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RACISM, STATE VIOLENCE, AND THE HOMELAND

*Falguni A. Sheth*¹

Introduction

Many of us who contemplate race and racial divisions in the United States are accustomed to thinking of them primarily in terms of whites and blacks. In part this is because of the political and moral legacy and gravity of slavery on the Western/American historical consciousness. For long parts of US history, it would be appropriate to assume that the racial divide applied to white and non-white citizens/members within a society. Charles Mills names this divide the Racial Contract (RC), which he understands as the counterpart to the Social Contract, the moral code and set of political obligations that undergirds liberal societies (Mills 1997: 9–11). As Mills suggests, “The Racial Contract is an exploitation contract that creates . . . national white racial privilege” (31).

By extension, political obligations under the Social Contract involve a tacit distinction between national and extra-national contexts: our obligations appear to be first and foremost to our fellow citizens; all others—immigrants, foreigners, and refugees—can wait. During times of peace, prosperity, and minimal global mobility, this distinction could be accepted with fewer concerns: we should have obligations to our fellow citizens. But in contemporary times—times of war, high unemployment, decimated social structures, and high global mobility—it is not clear whether all residents within a society are considered to belong to that society, let alone have the rights and entitlements of members, that is, those who are considered to “rightfully belong” to that society. To further complicate the picture of the racial divide, at various moments, the violent implications of the Racial Contract can be diluted for middle- and upper-class populations of color, in that they are not always as starkly subject to the deprivation of rights and protections as poorer populations, white and non-white. Moreover, the question of our political obligations to members of other societies also arises in relation to the scope of the racial divide: can we understand the RC in relation to a “white supremacist” government that wages war in the name of national security, especially when that war involves tens of thousands of deaths of civilian “foreigners”? “White supremacy” is a technical term utilized to illustrate the dominance and hegemony of European colonialism, and its ensuing white settler society, which has historically dominated political government and other power structures (Mills 1997: 27ff). How should we understand the status of both registered non-citizen migrants along with undocumented migrants

in the RC? In considering these questions, we are confronted with the additional complexity, not only of racism, but of wealth, as well as the relationship between racism and xenophobia within a nationalist framework.

Insofar as the RC refers to a white/non-white divide within the neat context of a nation or society, it is conceptually limiting. There is a certain applicability of the RC to a range of other non-white populations, on both sides of the racial-political hierarchy of persons and sub-persons. For example, we could consider the following practices to be part of the RC: the intensive war against black Americans as conducted by both white and non-white police officers; the war against undocumented migrants in the United States; the continuation of the War on Terror as exemplified through drone strikes into Pakistan and the Horn of Africa (Djibouti, Yemen, and Somalia); and the December 2014 admission of the US Senate Select Committee on Intelligence (SSCI) of the widescale physical and psychic degradation of suspected terrorists—as engaged “off-site” (by the United States) by both white and non-white agents for the CIA and the US government (“SSCI Torture Report” 2014). All of these actions were initiated or continued and facilitated over the course of the last two US presidential administrations, and will likely intensify through the 2016–2020 US presidential administration, as understood through the President Donald Trump’s own campaign promises.

In these examples, the stark racial divide between whiteness and non-whiteness does not map squarely onto the contemporary US Racial Contract. That unruliness suggests that white supremacy refers less to skin color than ever before, and instead is a reference to the dynamics of institutional, legal, and economic power. Despite this caveat, the complexity of the RC can be sustained by dematerializing the political-racial hierarchy further, and insisting upon the possibility that a range of non-whites, depending upon a range of factors—from sexuality, gender, class, ethnicity, caste (understood as political/social status)—can be both “persons” as well as sub-persons in the nomenclature of the RC.

As such, in the current epoch, the RC is in need of careful reformulation with regard to new divisions between the racially dominant and the racially vulnerable. I don’t wish to erase the racial salience of systemic inequality of the RC; rather I wish to highlight the racial complexity of systemic exploitation and oppression. In that vein, I want to consider a different framework in relation to the RC: the Homeland, through which I hope to illustrate a revision of the racial divide that will reflect its salience in the current moment.

