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## Fighting for Whiteness in Ukraine

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## FIGHTING FOR WHITENESS IN UKRAINE

MARISSA JACKSON SOW<sup>†</sup>

### ABSTRACT

*Teri McMurtry-Chubb's Race Unequals: Overseer Contracts, White Masculinities, and the Formation of Managerial Identity in the Plantation Economy offers groundbreaking insights into the gendered economic hierarchies internal to the body politic of Whiteness through its examination of the limitations that plantation overseers' contracts in the American Deep South placed on their ability to exercise the proprietorship and contracting authority prerequisite to White identity. This Essay uses the Ukrainian campaign to be recognized as a liberal White nation, and formally become a member of the West, as a contemporary case study of how Whiteness remains hegemonized, and subject to the ability of individuals and states to negotiate the full or partial benefits of global White citizenship.*

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### I. INTRODUCTION

When I moved to London in 2008 to study for my LL.M., I lived with a middle-aged couple who were rather resolutely racist. My father, a dear friend of theirs, had confided me into their care because he had not realized that he was not their dear friend, but rather their

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dear *Black* friend. I had come to live with them in the weeks before Barack Obama was to be elected president of the United States and as the British National Front was gaining political steam in England. I was studying human rights law at the London School of Economics and at twenty-three years of age, I was navigating my own tightropes between privilege and marginalization from a place of Americo-centrism and naivete. After a faculty advisor told me that I should take the opportunity to see more of Europe while in London, I booked several weekend trips via budget airlines to various European countries.

One of the hosts remarked, on multiple occasions, that she couldn't believe that I was able to travel even more than she, "a proper White woman" could. This overtly racialized phrasing surfaced in her speech often, not just in comparison and contrast to me (an improper Black woman), but to people she considered to be a bit less white than she—including people from Spain, Eastern Europe, and the Mediterranean. Such racial tiering is commonly reflected in ideals of beauty and value held within White communities that privilege rosy skin, blonde hair and blue eyes over brown eyes, brown hair, and browner skin; Protestantism over Catholicism, Orthodox Christianity, and Judaism; and Northern and Western European origin over Mediterranean heritage.

Readers of Orwell's *Animal Farm* will remember the famous swine proclamations that, "four legs good, two legs better" and "all animals are equal, but some are more equal than others."<sup>1</sup> Likewise, McMurtry-Chubb recalls for her readers that in the antebellum United States, economic ordering and racial formation required that different tiers of Whiteness be on offer to different people, and that statutes and court rulings played an essential part in calcifying the tiering of Whiteness that persists in American society today.<sup>2</sup>

This Essay extrapolates beyond the United States to explore the tiering of Whiteness internationally. The global reaction to the Russian invasion of Ukraine provides clear insights into how hierarchies of Whiteness continue to operate globally, how they are bargained-for, and how these Whiteness contracts—while somewhat fluid—reinforce a highly racialized, and extremely resilient, geopolitical order.

Part One of the Essay contextualizes the concept of the "race unequal" within the frameworks of racial contracting and racial tiering—making the case that not only is inclusion within Whiteness bar-

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1. See generally GEORGE ORWELL, *ANIMAL FARM* (1945).

2. See TERI A. MCMURTRY-CHUBB, *RACE UNEQUALS: OVERSEER CONTRACTS, WHITE MASCULINITIES, AND THE FORMATION OF MANAGERIAL IDENTITY IN THE PLANTATION ECONOMY 68-77* (Lexington Books 2021) (discussing lawsuits planters brought against overseers as "another hurdler to poorer whites' entrance into the planter class, and . . . the denial of their equal access to enslaved labor and other property").

gained-for, but that levels of Whiteness are also up for negotiation. Part Two of the Essay digs deeper into the concept of racial tiering, focusing on wartime racial contracting in Ukraine as a case study of how the levels and benefits of Whiteness are negotiated and sorted. Thereafter, the Essay concludes, highlighting the significance of racial tiering, in and of Ukraine, and proposing that such racial hegemonies be abandoned.

