

Toward a Political Philosophy of

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Falguni A. Sheth

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Toward a Political Philosophy of Race

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Robert Bernasconi and T. Denean Sharpley-Whiting, editors

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Falguni A. Sheth

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For Bubba

Whose daily outrage reminds me that
we must always care for the world even when
the world doesn't always care for us.

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Introduction

If You Don't Do Theory, Theory Will Do You

In graduate school, I took or audited courses that covered class, culture, exploitation, philosophy of history, oppression, time, hermeneutics, conditions of revolution, topics in psychoanalytic and feminist theories, to name a few themes. The range of continental philosophy that I read included numerous conceptual anchors for reconsidering philosophy in the vein of progressive politics. In these readings, with the exception of Hannah Arendt's writings, I did not encounter the topic of race.¹ Indeed in seminar discussions and even in the hallway, the question of race was usually roundly ignored. When it was (infrequently) raised, it was only to be laughed off as contingent, superficial, and ineligible for the status of deep theory. And indeed, it was laughable to think about how Heidegger would handle race, or why race should be a necessary consideration in the framework of the Frankfurt School; after all, Max Horkheimer, Theodor Adorno, and Walter Benjamin had already undergone severe tribulations as a result of racial attitudes under the policies of the National Socialist German Workers' Party; yet they had not thought it an important enough category to consider in conjunction with class or cultural analyses. At the New School where, happily, interdisciplinary study was strongly encouraged, I took classes in political science and sociology, and sat in on seminars in anthropology. The latter two fields were light years ahead, it seemed, when it came to incorporating questions and theoretical considerations of gender and race. But still . . . I wondered, in light of the political backdrop against which we were studying—the beating of Rodney King and the ensuing Los Angeles riots of 1991, the first invasion of Iraq, the random beatings of Asians and South Asians in the

late 1980s, the murder of Yusuf Hawkins in Bensonhurst, NY, NAFTA, welfare reform, the Bosnian and Rwandan genocides—why didn't continental philosophy appear to be relevant to those events?

I decided that the problem was not philosophy, but myself . . . continental philosophy *was* relevant, but my knowledge was not yet sophisticated enough to apply the intricacies of Hegel, Heidegger, and Horkheimer to (then) contemporary racial politics. I continued to struggle with the “greats,” while the direction of my interests turned further toward the history of modern political philosophy. Reading a range of feminist theorists and legal philosophers in addition to the works of Hobbes, Locke, Hegel, Kant, Rousseau, Marx, and Arendt over and over, I found fruitful sources as I sought out theories and frameworks that seemed more relevant to the pressing issues of the day. There still appeared to be a deep divide between “philosophy” per se and theories that were “relevant” to contemporary politics. In interdisciplinary reading groups, my colleagues in anthropology, political science, and sociology pointed out not unkindly that philosophy was the bastion of dead White men, and a few live White men, all dealing with archaic issues with antiquated solutions. And I defended philosophy—sometimes half-heartedly. My colleagues were right to some extent, but what I found in other fields seemed to be lacking in the theoretical depth and complexity that I both loved and hated about continental philosophy. And yet, much philosophy written in a contemporary American context did not seem to grapple with power as an intrinsic category of political frameworks, nor again with race, which seemed crudely absurd.² How could American political philosophy acknowledge slavery and refuse to think about its implications or influence on American juridical or political institutions? I turned to Constitutional law and critical legal studies for answers; while more fecund than many areas of philosophy, there were still few answers there.

In between defending my dissertation and sending out countless job applications, I decided I wanted nothing more to do with philosophy. I turned once more to other fields—critical (legal) race theory, African-American studies, South Asian literature, postcolonial studies—and read the *New York Times* with increasing outrage and anxiety. Arabs, South Asians, Sikhs, Muslims, and Hindus were going to school and work in fear for their lives, while police authorities were conspicuously indifferent, doing little or nothing to protect them. The PATRIOT Act, passed under the auspices of the Bush Administration, handed to then Attorney General John Ashcroft the power to initiate a widespread round-up and “voluntary” interrogation of hundreds of Muslim men, in an ostentatious effort to “prevent terrorism.” I turned to Arendt once more for wisdom, insight, and solace and sought out the works of scholars in the tradition

of legal critical race theory in an effort to understand how these politics could happen, and the first draft of chapters 5 and 6—the beginning of this book—took shape.

