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EMBODYING A "NEW" COLOR LINE: RACISM, ANTI-IMMIGRANT SENTIMENT AND RACIAL IDENTITIES IN THE "POSTRACIAL" ERA

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ABSTRACT. This essay explores the intersection of racism, racial embodiment theory and the recent hostility aimed at immigrants and foreigners in the United States, especially the targeting of people of Latin American descent and Latino/as. Anti-immigrant and anti-foreigner sentiment is racist. It is the embodiment of racial privilege for those who wield it and the materiality of racial difference for those it is used against. This manifestation of racial privilege and difference rests upon a redrawing of the color line that is meant towards preserving exclusive categories of political membership. The charge of racism, however, is elided by the fact that this hostility takes the form of a specious embracement of law and lawfulness. "Illegal" in this sense not only *captures* the actions of those who enter the United States through clandestine or informal means, but, in light of the history of immigration and citizenship law, the term operates as a racial trope that designates non-white status, thus marginalizing and alienating certain immigrants from ongoing nation-formation processes. I explain the source for anti-immigrant hostility in the United States, which I take to be connected to the longevity of white normativity as the basis for American identity. I then critically assess how the idea of national belonging is crucial to the perpetuation of white-ways-of-being, especially when citizenship has historically been a venue for the embodiment of racial and even colonial privilege. I conclude by posing several questions about the nature of racial identities and racism that suggest new avenues for further research on racial embodiment in a "postracial" era.

Keywords: racism; illegality; white normativity; immigration and xenophobia; national belonging; racial embodiment

A little more than a century ago, W. E. B. Du Bois (2007) famously stated, "the problem of the Twentieth Century is the problem of the color line" (p. 3).

In the preface to the fiftieth anniversary edition of *The Souls of Black Folks* (2007), the Old Man returned to this line of thought:

> I still think today as yesterday that the color line is a great problem of this century. But today I see more clearly than yesterday that back of the problem of race and color, lies a greater problem which both obscures and implements it: and that is the fact that so many civilized persons are willing to live in comfort even if the price of this is poverty, ignorance and disease of the majority of their fellowmen; that to maintain this privilege men have waged war [;] until today war tends to become universal and continuous, and the excuse for this war continues largely to be color and race (p. 208).

The ability and willingness to live within the comforts of civility while others are plagued by "poverty, ignorance and disease" represents the triumph of the mind over the material reality providing for privilege.[1] The possibility that civilized persons care not if their privilege necessitates the exclusion and subjugation of others requires great feats of internal repression and convenient forms of historic myopia, both of which are linked to the color line in ways I explain below. That some may feel justified *in barring* the majority of humanity from the comforts of civility speaks to what Du Bois views as the larger issue at the heart of the color line: the all-too-easy transition from the recognition of difference, which the color line readily identifies, to perpetual states of war on account of those very differences. "Race" acquires a primordial nature, as it were, that is *made necessary* when connected to privilege.

The best example of what Du Bois had in mind is the idea of "the border" and the practice of walling that accompanies border enforcement.[2] Typically situated in zero-sum frameworks, sophisticated justifications for national borders and the policies of exclusion that lend them support almost always depend upon the need to preserve economic, material, cultural and even political goods (such as freedom, equality and "security") against overwhelming hordes of would-be immigrants.[3] Borders exclude while granting a sense of legitimacy and respite to those they include. On this score, since immigrants and foreigners are not official members of the receiving political community they are said to be undeserving of the same moral consideration and respect owed to fellow citizens, especially when resources are limited (Walzer, 1983: pp. 48–51).