## II. THE PARADOX OF TIERED WHITENESS

*“Despite the obvious economic divisions among planters/en-slavers, non-slave holders, and yeoman, race among them (whiteness) was defined by each group’s ability to own property (land and slaves). Access to property assured planters and yeoman alike independence over their affairs, and freedom from dependence on others. Dependence was associated with the African enslaved, who could in no way be the equals of White people, despite any access to economic resources.”<sup>3</sup>*

In my junior year of college, my understanding of the world was unexpectedly turned on its head over a lunchtime pasta bowl. The dining hall in the largest dorm on campus had become a popular lunchtime gathering spot for Northwestern’s Black students, not just because so many Black students lived there, but also because the pasta and stir fry stations were of veritable quality.

On one afternoon, what was usually a lively, casual conversation about miscellany and young adult dating drama instead became an intense, confusing conversation about race. One of the students at the table, who usually sat with a group of Latinx students instead, was explaining to a friend of mine that he was Dominican and not Black. At first, we thought he was joking. He and I shared the same milk chocolate-colored skin, darkest brown eyes, and tightly coiled hair, and his hair was a beautiful jet black that was even darker than mine. Though I had never spoken to him before, I asked him what he meant. After all, Black is not a nationality; my father was Jamaican and Black, my mother American and Black. The student refused to concede what was, to everyone else, an obvious Black identity, and none of us—a motley crew of African American, Afro-Caribbean, Afro-Latinx, and African students studying in Evanston, Illinois—could understand why. A friend of mine from Los Angeles, who happened to possess a more racially ambiguous appearance than the Dominican student concluded that the latter did not want to be associated with a Black identity and angrily informed him that he hated himself. Eve-

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3. *Id.* at XV.

ryone left the table frustrated, and I had the feeling that I had just been told that the sky was red.

When the conversation of anti-Blackness and *Latinidad* arises over social media, as it periodically does, a viral video of comedian Godfrey Danchimah depicting a fictional Dominican man refusing his Black identity often surfaces. “I no Black” is the bit’s comedic refrain<sup>4</sup>—a hyperbolic version of the Dominican student’s protestations. The student knew he would never be perceived as White, but as a consolation prize, he could do his best to avoid being identified as Black. Such is the goal of others across the globe, in places where people regularly consume skin bleaching products and aspire to marriages with people with fairer skin than their own. In Puerto Rico, until the 2020 U.S. Census, nearly three-quarters of the population identified as White despite the population’s visibly apparent collective African heritage.<sup>5</sup> Many people who are to be forever excluded from Whiteness will continue to aspire to any achievable benefits of white adjacency nonetheless and will attempt to negotiate designation as White if the status can ever be achieved.

The pervasiveness and durability of global Anti-Blackness is due to the status of Whiteness as a prerequisite to access to, and domination of, capital.<sup>6</sup> Consider the impacts of colorism and featurism in South Asian and other Global Southern societies.<sup>7</sup> Because Whiteness is constructed in direct opposition to Blackness, anti-Blackness among non-White people is about limiting the penalties and liabilities intrinsic to exclusion from Whiteness, and wherever possible, achieving as-

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4. See VLADTV, *Godfrey Impersonates Dominicans Refusing to Accept They're Black (Flashback)*, (June 4, 2020), YOUTUBE <https://www.youtube.com/watch?v=xxpgx0Dts6w>.

5. See Associated Press, *Surprised by Census Results, Many in Puerto Rico Reconsider Views on Race*, NBC NEWS (Oct. 15, 2021, 12:48 PM), <https://www.nbcnews.com/news/latino/surprised-census-results-many-puerto-rico-reconsider-views-race-rcna3101> (“The number of people in Puerto Rico who identified as “white” in the most recent census plummeted almost 80 percent, sparking a conversation about identity . . .”). See also Natasha S. Alford, *Why Some Black Puerto Ricans Choose ‘White’ on the Census*, N. Y. TIMES (Aug. 7, 2020), <https://www.nytimes.com/2020/02/09/us/puerto-rico-census-black-race.html> (noting that until the 2020 Census, approximately 75% of the Puerto Rican population identified as white).

