge* were. The emergence of the term *Mischlinge* in the context of racial mixing (with bad connotations) arose from the German conquest of present-day Namibia. The necessity to characterize and stereotype the *bastard* children, fruits of unions between Germans and natives, arose to limit their rights. With Hitler's rise, the concept was *borrowed* to limit the rights of the *new Mischlinge*, but this time they would be used to define half-Jews. In this sense, we see the same strategy for articulating colonial discourse, which produces the same effects when defining and limiting the rights of a certain group, based on racial difference.

The creation of the stereotype of the Jew has a secular origin. Jews have been constantly disqualified for their culture and religion, physically and psychologically attacked, through the anti-Semitic discourse that has been developed throughout history. During Modernity, other minorities have also been victims of stereotypes created by dominant groups. Dichotomous practice has always had the intention of separating, in an antagonistic way, the two characteristic groups of colonial society, such as: civilized/barbaric; white/black; Aryan/Jewish, and in general, colonizer/colonized. The dominant group creates and disseminates certain popular knowledge, which ends up allowing its maintenance of power and primacy of rights. The consolidation of the stereotype happens through society, which, by believing in a lie that seems to be true, propagates the *information* and materializes the role of the colonizer and colonized.

As I described in chapter two, the construction of the stereotype of the Jew was fueled by the Catholic Church, having its heyday in the Inquisition. The task force in marginalizing the image of the Jew took advantage of all spheres of society at the time, and in fact made them an individual who should be feared and excluded. Nazism took advantage of the metaphorical Jew

created in that period, using it in its propaganda. The regime invested in pamphlets, posters, full of drawings, presenting a dirty image, linked to pests, miserly, which the population might fear. In this sense, National Socialism revived the myths which seemed forgotten in past, giving it a more intense and aggressive look. The stereotype of the Jew is also considered fragile, as the Nazis were only able to reproduce it in their advertisements and films. If put into practice, all hook-nosed people would be Jewish, for example. Jews are human beings with no distinct phenotypic characteristics and cannot be defined through their physical appearance. Therefore, the contradictory choice of its racial definition was made through the Jewish religion.

In view of the above, I affirm I have found evidences of stereotype in the analyzed law. The stereotype is admitted when there is an alleged difference between Aryans and Jews and confirmed when supplementary law defined who were considered Jews, to then start the persecution.

Ambivalence in the Law for the Protection of German Blood and German Honor

The entire text of the law analyzed here indicates the existence of ambivalence. The law's aim is to demonstrate that German society is being segregated and divided through racial parameters. Initially in fragment 1, the use of expressions such as "German blood", "German people", and "German nation" reinforce who the dominant group is, expressly demonstrating that the maintenance of the pure Aryan race is a necessity for the perpetuation of the Reich. Soon after, in fragment 2, we saw that marriages between Jews and Germans of pure blood are a threat to Nazism. The ban on marriages is considered a fundamental step in keeping the Reich free from the Jewish hazard. The text also mentions that even the marriages already performed did not produce any legal effects. In other words, partners would have no matrimonial rights. Under

the same logic as the previous one, fragment 3 prohibits extramarital relations between Jews and German nationals; accordingly, in fragment 4, Jews are prohibited from having German female households. The three fragmented parts of the text (2, 3, and 4) have the same logic in their arguments. By forbidding sexual relations between Jews and Aryans, whether by marriage or extramarital affair, there is control and impediment of the birth of unwanted individuals, considered mixed race.

Marriages were fundamental to the destruction or construction of a racially pure Reich. While interracial marriages were prohibited, those between pure blood Germans were encouraged. The main objective was the preservation of species and the dominant race, something that personified the ideology of community and racial primacy. The reproduction of pure children was a duty that the Germans should fulfill, obeying the idea of *Volksgemeinschaft* (ethnic/racial community). These principles were embodied in a marriage law in 1938. The law practically made divorces indissoluble, because above personal conflicts, the couple should think about the well-being of the community.¹⁴⁶ In cases of prohibition and encouragement of marriages, we can see the application in practice of theoretical concepts of eugenics. In the prohibition of marriages between Jews and Aryans, there is negative eugenics, which attempted to prevent the reproduction of individuals considered defective or unfit according to state standards. About the incentive of weddings, there is the positive, which encouraged the reproduction of pure Germans considered healthy for the perpetuation of the Reich. In Nazism, interferences in human reproduction represented a modern scientific product, thought logically in addition to preventing genetic diseases, promoting a racially superior society, exterminating the inferior and unfit.