I was still frustrated with philosophy, American political theory, and the academic discipline of philosophy at large. Why did the concept of race have to be dealt with as a stand-alone concept or as an add-on feature to another “core” field? Why wasn’t race considered an intrinsic feature of law? Of political institutions? Of political frameworks? For example, in much of the literature on race across the natural and cognitive sciences, the social sciences, and the humanities, the “reality” of race is still being discussed in terms of biology, empirical trends, government policies, philosophical arguments, or cultural discourse. Each of these is crucial to debating the reality of race, as well as racism and its pervasiveness. But what about the underlying framework makes the concepts of “race” and “racializing” possible? What about the discourse on race, as it has been conducted in the United States over the last 200 years, determines and reproduces certain anchors by which race is understood? Correlatively, how does this discourse obscure new, possibly more accurate ways by which to consider race, the racializing of various populations, and the way that race-thinking fundamentally infuses the most “race-neutral” of political and legal institutions?

Theoretical frameworks for race are also unsatisfying. We know that the legacy of slavery in the United States has viscerally affected the way that “Americans”³ think about race. Black–White relations often tend to determine the dynamics and general boundaries of race discourse. Yet, the presence of American Indians, Mexicans and “Californios,”⁴ the entrance of indentured servants from China and Japan, as well as continual immigration from other parts of Asia, Eastern Europe, and the Middle East should influence how we understand the dynamic structures and production of race. To the extent that the need for a change in race discourse is acknowledged, scholars admit that the boundaries of Black–White discourse have to be made more expansive, at least enough so that Latinos and Asians are considered necessary additions to the race discourse. But it is simply insufficient to say that race in America is about Blacks and Whites, and include other populations such as “Asians” or “Latinos” as cosmetic additions. The history of race in the United States, as for nearly all other nations, reflects the history of political institutions and social and ethnic conflicts, and the politics of regulating the inflows and outflows of people through its borders. Race reflects the logics and dynamic of legal institutions, foreign policies, diplomatic relations with other nations, attitudes toward perceived “outsiders,” and the need by political authorities to respond or placate its constituencies in order to remain in power.

Another way to approach the complexity of race in contemporary politics is to consider the political categories and concepts that underlie apparently binary race relations. We might see beyond the historical specificity of racial humiliations such as slavery, one-drop rules, and anti-miscegenation laws if we were to understand how these antagonisms emerge from certain configurations of power, sovereign authority, and the vulnerability of different subject-populations. The interpretation of such historical events as pertaining primarily to relations between Blacks and Whites in the United States, eclipses the possibility of seeing these as forms of oppression, colonization, and “racialization” that have occurred to other populations both in the United States and in international contexts. In the United States, by looking to the legal vehicles and political institutions that enabled slavery, segregation, and anti-miscegenation, we might better understand how *power constitutes race*, and how race—not as a social description, but as *a tool of political management and social organization*—infuses the very ground of politics and sovereign-subject relations at every moment of a society’s history. We could do the same by looking at race in international contexts; the framework in this book will point to certain theoretical approaches that can function in international contexts, but will stop short of offering a full treatment of race in contexts outside the U.S.

In this book I take certain theoretical—political—categories and frameworks that are generally considered *race-neutral* and illustrate how the notion of race fundamentally informs those structures. I understand “race” to be a mode or vehicle of division, separation, hierarchy, exploitation, rather than a descriptive modifier. Even beyond the discourse of social construction, race is fundamentally instantiated through a range of laws and social policies. Legal and political institutions—as representations of state power—produce race, understood as the vehicle by which populations are distinguished, divided, and pitted against each other. Division and antagonism are the intrinsic functions of racial categories—understood in terms of social or cultural identity (African Americans, Asians, South Asians, Latinos), but also in terms of political identity and the hierarchy of membership (citizens, aliens, residents, immigrants); the dynamic of different populations to each other in relation to the state; and of legality/vulnerability/criminality of different populations in relation to each other.

By showing how race is produced and reproduced through categories that are not overtly “raced,” I hope that the argument in this book addresses certain lacunae and contributes to the growing literature in philosophy of race, critical race theory, political philosophy, and legal history. I look to what have been considered traditional “race-neutral” avenues, because they offer fundamental insights about race, transcend-

ing the shop-worn debate about whether race is scientifically objective or socially constructed. Thinking about the way race infuses political categories and legal frameworks, the possible permutations of race can be shown to apply to any range of populations—populations who are not necessarily objectively coherent (e.g., through ethnicity, racial identity, geographical or historical affiliations) but often subjectively constituted through certain allegiances, moral, religious, or cultural beliefs, political commitments—and even populations who can only be constituted as a group diasporically.