6. See Alford, *supra* note 5 (describing the historical privileging of whiteness on the island, which was formalized by the policy of *gracias al sacar* that allowed Black Puerto Ricans to petition Spain to be reclassified as white for a fee). See also *Plessy v. Ferguson*, 163 U.S. 537, 549 (1896) (noting that Homer Plessy described whiteness as the most valuable type of property).

7. See Marissa Jackson Sow, *Whiteness as Contract*, 78 WASH. & LEE L. REV. 1803, 1826-27 (2022) (“In South Asia and Sub-Saharan Africa, even in non-white societies, the practice of skin bleaching is prevalent because of the social capital—and corresponding political and financial capital—attached to (even the appearance of) whiteness.”).

sociation with or adjacency thereto.<sup>8</sup> The terms of the Whiteness contract<sup>9</sup> are so well-understood throughout the postcolonial world—domination of economic and political resources, both domestically as well as in a global, geopolitical context—that the world’s citizens are primed to compete for admission into the fraternity of Whiteness.<sup>10</sup> Anti-Blackness should be understood as the bargained-for exchange—the consideration—for those negotiating with, and against, each other for status as White and its accompanying benefits. Of course, not all contracts are equal, and in most negotiations, one party will leave the bargaining table more satisfied than other parties. Some parties get very little, if any, of what they hoped to negotiate.

Admission into the global White body politic provides a minimum guarantee of economic, social, and political franchise and authority.<sup>11</sup> In the United States, as in other societies, Whiteness has been conferred upon people as a legal status that becomes biologized over time. But even within the fraternity of Whiteness, hierarchy exists, and this, too, is about social and economic ordering. In the case of liberal democracies, capitalism always requires economic sorting—even amongst White people—to guarantee the availability of human capital for labor that will fulfill the production needs of the planter classes. Accordingly, while the terms of Whiteness are clearly set forth in the contracting of Whiteness, it is not the case that all who are able to negotiate Whiteness for themselves—individually, or as a cultural or national collective—will be able to negotiate status for themselves as “proper White.” As discussed, *infra*, many people who are raced as White are also classed as a sort of “off-White,”<sup>12</sup> and thus tiered below “proper White” people and nations for the purposes of delegating geopolitical power.

The concept of tiered personhood is far from new. Henry L. Chambers has argued that “tiers of personhood and of citizenship are created when certain citizenship rights are stripped from a person or a group of people without proper justification.”<sup>13</sup> Generally, scholarship

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8. *See id.*

9. *See id.* at 1810-11.

10. *See id.*

11. *See id.* at 1828-30; McMURTRY-CHUBB, *supra* note 2, at 34 (making the claim that “White supremacy and patriarchy were the entry points considered for competent management. With those characteristics satisfied, however, only those White men with enough literacy and numeracy to meet the demands of plantation management record-keeping and the mettle for violence could hope to be hired as overseers.”).

12. *See* CHARLES MILLS, *THE RACIAL CONTRACT* 104 (1997) (referring to the half-hearted acceptance of some “off-white rather than non-white” ethnic groups into the “population of persons”).