The Homeland

The Homeland has become a refreshed racial imaginary for the United States. It came into visibility in the various state-led, media-driven, and racial-cultural responses to the events of 9/11. The term itself was officially inaugurated in the US political context through the creation of the Department of Homeland Security in 2002, which was to oversee all things related to the War on Terror and immigration. There was, of course, a strong association between those two. “Homeland” calls to mind *Heimat*, with all of its affective associations, ethnic ties, and cultural unity, as linked with Austria and Germany during the 1920s and ’30s (Blickle 2002). *Heimat*, broadly echoing the notion of Home and cultural unity, evokes a similar sense of the norms and superiority of the US Homeland, even as the first director of the Department of Homeland Security, Tom Ridge, purported to be unaware of the unsavory associations of Homeland. (Becker

2002). The Homeland allows for the possibility of understanding the RC as it applies to persons and sub-persons, and non-persons as well. The category of non-persons would pertain to those who don't have *de jure* legal standing as members in US society, such as undocumented Latino migrants or peoples of Muslim/Middle Eastern/South Asian (MEMSA) descent. Among the latter example of non-persons, I would include those who are detained in the United States because they are, legally, pre-emptively understood as "terrorists," that is, without being assigned criminal charges or trials as these procedures apply to US citizens; also included would be those understood as "Muslim" nationals of countries against which the United States is engaging in a drone war: Pakistan, Yemen, Syria, and so forth, which do not have the right of appeal or legal recognition/protection of human rights within the context of the United States. The contours of the Homeland also allows us to see a slightly different dimension of white supremacy, as it accommodates and absorbs certain non-whites in the name of a united America.

Since its explicit invocation, the conceptual architecture of the Homeland has remained vivid, illustrating certain political antagonisms between populations who might otherwise be allied. These antagonisms revealed a new configuration of "white supremacy," in which the membership of populations of color has become more frequent. The associations between (seemingly) non-Muslims and Whites have become part of a national imaginary of patriotic unity. The category of non-Muslims includes Black, Latino and non-Muslim South Asians as part of a national agenda to "conquer" Muslim men suspected to be terrorists. In this seemingly color-blind configuration, "true Americans" are united in their support of certain jingoist agendas like the War on Terror, in which the casual genocide of Iraqi and Afghani civilians, and Pakistani and Yemeni civilians become a byproduct of "National"/"Homeland" Security. The image of patriotic unity has shifted in terms of colors and hues; it encompassed various strata and political ranks—from Congress politicians to ordinary Democrats and Republicans, academics, feminists, and anti-racist activists. The contours of support for the War on Terror ebbs and flows depending up on various factors, including whether it is an election year.

As well, there has been a sustained renewal of an anti-immigrant agenda which also calls into question the narrow racial formation of white supremacy: At the federal and state levels, we have seen not only white, but multiple Black, Latino, and Asian officials who have for six years led a charge against undocumented migrants appearing as mostly Latino. For example, Louisiana's governor of South Asian descent, Bobby Jindal, Florida Senator Ted Cruz, and US President Obama, under whose administration, the Department of Homeland Security deported over two million immigrants in fewer than six years (Gonzalez-Barrera and Krogstad 2014). And finally, most recently, there has been a renewed attention to white police violence as directed against young black boys, girls, men and women, even as there have been many non-white police officers who are implicated in incidents of political violence.