¹⁴⁶ Michael Stolleis, *The Law under the Swastika: Studies on Legal History in Nazi Germany* (Chicago: University of Chicago Press, 1998), 71-2.

The similarity with the other laws analyzed in the second and third chapters is evident. Not only in the similar structure of articulation that prohibited the rights of certain minority groups, but through an intrinsic discourse that hid the primacy of rights for the dominant groups. The contexts are also similar. The emergence of all discriminatory laws is based on a society based on the division between groups, where there is a normalization of the existence of racial hierarchies. This normalization causes segregationist laws to be accepted, being seen as something natural by society. Throughout the analyzed period, whoever was in power was always the stereotype personified by the white man. They were always the one who established rules and laws and dictated right and wrong in society. In this sense, the dominator defined that the mixture of races would put in risk their position of power. In addition, through the control of institutions, they controlled sexual relations and conducting marriages, through severe punishments for those who did not comply. Anyone who acted against the postulate by law would be punished: colonized or colonizer. Initially, in Portugal, we saw something that goes beyond the suppression of rights, the death penalty for those who had sexual relations with pagans (with the same penalty for the pagan). Subsequently, in the case of German Southwest Africa, German who married natives had their civil and political rights withdrawn. The natives did not lose their rights, as they never had any. The general guideline was that the marriages were not concluded, being null and not producing legal effectiveness. Likewise, in Nazism, marriages between Germans and Jews were also considered null, and those who insisted (marrying or having sex) were punished with imprisonment and forced labor. As with German colonization in Africa, Jews would not lose their rights, as the Nuremberg Laws had already withdrawn them. Still on the case of Namibia, Germans who married natives would not receive

native status, unlike the Nazi regime, which imposed (retroactively) Jewish status on Germans who married Jews.

The evolution of the structuring of prohibitive laws is clear. Initially, there are medieval remnants, in which crimes are easily punished with the death penalty and nuances that mix religion and racism. With the advance of modernity and the height of racist studies, there is a clear dichotomy based on racial characteristics, in which the penalties correspond to the typically modern bureaucratic structure, in other words, citizens must be punished through loss of rights. Nazism consolidates this thought, since its entire structure is based on a modern-racist pattern and includes, logically, its legal system. In this way, they turn the minority group into an outcast and remove civil and political rights from Germans who have relations with Jews. Germany during the colonization period gradually implemented laws that prohibited interracial marriages in all its conquered territories.¹⁴⁷ The first experience was in present-day Namibia in 1905, but later records demonstrate the advance of legal structuring, with well-defined clauses, with no scope for dubious interpretations, as I showed previously. The law that prohibited mixed marriages in Samoa is a clear example of the evolution of the legal structure during the colonization period. In this sense, the German colonial experience was essential for the establishment of a racist policy. In addition to taking advantage of its colonies as a scientific laboratory and implementing concentration camps, Germans used it as a basis for formulating discriminatory laws.

The Nuremberg Laws brought the definitive exposure of the restrictions on the rights of the Jewish population, generating (a false) security of the limits of state acts for those affected. The general clauses, with broad and questionable concepts, allow the discretion of the judge, as

¹⁴⁷ Olusoga and Erichsen, *The Kaiser's Holocaust*, 244.

we saw in the Portuguese and Namibian examples. However, depending on the context in which the law arose, the existence of a legal system that only enables the judge to perform with formalism of enforcement, tends to transform them into a passive agent, exercising purely mechanical activity, the so-called *mouth of the law*. This prevents the judge from acting independently, failing to make fair decisions. The very delimitation of the concept of Jew that emerged as an evolution of modern anti-Semitic discourses came with the purpose of imposing limits on judicial decisions. Ultimately, that was the goal of Nazism, to make judges only part of the constituted bureaucratic apparatus, in order to execute orders without questioning whether they were just or not. In practice, due to the dictatorial and repressive context of the judicial system, there were only discretionary decisions, if they were in favor of the government's ideology.