13. Atiba Ellis, *Citizens United and Tiered Personhood*, 44 J. MARSHALL L. REV. 717 (2011) (citing Henry L. Chambers, Jr., *Dred Scott: Tiered Citizenship and Tiered Personhood*, 82 CHI.-KENT L. REV. 209, 210 (2007)).

on tiered personhood focuses on the stratification of White versus non-White people, and men versus non-men. Atiba Ellis also discusses the privileging of corporations by attributing personhood to them that in many cases, outweighs the personhood given to individual voters. McMurtry-Chubb, however, highlights for her readers that even within the fraternity of Whiteness, White people are classed and privileged in competition against one another, and in many cases, stripped of their rights via employment conditions and contracts. This Essay extends McMurtry-Chubb's analysis to the global competition for political power, which also depends upon Whiteness as an arbiter of merit, value, power, and wealth. Ukraine's leveraging of the Russian invasion to negotiate enhanced status within the global White body politic serves as a contemporary example of Whiteness's sliding scale, as Ukraine is now benefiting from its status as a member of the liberal West while simultaneously being limited with respect to its financial, political, and even military capacity.

### III. RACE UNEQUALS IN UKRAINE

*“ . . . [O]bligations imposed by law and overseers' contracts placed limitation on how overseers allocated their own time and labor. These constraints placed them in a position of economic, gender, and racial inferiority to planters. Overseers' restricted control over their bodies and its benefits aided in defining their whiteness and maleness, their White masculinity, as something less than their planter counterparts.”<sup>14</sup>*

#### A. UKRAINIAN ANTI-BLACKNESS AND INTERNAL RACIAL TIERING

This Essay highlights how the tiering of Whiteness described by McMurtry-Chubb works in the global macrocosm today, using Ukraine's reaction to the 2022 Russian invasion as a contemporary example. The 2022 war in Ukraine reveals just how the contracting of Whiteness operates in a geopolitical context, and how it utilizes international law (and the public and commercial contracting upon which it is premised). Through the war, Ukraine—and Ukrainian people<sup>15</sup>—have been formally welcomed into the West, and accordingly, into Whiteness, though that Whiteness is one that seems to be subordinate

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14. McMURTRY-CHUBB, *supra* note 2, at XV.

15. Per the 2001 Census—the only Census ever taken in Ukraine—over 75% of Ukrainians identify as ethnically Ukrainian, which is an Eastern Slavic ethnic group. Minority groups include Russians, Belarusians, Moldovans, Jews, Crimean Tatars, Romanians, Roma, and Polish, and small populations of non-European people. See Sergiu Constantin, *Ethnic and Linguistic Identity in Ukraine? It's Complicated*, EURAC RSCH. (Mar. 21, 2022), <https://www.eurac.edu/en/blogs/mobile-people-and-diverse-societies/ethnic-and-linguistic-identity-in-ukraine-it-s-complicated>.

to that represented by Western European powers such as France or the United Kingdom.

The human cost of the war in Ukraine is undeniable, and its impacts on individual Ukrainian citizens and their families are all but incalculable. However, the occurrence of armed conflict throughout the world is so common and continuous that the most remarkable aspect of the Ukrainian war has been the amount and intensity of public attention devoted thereto. Beyond the incredible resistance mounted by Ukrainian troops against the Russian military, the Ukrainian defense effort has been bolstered by a global rhetorical campaign characterizing Ukrainians as heroes, and—importantly—deserving of enhanced geopolitical status specifically because of their Whiteness and Europeanness. Ukraine has welcomed the global outpouring of support and has launched its own campaigns to transform that support into material assets as well as social and political capital. Unfortunately, however, racism has played a central role in these efforts.

Amid the global praise for Ukraine's defense of its territory, a less complimentary narrative began to emerge concerning the flight of millions of Ukrainians to neighboring Eastern European countries. Non-White Ukrainian residents were being prevented from fleeing, as Ukrainian officials were using force to deprioritize the escape of African, Arab, and other non-White people from Ukraine in favor of White Ukrainian women and children.<sup>16</sup> As this was occurring, Ukrainian government officials used media to traffic the idea that the global outpouring of support for Ukraine and Ukrainian refugees was warranted because Ukrainians are White—a narrative that many Western journalists around the world were all-too-eager to indulge.