Since the war on Terror, there appears to be an expectation that patriotic, and even progressive, members will uphold certain xenophobic practices as less troubling than racism. This expectation, in turn, complicates the other assumption of the RC that I mentioned earlier, namely that national racial privilege is mostly held by whites, who are automatically considered members regardless of their citizenship status. In a society in which there is simultaneously (1) the rising visibility of non-white elites, as we are increasingly seeing over the last decade; (2) a non-partisan "American" commitment to

engaging in a War on Terror against Muslim/Middle East/South Asian nations; (3) an “American” debate over the legitimacy of undocumented migration, the contours of Americanness (which has historically meant phenotypical or genealogical “whiteness” both in terms of power and in terms of racial membership) are slowly changing to accommodate a multiracial national membership. Thus, the privileging of commitments to challenge racism over commitments to challenge xenophobia is justified in terms of national security and the need to protect the Homeland. This is why the initial reading of the RC must be augmented by a consideration of the Homeland (in which racial alliances must be considered in light not only of domestic social relations and culture, but international relations as well).

The Rhetoric of “Security” and the “Crisis” of Immigrants and Refugees

The impact of the Homeland can be further illustrated through a marked antagonism towards accepting immigrants and refugees. Since 2015, increasing attention has been directed toward the mass migration of human beings from a range of regions to Europe. In particular, the last year has found an unceasing focus not only on “the refugee crisis,” but on how to “arrest” it. Of course, the concern over mass migration of Middle Eastern (framed currently as Syrian) migrants to Europe and North America dovetails with corresponding migration and concern over African and Asian migrants, who are leaving their residences for a variety of reasons, whether civil strife, economic desperation, climate change, or other issues.

This phenomenon overlaps with the continual War on Terror, initiated by the United States in the aftermath of 9/11. The United States framed its war as a defense (and an attack) against “terrorism.” This war was described in a range of discourses (though not always explicitly) as a war against Islam, against Muslim extremists, and jihadists. However, as a cursory review of the last 15 years will show, it affected a much broader range of Muslim/South Asian/Middle Eastern populations globally, whether in North America, Europe, or Australia. The War on Terror, and its corresponding policies—from pre-emptive policing, warrantless wiretapping, stricter migration policy, and the highest rate of deportations since the nineteenth century (under the Obama administration), was framed as a way to regain the security that the United States lost through the events of 9/11: secure borders, internal safety and, presumably some sort of economic/political/social security within the homeland. This notion of security is not only significant, it is contagious. Indeed, in the post-9/11 era, swaths of Europe and Asia, from the UK to the Netherlands, Denmark, to India, have taken up the concept of security as the basis to engage in creative domestic policing and foreign policy.² As Gregory White (2011) points out, the concept of security as popularized in the aftermath of the declaration of the War on Terror was taken up similarly as a notion framing the concerns of the European Union with regard to climate-induced migration.

Are these concerns warranted? According to the Migration Policy Institute, in 2014 the United States had 42.4 million immigrants, constituting 13.3% of the total US population. It is not the largest proportion of immigrants that the United States has ever had, nor the lowest. For example, immigrants constituted 14.8% of the population in 1890 and 14.7% in 1910. The raw number is the highest number of immigrants. This number includes both authorized and unauthorized residents who are not US citizens

at birth. Migrants from India constituted the largest number of immigrants, at 147,500; they were followed by immigrants from China (131,800), Mexico (130,000), Canada (41,200) and the Philippines (40,500). Yet, to believe the political rhetoric during the US 2016 election year, the biggest threat to the United States came from Mexican/Central/Latin American immigration, and “Muslim” immigrants, a generally amorphous category not substantiated through much hard evidence, if any.

According to Eurostat, the “statistical office” of the European Union, 3.4 million people migrated to Europe in 2014, 1.6 million of whom were not citizens of EU member states. In 2015, according to the International Organization for Migration, approximately 1.3 million people were estimated to have crossed into Europe in 2015, one million by sea and almost 35,000 by land. These numbers vary highly: Frontex, the European Union’s external border force, estimates that over 1.8 million people have crossed into Europe. The European Union asserts that, during the same year, 1.3 million asylum claims had been filed. In the EU-28 + Norway and Sweden, 215,000 Syrians were registered as refugees as of November 2014 (Migration Policy Centre 2016). Unclear on the numbers for 2015, but the seeming “threat” was expressed in very loud terms.