An example of this was the problem that the judiciary faced in defining what intercourse was and punishing those involved. Basic forms of sexual contact were only a starting point as there were countless possibilities to be considered as a sexual act. The broad interpretation of sexual intercourse became insufficient, which led the courts to remove all definition restrictions. For an Augsburg court, if the law was intended to protect the purity of German blood, the legislature's will must be interpreted under the logic that all forms of perversion and sexual relations between Jews and Germans were considered illegal. Consequently, even though the courts had more or less flexible positions, in general, any kind of physical contact between Jews and Germans was prohibited.¹⁴⁸ The Supreme Court encouraged the judges' discretionary conduct in favor of the regime, giving rise to the assumption, as evidence of the presence of sexual intercourse between the couple was often lacking. For a Hamburg court, the kisses of an

¹⁴⁸ Friedlander, *Nazi Germany and the Jews*, 159.

impotent man put him in prison for two years for taking the place of *normal sexual intercourse*. At the same Court, a Jew was considered guilty because he *achieved sexual satisfaction* during a therapeutic massage, even though the masseuse did not notice anything. People who committed this offense were condemned for *racial corruption*.¹⁴⁹ From 1936 to 1939, the annual number of convictions for racial corruption hovered around 420, with most of them being Jewish men. Courts began to impose more severe penalties, under pressure from the Gestapo and the Ministry of Justice. In 1938, most of the penalties for racial corruption handed down by the Hamburg Regional Court involved years in prison. The decisions were applied with the same type of penalty for the crimes of racial corruption (committed by Jews and non-Aryans) and racial betrayed (committed by Germans).¹⁵⁰

The purity of blood was practically an obsession of Portuguese society at the beginning of modernity. To have public jobs and marry old Christians, there must be blood testing, demonstrating purity among their ancestors. In this case, the purity was not having records of Jewish ancestry. Likewise, in National Socialism, individuals should prove that they were in fact pure Aryans, through the *Ahnenpass*, or racial passport. The Germans themselves were responsible for preparing the document, through civil records, church rectories, which registered births and marriages. In some more difficult cases, detectives were hired.¹⁵¹ Virtually two centuries separated the Portuguese case from the Nazi, and if there was no description of where and when, the narrative appears to be the same. In both scenarios, blood purity was what controlled society, establishing a purposeful system for isolating so-called infected people. The

¹⁴⁹ Ibid., 160.

¹⁵⁰ Franz Neumann, *Behemoth: Pensamiento y acción en el Nacional Socialismo* (Cidade do México: Anthropos, 2014), 81.

¹⁵¹ Peter Fritzsche, *Life and Death in the Third Reich* (Cambridge, Massachusetts: Harvard University Express, 2008), 76-7.

division was made in several aspects, as an example of the use of signs that identified the Jew from the others, through yellow symbols on the garments. The strategy was strongly applied in Portuguese society, and later in Nazism, through the yellow Star of David. All the actions encouraged the population to prove their purity, sponsored by a racial delusion that should govern the institutions. One of the few things that Nazism abandoned in previous centuries was the attachment to religious justifications in its racial discourse. Nevertheless, while they abandoned it, they still borrowed the term of blood purity.

The stereotype of the Jew used by the Nazis gives the image of degeneration based on racial origin, justifying dominance and establishing the relationship between colonizer and colonized. The established colonial relationship is what creates the difference in positions and affirms the limitation of rights for the dominated. If before the enactment of the Nuremberg Laws, the roles of the oppressor and the oppressed were obscure, from September 1935, there was no question. The Nazis put the colonial discourse into practice, formalizing the persecution through legal segregation. The fragments and the context of the emergence of laws showed the adequacy of individuals to their positions as colonizers and colonized in an organized and bureaucratized institute, typical of modernity. The Nazi justification is that the Jew is the cause and effect of the system employed, since Germany will only return to its period of glory and avoid racial destruction, if the nation gets rid of Jewish evil.