In such contexts, efforts to reinforce or emphasize borders take advantage of and help to engender international hostility or warlike conditions (Balibar, 2006). That a heightened sense of conflict is a consequence of the attempt to fortify and thus materialize national divides should not be surprising. After all, almost every border in the world is the product of war or imperial aspirations (Valadez, 2008: p. 9). The militarization of the border is thereby "warranted" and performed under the auspices of "border security" (Silva, 2015). A crucial

facet of the militarization of the border is the need to militate against those who resemble the outsiders that borders are meant to keep out, a phenomenon that gives rise to what Mae Ngai (2004) refers to as "alien citizens," individuals assigned perpetual foreigner status regardless of their standing as citizens (p. 8). The creation of alien citizens, along with vehement demands that borders be fortified and enforced, cannot take place without something like "the color line" articulating a sense of belonging and not belonging. Adding to the discussions about how this materializes "the border" along a racial axis, in addition to identifying novel experiences of race-based hostility that contribute to conceptualizations of the lived-experience of race, capture the main goals of this essay.[4]

This essay is situated at the level of the national imaginary (Anderson, 1983). While abstract and ongoing, national imaginings are said to reflect the autonomy of those individuals political institutions represent (Rudolph, 2011: 213). If not for the racial assumptions implicit to the American imaginary, anti-immigrant sentiment aimed at Latino/as in the United States would not be so visceral, callous and vocal, a claim that harbors legal, political and epistemic dimensions as I explain in section one (§1). The immigration debate cannot be excised from discussions of racism, nor can racism be excised from the immigration debate. Tropes of lawfulness and "waiting in line" are but red herrings. While the United States purports to be a nation of *voluntary* immigrants (Walzer, 1992), it transforms into a nation-state in the presence of migrants who do not fit the historic narrative of immigration into the United States. This ideal is inspired by a history of racialized, if not racist, citizenship and immigration policies that continue to shape and mold normative expectations about what kinds of people can rightfully consider the United States of America home (Mendieta, 2007). Based on the history of immigration and citizenship law, white normativity permeates discussions of political membership in the United States. Accordingly, section §1 provides a brief overview of the establishment of white normativity as the basis for United States citizenship *and* immigration policy. This section also highlights the colonial dimensions of the immigration debate, a point that helps to delegitimize categories of rightful belonging that rest on settler ideals.

While engaging recent work on xenophobia as a form of civic ostracism, to use the terminology deployed by David Haekwon Kim and Ronald Sundstrom (2014), section two (§2) makes a case for thinking about anti-immigrant sentiment as a peculiar kind of racism that has the longevity of white normativity in mind or what has been called strategic racism (Haney López, 2014). This normativity is a product of the history of citizenship and immigration law, but it also preys on a peculiar component of communal life that, in discussions regarding the ethics of immigration, is often posited as prior to any act or decision of inclusion or exclusion, namely a pre-existing political

community. By exploring the evolution of *racism* and *racial identities* in light of popular debates over immigration and national identity, I defend the claim that anti-immigrant sentiment is racist and offer reasons for why calling it "xenophobia" or "nativism" reifies white normativity as central to the national identity of the United States. I explain how anti-immigrant and anti-foreigner sentiment is the embodiment of racial privilege for those who wield it and the materiality of racial difference for those it is used against.

The third and last section of this essay (§3) critically thinks through the implications regarding the hostility shown toward migrants and non-nationals, a form of hostility that is clearly racist. One general implication is that we should connect immigrant rights movements to civil rights protests demanding racial justice. Another is that we should see borders as simultaneously the remnants of and continuation of colonial/imperial aspirations. In other words, pro-immigrant rights claims are part of decolonial struggle. Drawing from the framework of those theorists who work within the area of racial embodiment theory, if one agrees that anti-immigrant sentiment is racist, a claim dependent upon the social reality of race and the recognition of a multiplicity of racial ways-of-being, then philosophers of race ought to be on guard against novel instantiations of racism that accompany racial justice, even when the experience of racial difference departs from historical, nationalized race-formations (to deploy the terminology of Omi and Winant, 1994). My concern is that theories of racial embodiment that attempt to reemphasize the materiality of race, focusing solely on visible perceptive practices, may limit the ability to track changes in racial identities and novel forms of racism. I write this amidst the fact that embodiment thinkers are attentive to the multiplicity of racial experiences, what George Yancy (2012) calls the "messiness" of race and racial embodiment (p. 25). Thus, §3 raises a cautionary point about the idea of racial subjectivity that is inspired by my concern with the dynamic nature of racism.