The concepts and ideas that I consider in this book include (1) the relationship between sovereign power and subject-populations as expressed through certain laws and judicial decisions (such as anti-miscegenation laws, one-drop rules, immigration law); (2) the way that sovereign institutions create political coherence, and manage subject-populations, for example, by threading certain “race-neutral” antagonisms into official definitions of good citizenship as well as of “criminal behavior” (through vehicles such as the selective distribution of certain rights, or through the definition of an “enemy alien,” “enemy combatant,” or “illegal alien”); (3) the “race-neutral” framework of liberalism (in particular how “reason,” “dissent,” and “cultural difference,” are understood and deracialized within liberal theory). By exploring these political concepts and categories for their hidden “racialization” of different subjects, I wish to illustrate how certain political measures and “security” policies—contemporary or classic—from the “one-drop” rule, anti-immigration measures, to the increasingly widespread profiling and incarceration of Muslims since 9-11, are not only forms of ostracization and persecution, but of creating new “races” of people. Moreover, these practices can be traced to much longer standing structural flaws in our approaches to political philosophy, philosophy of race, and immigration law.

The method of approaching race as a mode of political and social division, and as an intrinsic function of political and legal structures, enables us to understand race as producing not only social identities but political or legal identities. The concept of race can be understood in terms of who is “culturally” or “socially” criminal (understood not as murderers or thieves, but as enemy aliens, foreigners, strangers, illegal aliens, or other kinds of legally designated hostile beings). Viewing the production of race through a legal or political prism allows us to see how race is utilized to divide populations in less conspicuous and more insidious ways than through identity or social stigma. It also reveals an intrinsic function of sovereign authority, namely the continual interest in maintaining a unity and coherence within the polity. This goal is facilitated by the management and limiting of potential unruliness or disorderliness of

its subjects through legal and political structures that create or enhance an intrinsic or potential vulnerability surrounding them. In turn, this vulnerability is conducive to the state's interest to invite, cajole, or induce different subject populations to police themselves and by extension, other populations, in order to maintain a vigilant guard against excessive unruliness in one's own "community." We see a popular instance of this in Jeremy Bentham's Panopticon, as analyzed by Michel Foucault, as a site where prisoners help to discipline and govern themselves, and "the will of all . . . form the fundamental authority of sovereignty . . ."⁵

This concern of sovereign authority is conjoined by an interest for each population to help criminalize certain individuals/types of individuals/communities (one's own or others) in an effort to protect one's own "legal" or "favored" status before the law and the state. As might be obvious, this dynamic is based on Hannah Arendt's framework of the pariah-parvenu; with a few changes, I utilize her framework to understand political collectivities or groups in relation to a state. The most recent example of this, and the one that I draw on throughout the book, is the way that the pan-ethnic "Muslim" population in the U.S. and much of the Western world is being racialized and ostracized with the help and collaboration of various state powers in conjunction with vulnerable populations. It has been documented by scholars that the status of immigrant and minority groups—before the law and vis-à-vis other groups—tends to rise by helping to marginalize certain populations.⁶ What I wish to do is to augment these accounts by offering an argument for how this collaboration occurs within the context, concepts, and framework of political philosophy.

The argument in this book emerges in response to three distinct discourses about race: First, my argument considers how the notion of racial difference is comprehended within contemporary political philosophy, particularly in liberal theory. This area does not explicitly consider how the concept of race enters into these considerations. To the extent that the notion of race is considered, it is often taken as an empirical category, informed by different populations, identities, and the collective interests of distinct racial groups. But this approach often takes what race is as "given" through the slightly dissonant lens of racial identity, rather than asking how race is instantiated through the state, produced through certain kinds of sovereign-subject dynamics, and institutionalized through certain juridico-political categories such as law, rights, and citizenship.