Popular pro-Ukrainian rhetoric promulgated by government leaders and media pundits emphasized both the contingency of Ukrainian Whiteness as well as a desire of the West to include Ukraine in the European project more fully. The rationale? Ukrainians were “European people” with “blue eyes and blonde hair.”<sup>17</sup> For God's sake, they

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16. See Monika Pronczuk & Ruth MacLean, *Africans Say Ukrainian Authorities Hindered Them From Fleeing*, N.Y. TIMES (Mar. 1, 2022), <https://www.nytimes.com/2022/03/01/world/europe/ukraine-refugee-discrimination.html> (reporting beatings and intimidations at the Ukrainian borders by Ukrainian border guards).

17. See Philip S. S. Howard, Bryan Chan Yen Johnson, & Kevin Ah-Sen, *Ukraine Refugee Crisis Exposes Racism and Contradictions in the Definition of Human*, THE CONVERSATION (Mar. 21, 2022), <https://theconversation.com/ukraine-refugee-crisis-exposes-racism-and-contradictions-in-the-definition-of-human-179150> (containing video link of Ukraine's Deputy Chief Prosecutor stating that, “[i]t's very emotional for me because I see European people with blue eyes and blonde hair being killed,” and the Ukrainian Ambassador to the United Kingdom saying, in response to reports of racism, “[m]aybe we will put all foreigners in some other place so they won't be visible . . . And (then) there won't be conflict with Ukrainians trying to flee in the same direction.”).



were Christians! Europeans!<sup>18</sup> By contrast, they were nothing like Syrians and other Muslim or Arab people,<sup>19</sup> who are uncivilized and illiberal, and therefore deserving of constant humanitarian crisis.<sup>20</sup> Consequently, what would have been a largely desensitized global reaction if Ukrainians were Ugandans, has instead been one of sustained solidarity for the Ukrainian people throughout all sectors of the Western world.

Thus, Ukrainian Whiteness was negotiated in two ways during the earliest weeks of the war. Ukrainian officials physically excluded non-White Ukrainians from humanitarian protections (justifying the same by claiming that such protections were only for Ukrainians, who could only be White) while also making the case to the world that White Ukrainians deserved empathy and aid because of their status as White people. The presumptive objective of these twin exercises was to formally establish Ukraine as a White state; making clear distinctions between who Ukrainians are, and who could not possibly be Ukrainian, by excluding non-White people from the Ukrainian body politic, and by lobbying for Ukraine's entry into a larger, global White body politic. The external personhood tiering benefits Ukraine in the same ways that overseers benefited from not being Black—instead of being enslaved, they could manage, contain, and exert control over Black bodies. But the internal racial tiering between the overseers and planters, as with Ukrainians and member states of the North Atlantic Treaty Organization (hereinafter "NATO"), is another matter. Ukrainian lobbying for their place on the Whiteness totem pole has so far proven to be slightly less successful.

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18. NBC News journalist Kelly Cobiella reported from Ukraine that "[t]o put it bluntly, these are not refugees from Syria, these are refugees from . . . Ukraine . . . these are Christians, they're white. . . ." See Arab News, "Christians" and "white," that is how NBC news reporter compared the difference between refugees. YOUTUBE (Mar. 1, 2022), <https://www.youtube.com/watch?v=GFG2ZadDF9s> (last accessed June 29, 2022) (citing ARAB NEWS, *Journalists' Racist Comments Towards Arabs and Afghans Spark Online Uproar*, ARAB NEWS (Feb. 28, 2022), <https://www.arabnews.com/node/2033121/media>).

19. See *id.*

20. According to James Thuo Gathii, "international law is the product of a combination of the colonial project and anthropologically reified definitions of the primitive. It is this racialized primitiveness of the non-European that justified conquest and subjugation. These deeply racialized discourses presumed the West was superior and civilized but were also predicated on assumptions of White supremacy, in which White was pure, neutral, and rational while the others were impure, abnormal, and degenerate." James Thuo Gathii, *Writing Race and Identity in a Global Context: What CRT and TWAIL Can Learn From Each Other*, 67 UCLA L. REV. 1610, 1641 (2021).