I

Within the immigration debate, the claim is often made that although one does not have a problem with immigration *per se*, the problem is "illegal" immigration; *the problem is with people not waiting in line.* According to this perspective, there is nothing unique about recent waves of undocumented immigration that should exculpate their questionable entry into the United States or permit the continuance of out-of-status residency. Never is it mentioned that "undocumented immigration" originates with the enforcement of immigration quotas enacted with the goal of protecting the racial wellbeing of the United States (Ngai, 2004; see also Chomsky, 2014). Nor is it mentioned that recent waves of irregular migration are a manufactured consequence of failed policies and unrealistically low quotas for low-skilled laborers, quotas

"that are set low for political rather than market-based reasons" (Cornelius, 2004: p. 789). Nevertheless, the blatant disregard of federal immigration policy is said to be an affront to those who "play by the rules." Within this perspective the rule of law is monolithic and stands without question.[5] Seldom are "the rules" challenged; they are neither questioned ethically nor historically, a point that is relevant to Robert M. Cover's (1975) study of judicial complacency in fugitive slave law. He writes, "to focus upon the disobedient and the process of disobedience is to accept the perspective of the established order. It is a concession that it is the man who appeals beyond law that is in need of explanation" (p. 1). With social and political change the onus of justification rests on those who challenge the status quo, a tendency that amounts to a bind or trap that reinforces the legitimacy of the system in place. Such is the case with immigration law.

I want to problematize this embracement of law and lawfulness. It reflects a particular historical vantage point connected to the founding of white normativity as the basis for American national identity. This history is worth highlighting since, as Vera Mackie (2003) explains,

> The question of embodiment is … intimately linked with concepts of citizenship. In recent discussions of citizenship and social policy, it has been argued that the workings of social policy can only be fully understood if we recognise [sic] that apparently impartial policies may impact differently on those in different social locations, and may impact differently according to the embodied differences which are given social meaning (p. 10).

Where do stratified social locations come from? How is it that "impartial policies" arise from within a historical setting that is replete with racial assumptions that over-determine the "immigration debate"?[6]

In recent years, legal historians, philosophers and social theorists made it clear that the history of citizenship policy, immigration law, and various Supreme Court rulings regarding membership in the United States, are filled with racialized, if not explicitly racist, endeavors. In *White by Law: The Legal Construction of Race* (2006), Ian Haney López presents a history of the formal, legal construction of race and the racialization of citizenship. *White by Law* explained how legal-decision participated in the construction of citizenship as a racialized category in addition to the ways in which racial identities, particularly whiteness, are products of this process. Situated within a social, political and legal milieu that mandated whiteness as its normative basis, a condition put in place by the 1790 Naturalization Act and the prerequisite cases Haney López examines (2006: p. 35), the idea of citizenship assumed specified meanings that were contested and tried in state and federal courts. Such cases as *U.S. vs. Ozawa* (1922) and *U.S. vs. Thind* (1923) are infamous examples of how, rather than destabilizing whiteness as a necessary condition

for citizenship, adjudication refined or sharpened the meaning of whiteness through an engagement with nonwhite identities. Haney López thus describes whiteness as "an unstable category which gains its meaning only through social relations" (2006: p. xxii). This essay views anti-immigrant and anti-foreigner sentiment as the kind of social relations where whiteness is embodied, lived and wielded, even by nonwhites, for strategic purposes, namely the exclusion and exploitation of Latino/as.