The "givenness" of race is compounded by the now commonplace debate in philosophy between the constructivists and objectivists, that is, whether race is a "social construction," or has biological/scientific grounds. By returning to the issue of objectivism v. constructivism, this debate deflects the question of how race finds itself taken up and reproduced

through legal and political structures such as the U.S. Constitution, laws that institutionalize the “one-drop rule,” and judicial decisions that reify certain racial designations and identities at one time or another. My second approach to race addresses this elision. Through these vehicles, certain understandings of race pervade, determine, and direct collective social and political conversations about concrete political controversies. I have in mind—although I don’t address all of them in this book—issues such as the U.S. Census counts of different racial identities (Hispanic, African American, White, Asian, Mix-race), gay marriage and anti-miscegenation laws, immigration laws, citizenship and naturalization regulations, affirmative action, due process and human rights for noncitizens (immigrants, illegal aliens, and “enemy combatants” and “terrorists”), among other issues.

My third approach to race emerges from the discrete character of race discourse (biology v. social construction) and its marked separation from the literature on postcolonialism and poststructuralism that treats similar issues of discrimination, exploitation, marginalization of different populations under the banner of “Othering.” In the philosophy of race literature, race is often still mired in the objectivist/constructivist debate, and for this reason suffers from the lack of grueling interrogation of the causes of hierarchy and divisiveness offered by accounts of colonialism and structural exploitation that are treated in postcolonial and post-structuralist literature.

My response to the discreteness of the postcolonial and philosophy of race discourses is to explore the insights that might emerge from integrating some key concepts of each literature: Othering, racializing, state-induced production of hierarchy, race as a social construction, race as a scientific category, race as a mode of identification of different populations, etc. These terms, when considered through the lens of political philosophy, can be seen not as variations, but as the products of how “race” is deployed as a weapon for political management. In the humanities, the discourse of postcolonialism rarely considers the separation and exploitation of populations an act of “racializing” per se, but rather of “Othering.”⁷ Since race discourses have traditionally referred to Black–White relations,⁸ and postcolonial discourses refer to the history and practice of invading, colonizing, and exploiting peoples in Asia, Africa, Latin America, and the Caribbean, the two literatures are seen as having some content in common, but as exploring fundamentally different frameworks. But in many ways, racializing and Othering refer to the same phenomenon. The controversies about phenotype and science, and on the other hand about how Othering occurs, lead to a kind of circular loop, which becomes difficult, if not impossible, to transcend originary questions in order to arrive at new and insightful answers. In part, this is because these

two disciplines do not look to each other for answers, and in part, it is because there is no turn to the metaphysics, the apparatus, by which racializing occurs.

And so, I begin in chapter 1, by drawing on Martin Heidegger and Michel Foucault to argue that we need to understand race as a technology. Through this approach, I hope to bridge the race and postcolonial discourses as described above. I understand race to function as a technology in three ways: as instrumental, naturalizing, and concealment. It is an instrument by which to channel an element that is perceived as threatening to the political order into a set of classifications. These classifications, in turn, constrain us to think about human beings as belonging to races. I name this element—which can refer to a comportment, character trait, or an entire population—the “unruly.” I expand upon this concept in ensuing chapters. The second way by which race is technologized is by concealing the first function behind a more “official” one: namely as the transformation of the “unruly” into a set of “naturalized” criteria upon which race is grounded. Viewing race in this way, that is, peripherally and through a new lens of analysis, reveals something about its essence that is concealed from us when we attempt to look at it head on. The third way in which race functions as a technology is by concealing our relationship to law and sovereign power as one of vulnerability and violence, such that racialized populations stand precariously close to being cast outside the gates of the city. In other words, they are refused a dignified recognition or protection by the state. Finally, the implications of the technology of race can be understood by turning to Heidegger’s notion of Enframing, Foucault’s notion of the racist state, and the Benjamin’s articulation of the inherent violence of law.⁹

In chapter 2, I develop my analysis of the third way in which race operates as a technology, namely by considering how politico-juridical frameworks operate not according to the rule of law, but rather through the drive of sovereign authority to further its own interest and manage its subjects by enhancing the vulnerability of certain populations and ultimately, by working in collaboration with certain political factors to racialize them. I take my lead from Jacques Derrida’s argument in his essay, “The Force of Law,” where he argues that the law is not procedural, but instead “cuts” randomly in favor or against certain populations.¹⁰ I agree with the first part of his position, but I think *how* populations find themselves on one side of the law or another is hardly random. Instead, I argue, they are “preselected” through a range of factors that work in conjunction with sovereign power. In developing this framework, which I call the “Violence of Law” framework, I take issue with certain descriptions of sovereign power as articulated by Derrida, Giorgio Agamben, and Michel

Foucault. I then build upon a revised version of their arguments to analyze how populations become racialized through juridical and political institutions. I should underscore here that I am interested in how “races” of people are produced politically. As such, I distinguish between “racial” markers—skin type, phenotype, physical differences, and signifiers such as “unruly” behaviors. The former, in my argument, are not the ground of race, but the marks ascribed to a group that has already become (or is on the way to becoming) outcasted.