## B. UKRAINE'S GLOBAL WHITENESS PURGATORY

In articulating the theory of Whiteness as contract,<sup>21</sup> I have focused on how people who are non-White are partially or completely excluded from political and commercial contracting and proprietorship.<sup>22</sup> However, another aspect of Whiteness as contract that is worthy of analysis is how within the category of Whiteness, people who are raced as White are classed and tiered. Previously, I have discussed how American law enforcement officers—like slave overseers before them—are classed beneath White aristocracy and gentry as the lowly foot soldiers of White supremacy, tasked with enforcing the racial contract and often scapegoated when such enforcement becomes visible and indefensible.<sup>23</sup> In this section of the Article, I consider how stratification of Whiteness by racial contractors impacts the implementation of humanitarian and war-time assistance and aid to some nations vis-à-vis others.

While the Black and Brown bodies being bargained away within a global marketplace are not necessarily in detention as enslaved laborers, control over where they can and cannot go and contestations regarding their legal statuses in any territory remain central to the negotiations regarding what rights attach to people raced as White versus the contingent people excluded from Whiteness. Because of these terms, geography itself is not only a matter of legality with respect to physical boundaries, but also political, and indeed, racial. Ukraine's negotiations for greater membership in "the West" despite its "location" in "Eastern Europe" are thus negotiations concerning their racial and political identity—and Ukrainian assertions concerning their Whiteness necessarily involve the subjugation of non-White populations along with arguments regarding why they should be given status as fully, instead of, partially White people. Ukrainian officials, along with media pundits supporting their campaign for full admission into the West, stressed that not only are Ukrainians Europeans, but that they are blonde with blue eyes (though many Ukrainians are not, including indigenous Ukrainians who were mostly erased from the prominent narratives about Ukrainian deservingness) and Christians (though, again, many Ukrainians—including the President—are not).

The popular cultural subordination of Eastern Europe to Western Europe is no secret. Eurocentrism and avowed White supremacy is based in an idea—promoted by Europeans—that Western Europe is

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21. See Jackson Sow, *supra* note 7.

22. See *id.* at 1815.

23. See Marissa Jackson Sow, *Protect and Serve*, 110 CAL. L. REV. 743, 789-91 (2022).

the cradle of human civilization. Western Europe is credited with the development of reason. It is the idea of Western European supremacy around which racial contractors have historically rallied to create a category called Whiteness for themselves.<sup>24</sup> Whether and how Eastern Europeans have been included in the European and Whiteness project depends, as it always has, upon how much Eastern Europeans resemble Western Europeans—physically, politically, and culturally. As such, Eastern European claims to Europeanness, and to Whiteness, are inherently contingent.<sup>25</sup>

The popular shows of solidarity for Ukraine have been unsatisfying for Ukraine, its leaders, and the nation's most ardent supporters; however, as Western powers have given Ukraine basically everything except for what Ukraine has requested as it seeks to fight off Russian aggression, annexation, and a gruesome host of war crimes committed by Putin's soldiers.<sup>26</sup> Ukraine's request for a no-fly zone against Russia was denied,<sup>27</sup> as were Ukraine's requests for particular weapons, as the nations providing assistance had determined such actions to be too provocative to Russia. These nations are thus exercising contracting authority and proprietorship in Ukraine's stead in their positions as Western world powers, both politically, and commercially. Because Ukraine does not itself have the money or power to adequately defend itself, it remains at the mercy of NATO and the United Nations for the terms of its admission into the West and whatever support accompanied thereby.

Ukraine is not a NATO member state, which itself means that, not having negotiated membership, it does not enjoy the enforcing power of Whiteness that comes with defensive NATO military support—a term of the multilateral NATO agreement. On June 29, 2022, NATO formally invited Scandinavian nations Finland and Sweden to join NATO, promising a swift admissions process to the two countries (one of which borders Russia).<sup>28</sup> According to NATO, “[t]he accession

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24. Of the creation and maintenance of White identity, Mills describes race as “debiologized,” having “a political foundation” and notes that “the Racial Contract constructs its signatories as much as they construct it.” See MILLS, *supra* note 12, at 78.