The creation of the Jew/colonized is the result of colonial discourse. The narrative driven by Nazi ideology is guided in order to convey the facts in the most realistic way possible. The Jewish population is placed at an inferior level, reinforced by all sectors of public administration. The discourse, then, gains strength by the fact that the colonizer has all the means of propagating ideas, managing to give life to the stereotype, through oppressive measures that clearly deliver

the difference between the worlds of colonizers (Aryans) and colonized (Jews). Thus, from the analysis and considerations, I notice that there are signs of ambivalence in the law examined here.

Mimicry in the Law for the Protection of German Blood and German Honor

From the analysis of the Nuremberg Laws and their context of emergence, no signs of mimicry were detected in the text. There are no records of an attempt to transform the Jew and other minorities into the image of the *Aryan*. On the contrary, the policy exercised by Nazism was always one of exclusion, and later of extermination, never of assimilation. It is convenient to affirm that even those considered being of Aryan blood, if they had any mental or physical deficiency, should be eliminated. The regime did not seek assimilation or its own, for the justification of hereditary quality, which sought the perpetuation of the pure German race, through the reproduction of strong and genetically healthy individuals. In other words, any threat to the preservation of the Reich had to be extinguished. In the same sense, the case of German Southwest Africa can be used as a comparative example. Nazism and the German Empire shared the same objective in their domination, as both did not seek the assimilation of the dominated peoples and externalized it in their own legislation. The prohibition on mixed marriages and suppression of rights were expressed in law. In addition, both governments followed the same racist ideology based on civilizational decline with racial mixing. The consequence of both cases was the same, the extermination of native populations and Jews.

During the Inquisition, the reason for the extermination of the Jewish population had some distinctions from the previous examples. The conversion of so-called pagans was a mandatory process in Portuguese Modernity. The suspicion that Jews or new Christians had not

abandoned their original religion was what led them to the Inquisition's fires. Logically, their rights continued to be suppressed after the conversion and there were controversies about the performance of mixed marriages. However, the Portuguese government had adopted an assimilationist policy, even if not very effective. The colonial discourse, through mimicry, is confirmed when even after the conversion, the New Christians continue to be persecuted for the alleged quality of their impure blood. The same procedure took place in the Portuguese colonies, where the enslaved native and black peoples are forced to conversion and baptism but continue to be discriminated against and their rights diminished. In short, even if the colonizer transformed the colonized into his copy, they would never recognize them as a subject of rights like himself. The colonization technique aimed to facilitate dominance and convey the false idea of acceptance.

Analyzing the entire Law for the Protection of German Blood and German Honor, we see that the entire construction of its text is that of excluding Jews from society, and not assimilation. The placement of the Jew as a non-citizen of the Reich clearly demonstrate the desire not to include him in society. The exclusion is even confirmed in fragment 5, in which Jews were forbidden to use national symbols and to raise the flag of the Reich. The article demonstrates the untying of the Jew from the German nation, which at first seems irrelevant, but hurt the honor of many, who had even fought in WWI and were proud of their country. For the Nazis it was impossible to see the image of the reformed Jew in the figure of Aryan. Any approximation of symbols and figures regarded as essentially German was considered an act of sacrilege to the superior race. The attempt to convert the Jew to the Aryan would not occur because his blood had defective qualities, a condition considered immutable.

In summary, in view of the inferences made from the analysis of the law, no signs of mimicry were found on the surface of the text or in an intrinsic examination of the context of its appearance.

CHAPTER 5. CONCLUSION

This master's thesis had the aim to demonstrate that colonial processes influenced the origins of the Holocaust, identifying indicators of colonial discourse in rules that prohibited sexual relations and marriages between different races. The methodology used in this research was the content analysis, which could unveiled the hidden discriminatory speech in those examined texts. The choice of mixed marriages, as an object of analysis, emerged to facilitate the identification of similar discursive strategies. The best way to identify the racist character of a colonial society is to see how the government handled sexual relations or interracial marriages, because that would directly endanger white supremacy and the maintenance of power by the colonizers.