At least with regard to Europe, it is difficult to ascertain the correspondence between the hype surrounding the seeming influx of Syrians with the data. In the United States, it is clear that the hype over migration from Mexico and Latin/Central America is in fact overinflated; Indian and Chinese immigrants constitute more than twice the number of Mexican immigrants entering the United States. Yet, there is something about the perception and reception of these migrants that shapes public policy and public response to these migrants. As Michel Foucault makes us aware, “truth” is hardly about objectivity, but rather about the production of certain realities (Foucault 1982).

Most Syrian migrants are attempting to claim refugee status, and yet, Hannah Arendt’s 1951 lament—that a human rights framework was insufficient in prodding European nations into undertaking their obligations to provide shelter and protection to Jewish and Eastern European migrants during World War II—still remains relevant. Claims to give entry to Syrians at a faster rate, to increase the entry quotas, to accommodate them in a more humane fashion as they await entry in detention camps—on human rights grounds—has generally been ineffectual, as nations claim scarcity of resources, cultural differences, religious tensions, fear of sexual assault, and a myriad of other political and social concerns (Smith and Kingsley 2016; Thomson Reuters Foundation 2016). If the general commentary about the exit of the UK from the European Union (Brexit) is to be believed, nations would rather pull out of a federated sovereignty such as the EU rather than be told how to accept immigrants. Yet, the fact remains that it is difficult to reconcile how nations can turn away from an ethical appeal to help observe human rights as these human beings die a slow death.

One way to understand the application of the Homeland’s racial imaginary to a liberal society that values democracy, and human rights is through the language that heads of state use to illustrate their commitment to such concepts, such as security and sovereignty. In the *Security, Territory, Population* lectures, Michel Foucault describes security as the oversight over a population—in relation to sovereignty as “exercised within the borders of a territory” and discipline, which is implemented “on the bodies of individuals” (Foucault 2007: 11). Security, as Foucault gradually teases out the concept, is expressed through mechanisms that neither prohibit nor prescribe (which is what is done by law

and discipline, respectively). “With the establishment of these mechanisms of security, there is a considerable activation and propagation of the disciplinary corpus” (Foucault 2007: 7), but by drawing on both law and discipline security, tries to “work within reality, by getting the components of reality to work in relation to each other, thanks to and through a series of analyses and specific arrangements” (Foucault 2007: 47). These mechanisms seem to overlap with regulatory power. Mechanisms of security are designed to “respond to reality in such a way that this response cancels out the reality to which it responds—nullifies it, or limits, checks, or regulates it. I think this regulation within the element of reality is fundamental in apparatuses of security” (Foucault 2007: 47).

In this light we can see that security is hardly a neutral concept: it is crucial to the notion of governmentality: governing so as to arrive at “the right disposition of things to a suitable end” (Foucault 2007: 96). A suitable end, then, is distinct from the end of sovereignty, which is the making of decisions for “the common good and salvation of all” (Foucault 2007: 98). From this crucial distinction, we can elicit the role and telos of security in the context of the “refugee crisis” namely in relation to state racism.

Perhaps not so strangely, security is also a crucial term in considering the “refugee crisis,” although it takes on a somewhat different but related meaning in the contemporary moment. In particular, the immigration “crisis,” whether in relation to the influx of Syrian refugees, Muslim or Latino migrants to the United States, or climate-induced migration, is articulated as the fear of losing sovereign control over the right to control one’s borders and of endangering the security of a nation’s citizens. In fact, this is one of the reasons that the UK appears to have exited the EU—because they don’t want to have their borders in relation to Muslim or Syrian or non-EU migrants regulated by the EU rather than by UK government.