Drawing from Haney López and other legal scholars, Eduardo Mendieta (2007) argues that the history of citizenship law shaped the United States' national imaginary, informing citizens as to the meaning of *being* "American." Supreme Court rulings like *Ozawa* and *Thind* implicitly shape the affective constitution of everyday Americans as to how they should feel about and treat others, i.e., what kinds of people are worthy of moral consideration or equal treatment and those who are not. The history of adjudication over citizenship law infiltrates the moral psychology of U.S. citizens, designating who gains access to certain schools, who can marry or vote or those persons that can be lawfully discriminated against and targeted for exclusion and/or imprisonment. The racialization of citizenship affords an explicit understanding of those persons that are subjects of the law and those who are objects of it. Moreover, this problematic form of educational inculcation shapes the iconographic imagery of the nation, giving a face to the idea of an "American" while granting legitimacy and density to the nation itself. "Citizenship is not just a matter of rights and duties," Mendieta writes, "it is also an institution sustained by a series of moral assumptions and attitudes expressed in affect. Affect and the moral psychology of a polity condition and reflect each other. One may say that national character – what makes different nations and people distinguishable and discernable – is precisely the combination of affect and their corresponding moral psychology" (p. 209).

It is important to add that the racialization of U.S. national identity is not just a product of policy and legal-decision making regarding the category "citizen;" the category "immigrant" is also shaped by a nefarious past that supports the idea that the United States is a country that is governed by problematic normative assumptions about the particular kinds of people "worthy" of entrance. Rather than challenge whiteness as a precondition for political membership, late 19th and early 20th century immigration into the United States from Europe contributed to the refinement of whiteness and citizenship. Ngai (2004) explains how the national immigration quotas of the 1920s carved up the world in terms of (a) persons with nationality, individuals that could naturalize and make use of immigration quotas, and (b) nonwhite persons incapable of naturalization altogether. In Ngai's words:

> [W]hile the national origins quota system intended principally to restrict immigration from southern and eastern Europe and used the

> notion of national origins to justify discrimination against immigrations from those nations, it did more than divide Europe. It also divided Europe from the non-European world. It defined the world formally in terms of country and nationality but also in terms of race. The quota system distinguished persons of the "colored races" from "white" persons from "white" countries. […] [W]hite Americans and immigrants from Europe have "national origins," that is, they may be identified by the country of their birth or their ancestor's birth. But, the "colored races" were imagined as having no country of origin. They lay outside the concept of nationality and, therefore, citizenship. They were not even bona fide immigrants (p. 27).

For Ngai, the 1920 nationality quotas represented the disaggregation and eventual realignment of race and nationality, but as she puts it, "on unequal terms:" "At one level, the new immigration law differentiated Europeans according to nationality and ranked them in a hierarchy of desirability. At another level, the law constructed a white American race, in which persons of European descent shared a common whiteness distinct from those deemed to be not white" (p. 24). Ngai continues, "In the construction of that whiteness, the legal boundaries of both white and nonwhite acquired sharper definition. Thus, paradoxically, as scientific racism weakened as an explanation for Euro-American social development, hereditarianism hardened as a rationale for the backwardness and unassimiability of the nonwhite races" (p. 25).

Nowhere is Ngai's point more obvious than in Justice Sutherland's opinion in *U.S. v. Thind* (1923): "The children of English, French, German, Italian, Scandinavian, and other European parentage, quickly merge into the mass of our population and lose the distinctive hallmarks of their European origin." "On the other hand," Sutherland continues while referring to the claimant, Bhagat Singh Thind, a "high-caste Hindu, of full Indian blood, born at Amritsar, Punjab, India," "it cannot be doubted that the children born in the country of Hindu parents would retain indefinitely the clear evidence of their ancestry" (see http://www.bhagatsinghthind.com/court.php). Sutherland reassures that this decision makes no claim about the racial superiority of whites but is only an indication and acknowledgement of difference, irresolvable difference, a point that implies the absence of malice and simply a statement of fact. Anti-immigrant sentiment does the same when racism is said not to be that which drives the anger and frustration expressed towards undocumented immigrants; rather, a concern for immigration law supposedly motivates hostility.