In chapter 3, I develop the concept of the “unruly,” which, as I argue in chapters 1 and 2, is the ground of racialization. I do this by exploring a crucial conceptual ladder between the perception of a group as “not one of us” and their ultimate political outcasting. There are several steps to this ladder, which begin with the notion of “strangeness” as the basis of the perception of a group as “unruly.” Strangeness and unruliness are elements of a discourse of “madness” or one of its subdiscourses, or “irrationality.” The language of madness or irrationality takes the place of explicit racism, although they function similarly. I draw upon Foucault’s writings on madness to develop a key subtext of the discourse of liberalism, namely how reason and unreasonableness become codes for the “madness” of cultural difference. The limits of “acceptable” cultural difference often function as vehicles and justifications by which to preempt or exclude dissenting groups from participating in “pluralistic” or “democratic” discourse. The very premises upon which the foundations of “democratic deliberation” are built—individualism, secularism, a certain general “overlapping” consensus about acceptable collective and public values—are often sufficient to prevent populations whose cultural foundations are in radical disagreement from challenging the prevailing notions of “free” and open debate. Moreover, such radical disagreement is preemptively construed as “irrational” or “illiberal,” thereby adding insult to the injury of silencing certain populations. This judgment also adds to the increasing hegemony of various instances of past colonialism and contemporary neo-imperialism, which has justified the enslavement, persecution, or ostracization of certain populations because of the asserted absence of sufficient “rationality”—in other words, stupidity, foreignness, or a dangerous criminal psychology. Consequently, rationality—or its absence thereof—becomes a weapon by which to deem a group as insufficiently rational, and hence dangerous, unruly, mad, or even evil. But in any case, these are all versions of legitimizing a certain racialization without resorting to the explicit language of race.

In chapter 4, I draw on recent examples of the persecution of Muslim men and women to illustrate how they are perceived as “unruly,” and consequently, how they are tamed—disciplined—by the state. This

chapter applies the elements of the theoretical framework that I lay out in the first three chapters. In the case of Muslim women, I take the example of the “hijab” as a starting point to explore why it is perceived as a threat within the context of a liberal society, arguing that ultimately it is not the hijab itself, but what it synecdochically represents, which is a threat to the principles that anchor liberal societies. Drawing on the example of two Muslim high school students in Queens, NY, who were detained as potential “terrorist” threats, I explore the principles that they appeared to have transgressed by wearing the hijab or full purdah—principles such as “individualism,” “transparency,” a “neutral” divide between the public and the private, the secular and the religious. The hijab, along with other practices such as reading the Qu’ran, listening to sermons by fundamentalist imams, signify a comportment that is read as a dismissal of a superior (liberal) culture. Per my discussion of strangeness in chapter 3, these practices express an unwillingness to conform to the dominant *Weltanschauung* of the secular Western world. This unwillingness, translated as the unruly, indicates the danger presented by Muslim women who wear their principles “publicly” in opposition to a widespread political censure of all things “Islamic.”

In chapter 5, I return to theory, and offer a way to understand how race operates as a “mode” of division within American legal policies and structures. I turn to law to illustrate how certain categories, such as citizen, person, or American, appear to facilitate “race-neutral” divisions between populations, but which actually function as vehicles by which to organize, manage and rank different groups within the polity. We have numerous examples to this effect. In eighteenth- and nineteenth-century United States, various states employed the categories of free White men, free Black men, and slaves, but there were also other legal categories to designate other “outsiders,” and distinguish them from other “insiders.” During times of peace the American government employed the categories of citizens, legal residents, aliens; during times of war or “alleged” war, as in the most recent few years, the terms “enemy aliens” and “enemy combatants” have reemerged as categories of differentiation, but also as ways to distinguish which kinds of political protections will be awarded or withheld from different kinds of populations.

When these terms underlie the concrete practice of “liberal” or “democratic” procedures in a polity, they construct and reify the identity of populations that may have no coherence in and of themselves until they are framed as a collective group externally—through laws, lawyers, politicians, immigration officials, and other authorities. The way that these terms are deployed legally and politically exemplify Carl Schmitt’s statement that the meaning of the enemy can only be understood con-

cretely against the backdrop of a given political event; they also implicitly acknowledge the specific power relations that are in place at any given moment.¹¹ The added force behind the way these terms are deployed is concealed behind the “naturalization” of the exception through the language of procedure and of the “rule of law.”