Initially, I approached the two historiographical aspects that deal with Nazism as a continuation of colonial processes, primarily with regard to the aspects of dominance of the peoples of Eastern Europe. The contrary thesis states that there is no connection between colonialism and Nazism. Scholars claim that there is a historical break between the domination of peripheral territories in the 18th and 19th centuries and the rise of Nazism. Those who defend the link between colonialism and Nazism point out that it is a continuity process because of the similarities between the domination techniques used in both. However, most scholars ignore the first phase of colonialism, which is fundamental to understanding the genesis of racial thinking. This is essential to observe the development of racism in modern times and how the first contacts with the *Other* transformed European societies, modifying their systems based on racial hierarchies. Thus, in this thesis, I proposed to go beyond simply defending a continuity thesis. I believe that Nazism was more than a continuation of the colonization exercised by the Second

Reich, but an evolution, transforming into a new variant of colonialism. Just as imperialism was an evolution of colonialism, Nazism was an evolution of both. It presented elements of both, but also implemented its own face, through the modernization of all institutions and the bureaucratization of death. Previously, legislation was not very well structured and mass extermination processes were relatively organized, but not on an industrial scale. However, what remained similar was the application of colonial discourse, which used the same strategies for segregation and division of society, with some variants added by the specificities of Nazi ideology.

To demonstrate the origins of colonial discourse, the first historical context addressed was Portuguese. I made this choice because it represents one of the first colonizing powers, along with Spain and since it possesses the first records of contact with Native American peoples. In this sense, I pointed out the origin of the first restrictive measures against Jews, emphasizing the laws prohibiting marriages between Christians and pagans. The prohibition of contact between Jews and Christians had repercussions in several European countries, essentially by the majority adopting Catholicism as a religion. Moreover, in the middle ages, the intersection between State and Church directly influenced governmental decisions, accrediting partiality to the treatment of so-called pagans. At the beginning of Modernity, the Church was still influential, which gradually dissolved with the advancement of scientism. Through the analysis of the documents, we saw this in practice, in which the discourse of religious intolerance gives room to the racist.

The scope of the chapter on the analysis of the Portuguese case is broad, since the *Ordenações Filipinas* have been in force for more than two centuries. Even though the law is static, it is interesting to see how the Portuguese social context changes over time, making the

legislation outdated. Likewise, colonial discourse strategies have also changed. Initially, there was a direct implementation of existing measures in the Portugal colonies, such as the Inquisition. However, with the advance of modernity, other colonization strategies were applied, to facilitate the domination and submission of the conquered peoples. Thus, we see how the context influenced colonial discourse, moving from annihilation to assimilation.

The scientific advance provided by modernity added new arguments for dominance and conquest. The white man's burden strategy, supported by the expansion of the Christian faith, was maintained and has justified the *civilization* of peoples in Africa and Asia. However, we see a more developed discourse, with the advancement of scientific terms resulting from racist studies. In the case of German Southwest Africa, even with a division between religion and State, we still observe a few religious arguments that dominated the beginning of modernity, mainly due to the presence of the Church in colonizing missions. However, through the documents, I noticed that the pastors had no influence on government decisions, remaining in services relevant only to the Church. About the legislation, a confusion exemplified the historical context that Germany went through, restructuring itself as a sovereign nation, after the unification process. The articles raised questions, were not legally structured and with general clauses, which left room for the judge's discretionary interpretation. What left no doubt was the racist nature of legislation. In the process of recognizing the colonizing process, Germany was adapting and printing its own face in the domination, following the example of the great powers, which had also already promoted exterminations and imposed segregationist laws. For Germany, imperialism represented an experience of mistakes and successes that built a solid foundation for Nazism. In addition to the racist pillars, German imperialism taught the necessity for well-

defined concepts (mainly about stereotypes) and strong legislation that would not leave room for discretionary acts.

As soon as Hitler came to power, he planned anti-Semitic measures aimed at protecting the Aryan race. In this sense, those who did not fit the ideal of pure race would be automatically excluded from the Reich. Following this context, I demonstrated the context of formation and structuring of the Nuremberg Laws and their consequent application. I identified the evolution of legislation that prohibited mixed marriages, which tried to *close* concepts and establish well-defined articles. We still see the use of concepts that originate in the myths promoted by the Catholic Church, such as *pure and impure blood*, relating the quality of blood to race. However, we also see the peak of racist thinking promoted by the modern ideal, in which all institutions worked to guarantee the exclusion and later extinction of the unwanted or unfit. Therefore, I confirm that Nazi thought is a paradox: because even if Nazism is not connected to the Church, imported its old concepts, at the same time that it also has characteristics of racist pseudoscience.