The discourse of security, in the post-9/11 US context of the Homeland can be marked through concerns about terrorist threats, not just externally but “within our midst.” It encompasses the fear that someone who lives next to us, or with whom we work or socialize might suddenly rise up to endanger us. It is marked by the concern that more immigrants will lead to depressed wages, rising unemployment for deserving residents and citizens. It is indicated through the fear of illegal drivers, illegal residents, increasing crime on the part of illegal migrants. The production of these fears and anxieties have led to policies that are believed, in Foucault’s words to “nullify, limit, check or regulate” those realities: from pre-emptive policing (otherwise known as racial profiling); warrantless wiretapping; removing safeguards to privacy in the name of anticipating potential terrorist attacks; to material support statutes designed to track the inflows and outflows of relatively large sums of money; or to inhibit money laundering (as this is ascribed to Somali migrants who are channeling money home through Al-Shabab much more so than by global banks or drug cartels). It includes racial profiling of darker populations through immigration laws, which makes it difficult, if not illegal, for non-citizens to reside in the United States without having residency papers in their possessions at all times; however, it should be noted that such laws are meeting effective challenges in the federal courts (Rau 2012). It encompasses new requirements to prove legal residencies or citizenship before being entitled to receive a driver’s license (Perron 2016). US citizens, by contrast, are not required to carry proof of citizenship upon their persons.

The concern over security has led to more stringent immigration policies against countries thought to harbor more anti-democratic/anti-US/anti-liberal sentiments:

mostly countries with predominantly Muslim populations, such as Pakistan, Afghanistan, Indonesia, Somalia, and so forth. The fear of threats to the “internal security” of the United States has also been extended to increased measures to deter migrants entering from the South (presumably in efforts to check Mexican/Central American migration).

These measures—security apparatuses—are designed to nullify the threat of terror and the “onslaught” of migration (whether these are “realities” or “chimeras”). Perhaps terror and migration were once separate fears, initially emerging in the context of the post-9/11 United States, but they appear to have converged in a larger concern about security writ large. However, since 9/11, such security discourses and apparatuses have spread, like contagion, to other parts of the world, as other countries have followed and taken up the security discourses popularized through post-9/11 US security measures.

By expressing their resistance to the ethical mandate in the language of security, in effect, these states express the absence of recognition of these migrants as humans, as members of nations; indeed, they affirm that these migrants are barely human, bare life, in the lingo of Giorgio Agamben, and thereby constitute that part of life that is allowed to die (Agamben 1998). But perhaps in distinction to Agamben, the decision over abandoning life outside the gates of the city, so to speak, is articulated through the frame of security—couched in terms of sovereignty—but is in fact delivered through the apparatus of governmentality: governing/managing towards suitable ends rather than towards the common good.

Which suitable ends would those be? In light of the previous argument, I suggest that those ends have to do with the racial and political management of sub-persons and non-persons through legal technologies of security, immigration policy, and a constant attention to the racial hierarchies erected through the conceptual and legal framework of the Homeland. The Homeland encompasses those broad hierarchies of the Racial Contract; it also adds a dimension that highlights the multiple layers of racial hierarchies that accompany war, jingoism (understood as extreme chauvinism or nationalism marked especially by a belligerent foreign policy; Merriam-Webster 2012), and patriotism. There is, if you will, a new racial divide, but it transcends the long-standing racial boundaries embedded in the political history of the United States—in the history of slavery, lynchings, Jim Crow, the Treaty of Guadalupe Hidalgo (in which the United States annexed large swaths of Mexico, giving rise to what we now understand as the Southwestern United States), the Bracero Program, Chinese Exclusion, Japanese Internment, the Hindu Conspiracy Trials, among other policies that gave rise to the original racial contract—the original racial imaginary.

State Violence

Those suitable ends become the telos of the racial imaginary of the Homeland: how best to manage sub-persons and non-persons for the purposes of governing. This is where a perspective on the purpose of the state becomes an important link to understanding the relationship between racial management and the Homeland: state violence. State violence need not be understood in purely active, vivid, or isolated moments of spectacular violence such as droning, bombings, or police brutality. Certainly, these would be examples of state-led violence. However, here I want to suggest a slightly different take on state violence, namely that which takes place in the form of legal procedures, or what might be called legal technologies. Within liberal political thought, legal

procedures are considered important political safeguards of individual rights. This is one of the reasons that the Social Contract is considered to be an important foundation for liberal societies: because it appears to guarantee the rights, recognition, and obligations of individuals in those societies. And yet, as Mills shows us through his illumination of the Racial Contract, such political frameworks work in favor of some populations precisely as they work against other—darker—populations.