Chapter 6 is the final theoretical anchor of the framework that I lay out in this book. I argue that the state’s attempts to racialize a population succeed, not only by exploiting the range of political circumstances that have rendered that group already vulnerable, but also by managing the power disparities between two other subject-populations to its advantage as well. The racializing of a group occurs against the backdrop of a dominant population and another population that has already been targeted or has already existed as a “pariah.” It is in this group’s interest to escape its status of extreme vulnerability by functioning as a “Border-Population,” a group that serves to guard and demarcate the dominant population from the newly emerging pariah population. I borrow Hannah Arendt’s categories of pariah and parvenu, but depart from her analysis in several ways in order to account for the racializing and political vulnerability of groups rather than individuals. In developing this account, I want to instantiate the theoretical point that race, or racial divisions, are tripartite and not binary, as they are typically understood in race discourse.

This tendency has reasserted itself most recently in the striking contrast between the treatment of Muslims in the United States and the sudden “welcome” of Black Americans as part of the core American polity.¹² What accounts for such a disparity in the reception and treatment of these two groups? Although the incident that motivates this chapter occurred nearly six years ago, the answer to this question can only be adequately articulated well after the moment of emergency in which the phenomenon first became conspicuous. Once located legally, socially, and culturally outside the periphery of the American polity, a conspicuous subset of Black Americans have now been reconfigured as what I will term a “Border-population.” As such, they are located on the periphery itself, the conceptual or physical site that distinguishes insiders from outsiders. Like any border, the political and rhetorical positioning of this population now serves to protect the “internal boundaries” of a nation, as Johann Fichte calls them.¹³ This population is crucial in facilitating a recognition of the significant divide between the core populace and those who stand outside the symbolic boundaries that unite the populace. But in this role, Black Americans function as more than merely a wall dividing “insiders” from “outsiders,” or “we” from “them.” They also serve as the historical memory and institutional moral conscience that facilitates the American state’s capacity to create the newest population of outcasts,

namely Muslims in post-9-11 political context. By the terms, “serve” and “function,” I am not suggesting a voluntary or ontological status on the part of African Americans or any other group that may be understood as a Border-population. Rather, I wish to show how this group is positioned in light of competing dynamics or antagonisms on the part of different institutions and/or populations. As a moral gauge, a Border-population’s reaction (or absence of a unified reaction or referendum) is used by the state and/or inner populace to legitimate the outcasting of another group. Such a transformation of the symbolic position and place of Black Americans—from outsiders to “Border-guards” and Moral Gauge—is neither an incidental occurrence nor unique to American politics.

The final chapter reflects the application of the framework that I have laid out to the case of a little-known immigrant group to the United States. The group in question is “Asian Indian,” but this population arrived well before the post-1965 immigration reforms that brought so many South Asians to the United States. Punjabi men—mostly Sikh, although some Hindus and Muslims were also part of this immigration—arrived in the United States via Canada, where they had been summarily kicked out in the early 1900s. Though nearly invisible today, their impact, was felt most deeply in California. There, they worked on farms, often undercutting the going wages for other labor and immigrant populations such as the Chinese and Japanese. They began to acquire farmland and, deprived of the opportunity to bring their Indian spouses to the U.S., began new families with Mexican and Mexican-American women as spouses. As British colonial subjects, they felt the sting of abandonment by the British government in their attempts to stay in Canada, and as they began to settle in the United States, a number of them engaged in nonviolent acts of political agitation to unseat the British government in India. Simultaneously, they became the focus of deep enmity from White working-class populations, as well as other immigrant groups. Consequently, during the first two decades of the twentieth century, they too became the focus of laws aimed to disfranchise, persecute, and exclude them from the United States altogether. I argue that the case of Asian Indians is a classic example of the juridico-political racialization of a population.

The conclusion attempts to offer “solutions” to the problem of racializing populations. By insisting that race and outcasting are endemic to liberal societies as well as to most juridico-political structures, I have left myself open to charges of “nihilism.” But I would suggest that seeing certain problems as systemic is less nihilistic than assuming that systematicity means there is no course for redress. As such, I borrow from Tina Chanter’s work on the abject to suggest that political resistance can occur in the most