Specifically about colonial discourse, I demonstrated that each historical context has its particularities, but presenting the same discursive strategy in order to exclude and/or eliminate the racially inferior. All colonialist tactics, no exceptions, start by defining stereotypes to decide the next strategy. The success of colonial discourse depends on the definition of a visible and viable stereotype to be persecuted. As showed in the cases studied, all laws were only effective, after defining the concept of whom they would segregate. Even though there was no legal definition, as in the Portuguese case, the stereotype was defined culturally and by Catholic propaganda. We have seen that all stereotypes are complemented by adjectives that characterize them. The colonizer always has a positive connotation, and the colonized with a negative one. The dominant group defined the stereotype and presented to society, introducing as a (false)

reality. With social acceptance, the creation of the stereotype has reached its success. The next step can usually be the ambivalence or mimicry strategy, the two can be used together, but they can have different consequences. Ambivalence separates colonizer and colonized, put into practice when defines that both live in different worlds. Those different worlds obeying the logic of stereotype, where the dominant must be in a position of superiority, and the dominator in a consequent inferiority. Mimicry arrives as a strategy to facilitate domination, because by converting the colonized into a (false) copy of the colonizer, he falls into a game of lies that induces the dominated to think that he is on the same level of superiority as the dominator.

The analysis of the prohibition of sexual relations and mixed marriages encourages us to examine how each context used colonial discourse. The study of the same object (inter-racial unions) enhances the creation of strategies to prevent genocide, as the variants of the same discourse are found in different historical contexts. In addition, from my point of view, what defines or detects different modalities of mass extermination is the use of mimicry (or not). In genocides, we always see the presence of stereotype and ambivalence, as they define and pursue target groups. However, we never see the presence of mimicry. Even though it is part of the colonial discourse, the mimicry intends to assimilate, transform the colonized, and not physically exterminate. Nevertheless, there is still a cultural genocide, in which the colonized are forced to abandon their original culture and customs in order to integrate themselves into white society. The cases analyzed here demonstrate this, principally in the Portuguese analysis, in which the mimicry is clearly detected with the weakening of the Inquisition and the encouragement of mixed marriages. In Namibia and Nazism, where we had two examples of genocide, I did not find mimicry as a discursive strategy.

The verification of colonial discourse in texts, and especially, legislation with evidence of discrimination has become a key tool not only for the study of the past, but also for preventing the future. The application of the content analysis methodology, along with the indicators of colonial discourse, can be used in current laws and texts for the prevention of genocide, essentially because the legislation is a warning that there is an ongoing segregation in society, which could become a future mass extermination.

History shows us the law as an instrument for establishing and maintaining power by dominant groups, and the same logic is still alive even in 21st century. The Eurocentric logic still rules society, where certain racial myths, after so many times repeated, have remained as unmistakable truths. The myth of racial hierarchy persists since of the resistance of colonial discourse, because even with the end of physical colonization, the colonization of minds is still present.

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VITA

BIANKA ADAMATTI

- Education: M.A. History, East Tennessee State University, Johnson
City, Tennessee, 2021
- M.A. Law, University of the Vale do Rio dos Sinos, São Leopoldo,
Brazil, 2017
- B.A. Law, University of the Vale do Rio dos Sinos, São Leopoldo,
Brazil, 2014
- Professional Experience: Tuition Scholarship, East Tennessee State University, College of
Arts and Sciences, 2019-2021
- Researcher of the Human Rights Center, University of the Vale do
Rio dos Sinos, 2012-present
- Publications: Adamatti, Bianka. Junior, A. (2019). “A Eugenia na Teoria da
Justiça: a tensão entre a liberdade individual e aborto de
fetos com microcefalia.” (Eugenics in the Theory of
Justice: the tension between individual freedom and
abortion of fetuses with microcephaly). *Opinión
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Instrument of Power of the Nazi Regime: an analysis

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Honors and Awards: Outstanding Research Award, ELS Language Centers, 2019.
Sivers Fund Award, East Tennessee University, 2020