25. See *id.* at 80 (“So it would seem that one could also rank whites. . . the fundamental conceptual cut, the primary division, then remains that between whites and nonwhites, and the fuzzy status of inferior whites is accommodated by the category of ‘off-white’ rather than nonwhite.”)

26. See Simon Lewis & Ingrid Melander, *NATO Rejects Ukraine No-Fly Zone, Unhappy Zelenskiy Says This Means More Bombing*, REUTERS (Mar. 4, 2022), <https://www.reuters.com/business/aerospace-defense/nato-meets-ukraine-calls-no-fly-zone-hinder-russia-2022-03-04/>.

27. See *id.*

28. See Kevin Liptak, Niamh Kennedy & Sharon Braithwaite, *NATO Formally Invites Finland and Sweden to Join Alliance*, CNN (June 29, 2022), <https://www.cnn.com/2022/06/29/politics/joe-biden-nato-day-2/index.html>.

of Finland and Sweden will make them safer, NATO stronger, and the Euro-Atlantic area more secure. The security of Finland and Sweden is of direct importance to the Alliance, including during the accession process.”<sup>29</sup>

The decision to ignore Ukraine’s request for NATO accession has once again frustrated Ukraine, which, of course, also borders Russia, is currently under siege by Russia, and desires the safety and defensive might that comes from NATO membership. In fact, Ukraine has sought membership for years, and considering NATO’s decision to admit Finland and Sweden, Ukrainian President Zelensky reportedly asked of NATO, “[h]as Ukraine not paid enough?” “[i]s our contribution to the defense of both Europe and the whole civilization still insufficient?” and “What else is needed then?” NATO responded simply, “Ukraine can count on us for as long as it takes.”<sup>30</sup>

Ukraine’s positioning outside of NATO combined with its geographic location, its *lingua franca*, its historical membership in the communist Soviet Union, and the ethnic origins of much of the Ukrainian population reflects Ukraine’s historical placement outside of the full benefits of “proper” Whiteness. The reaction of Western powers to Ukraine since Russia’s invasion indicates that the West is prepared to elevate Ukraine to a higher level of Whiteness and a fuller swath of Whiteness’s benefits; however, the unwillingness of Western powers to satisfy Ukraine’s requests for particular military assistance, and to fully accept Ukraine into strategic Western alliances—despite legitimate concerns about provoking Russian engagement in nuclear war—may mean that Ukraine’s Western membership, the physical integrity of its state and its people, and its economic stability, are likely to remain partial, conditional, and subordinated to the contracting authority and proprietorship of the “planter” class nations.

For Western powers to maximize their leverage of Ukraine against Russia, those powers have had to facilitate Ukraine’s formal entrée into the West itself, and specifically, to the political space known as the “liberal West.” The liberal West is a space that is as racial, if not more so, than it is geographical (and anyone with doubts about the same need only consider the geopolitical situation of a nation such as Australia). But the nature of capitalism requires that even within the fraternity of Whiteness, hegemony exists. Stated another way, not all White is raced equal, and this, necessarily so. Ukraine’s elevation into the class of liberal democratic European countries may translate into a more durable welcome to the West, but

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29. *See id.*

30. *See id.*

most likely not into a position of power on equal footing with the United States, the United Kingdom, and other Western superpowers.