As I have tried to illustrate, we can dematerialize this relationship such that we understand the application of sovereign management to work against those who are politically vulnerable for a range of reasons (race, citizenship, class, or other privations of protections or privilege). As a result, laws and legal procedures—seen as neutral and protective of all members of society in the context of liberal political thought—take on a different light in the context of understanding the state as engaging in the practice of sovereign racial management. In previous work, I have located such practices under the category of legal technologies (Sheth 2009: chapter 1) which unruly or threatening populations are “processed” through seemingly neutral procedures. Here, I want to augment the idea of legal technologies by suggesting that these can also be adapted/expanded to make unruly populations politically vulnerable, that is, exposed to state-led hostility, designed to further outcaste such populations as criminal or morally deviant or otherwise ideologically, politically, socially, or even physically “quarantined.” This may be similar to social death, as Orlando Patterson and others have argued (Patterson 1982; Cacho 2012). However, whereas social death can be produced through multiple channels, here I want to emphasize the state-led emphasis on producing the outlaw or the criminal through the legal processing of unruly populations into populations who are made vulnerable, that is deprived of rights, legal recognition, and standing—through the application of laws, legal categories, and procedures that further formulate and cement the Homeland in ways that reproduce the racialized or enfranchised hierarchies between persons, sub-persons, and non-persons. Examples of this can be seen in the legally changing divisions in membership in US society: from enhancing the difficulty of obtaining citizenship, to the procedural criteria which make it more or less difficult by which certain residents of US society can transition into membership (naturalization, or legal residency, or different visa statuses). Other examples include the legal procedures instantiated in the 2001 USA Patriot Act, passed shortly after 9/11 (but written well before), by which certain populations, such as Muslims/Middle Easterners/South Asians are efficiently (and legally) pipelined into being pre-emptively policed, racially profiled, put on TSA watchlists at airports, and so forth, on the grounds that there is good reason to consider them to be terrorist threats. These procedures, *prima facie*, appear to be neutral, but take on a new light when considered in relation to the discourse of “security” (see the second section of this chapter).

These, among many other legal processes (including the absence of grand jury indictments of police officers who have been recorded as killing black men in the course of duty), could be—with proper accounting of those procedures—considered to be part and parcel of the state’s racial management of sub-persons and non-persons. This, in brief, is a description of state-led violence in relation to the racial imaginary of the Homeland.

Conclusion

Even though it is seductive to believe the promises of liberal political theory and the seeming universality of the Social Contract, these promises are at odds with the history

of systematic racism in the United States. Moreover, the Racial Contract does not extend neatly to the divide between whites and blacks, but extends in complex, unruly ways to populations of color on both sides of the racial divide. The framework of the Homeland, as a structure that involves citizens and non-citizens of different ethnicities and races, helps to illuminate the multiracial white supremacy that is much more of an accurate depiction of the multipronged racial divide that undergirds the United States as of this writing. The Homeland, which has reframed some US populations of color as part of the in-group in the US racial imaginary, also—through legal and political measures—argues for the rejection and exclusion of immigrants, and refugees on the grounds of security considerations. As I hope I have shown, this is a language deployed by the state to justify its unethical neglect—indeed even violent practice—in relation to its liberal and human rights obligations to care for human beings in need. This rejection, and its justification, is one version of state racism, and indeed can be seen as a form of state violence deployed through various legal and political measures described in the previous section.

Notes

- 1 Sincere thanks to Marcellus Andrews, Mickaella Perina, Robert E. Prasch III, and Paul Taylor for their extensive and generous interlocutions.
- 2 See India's Prevention of Terrorism Act (POTA) of 2002, repealed in 2004; the UK POTA 2005, the Anti-Terrorism Crime and Security Act of 2001.

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