To borrow from a popular Brazilian saying, “money whitens.”<sup>31</sup> Whiteness itself is capital, and unequal assets translate into unequal bargaining power, and unequal bargaining power translates into unequal contracting authority and ultimately, unequal contracts. In the case of Ukraine, the nation’s lack of leverage vis-à-vis a donor nation such as the United States, results in less contracting authority—and therefore, property secured on terms decided by the donor nation—with respect to its enforceable contracts and its social and racial contracting. These contracts are interrelated and interdependent. Ukraine’s racial tiering has everything to do with its territorial, geopolitical, and financial strength, and yet, its strength in these areas is limited in the first instance by its status as a relatively poor, Eastern European, nation with illiberal Soviet heritage. Accordingly, unless Ukraine is ultimately able to negotiate for greater contracting authority, and, ultimately, a greater share of the world’s financial, military, and political assets—such as its recent, wartime accomplishment of acceptance of its candidacy for EU membership<sup>32</sup>—status within the global White body politic may forever be that of a junior member.

#### IV. CONCLUSION

*“Capitalism sorted White men in the plantation economy by whether their labor was in direct competition with enslaved or in support of planters’ acquisition and maintenance of land and the enslaved—potential competition with planters outside of the planter class was neither desirable nor marketable.”*<sup>33</sup>

*Race Unequals* paints a clear picture of how the trade and management of Black people’s bodies worked as consideration for White men who were negotiating their place within the fraternity of Whiteness amongst themselves.<sup>34</sup> Race was, and—as evidenced by the discrimination against non-White Ukrainian refugees in Ukraine—remains a bright line demarcating who is fully human and who is not, who should be entitled to property, freedom of movement, humanitarian aid, and more. But within the exclusive club of Whiteness, other

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31. See Luisa Schwartzman, *Does Money Whiten? Intergenerational Changes in Racial Classification*, AM. SOCIO. REV. 940, 940 (Dec. 2007) (describing the phrase as common in Brazil).

32. Ukraine’s candidacy for membership in the European Union was accepted on June 28, 2022, beginning what will likely be a multi-year process for admission. See Matthias Matthijs, *Ukraine Could Become an EU Member. What Would That Mean?* COUNCIL ON FOREIGN REL. (June 28, 2022), <https://www.cfr.org/in-brief/ukraine-could-become-eu-member-what-would-mean>.

33. McMURTRY-CHUBB, *supra* note 2, at 34.

34. See *id.*

systems of hegemonies exist—geopolitical, gendered, and class-based, among still others. Within the context of the American plantation economy, exploitative employment contracts prevented overseers from competing with planters for economic, social, and political power, whereas in the context of contemporary global geopolitics, Ukraine is disadvantaged vis-à-vis nations such as the United States because it is dependent upon its contracts with Western powers—contracts that it must negotiate with far inferior bargaining power due to geography, history, and the structuring of international law and finance.

The construction of Whiteness resembles a bit of the game of chicken and egg: it is not clear whether contracting authority and proprietorship—understood in the international affairs context as geopolitical and economic power—facilitate one's membership into the fraternity of global Whiteness, or rather, if one's membership in the fraternity of global Whiteness facilitates a nation's access to, and control of, contracting authority and proprietorship. It is clear, however, that one creates the other, and vice versa, and that even partial exclusion from Whiteness and its benefits has concrete, costly, and even deadly consequences for those excluded therefrom.

Contracting of tiered Whiteness in and by Ukraine is significant because, as with the negotiations for greater degrees of Whiteness by southern overseers, such negotiations are directly impacted by the law. As *McMurtry-Chubb* sets forth in profound detail, Whiteness is a system—legal, political, social, and economic all at once. It is hegemonic, competitive, and exclusive, and many people raced as White will still be subordinated to a lower-tiered Whiteness because racial capitalism—and racial liberalism—so require. Tiered Whiteness is not proof that some who are raced as White benefit from less White privilege than others and are thus less complicit in White supremacy than members of their respective White planter classes. Rather, the existence of tiered Whiteness should compel those striving for it to consider that liberation lies, perhaps, in banding together to deconstruct and disavow the system of Whiteness, along with the oppression, constraints, and humiliation it promises them, instead of engaging in Hunger Games-style battle for the possibility of negotiating some of Whiteness's scraps.