It is for this reason that although I understand the difficulties experienced by previous waves of European immigrants, such as the Irish, Polish, Italian and more, their eventual assimilation into the American nation assisted in the continued formation and preservation of whiteness and white normativity (Roediger, 2005). Oftentimes, the difficulties experienced by these people are bandied about in ways meant to undercut concerns expressing the plight

of contemporary undocumented immigrants. Nevertheless, as Ngai explains, immigrants who took part in the quota system inadvertently abided by and thus bolstered policies meant to preserve and protect the idea of America as a white nation (pp. 27–37). That terms like "illegal" call to mind particular identities over others also speaks to how the national imaginary is shaped by the history of immigration law. Most "Americans" do not think twice about the legal status of white immigrants, a claim corroborated by many undocumented Europeans, as reported by Gregory Rodriguez (2007) (see http://www.latimes.com/la-op-rodriguez8apr08-column.html).[7]

The aforementioned history of citizenship and immigration law should generate some concern regarding the impartiality of "lawful" immigration, even after the end of the national quota system in 1965, which happens to coincide with an increase in immigration from the so-called third world, the "former" colonized world. Along these lines, there are two points to be made about the colonial dimensions of the immigration debate. First, as Philip Cole explained (2000), one of the factors generating the myriad problems associated with migration has to do with the current economic world order and the fact that migrants follow wealth to places where it pools. The immigration debate must reckon with how those centers were established, which, as Cole reminds us places it into a post-colonial context, i.e. "a world that has been radically shaped by European colonialism and which is still living through its consequences" (pp. 1–2). The problem with an open-borders policy, or so the argument goes, is that the primary individuals who would take advantage of this situation are migrants from the global south or developing world seeking to reap the benefits of social welfare programs in first-world countries; these potential immigrants have nothing to contribute and are a drain on the economy. Rarely does one hear objections or concerns about potential immigrants from Norway, Sweden or even China seeking admission into the United States in order to start a business or spend money – in fact there are several formal pathways to citizenship if one wishes to do these things (e.g., the EB-5 Visa for Immigrant Investors). Étienne Balibar's (2011) comments on "the vacillating nature of borders" are helpful here. Alluding to the asymmetry of borders, he explains that they "do not work *in the same way*, 'equally,' for all 'people,' and notably not for those who come from different parts of the world, who (this is more or less the same thing) do not have the same social status, the same relation to the appropriation and exchange of idioms" (pp. 91–92). At a certain point border-practices and exclusive forms of citizenship perpetuate colonial divides, divides that are embodied in everyday interactions with foreigners and justified on account of being born on one side or another of a border. For this reason, decolonial projects must concern themselves with citizenship practice, exclusionary policies and borders themselves. As Frantz Fanon (1963) writes, "Decolonization…is a historical

process: In other words, it can only be understood, it can only find its significance and become self-coherent insofar as we can discern the history-making movement which gives it form and substance" (p. 2).

Second, given that the national imaginary of the United States is a product of law and legal-decision making that actively favored whites, when considered alongside of global inequality stemming from the history of European colonization white identity reflects colonial privilege and benefits from the settler orientation of the United States. The founding myth of the American nation remains intact when people migrate from Europe to America – colonization masked as "immigration." This myth is problematized when the directionality of human movement does not fit the trajectory for how the nation is historically replenished, a point is often elided by "nativist" discourses – I will return to this below. In the presence of historically undesirable migrants, i.e., those coming from the global south or the developing world that cannot fit the racial logic that undergirds nation-formation processes, the United States shifts from being "a nation of immigrants" to a nation-state, the home of the "American people." The historical specificity about what kinds of immigrants can be folded into the national core makes clear how certain groups of persons belong more than others and the racist basis for this sense of belonging.

Imbedded in the idea of "nation" itself is a sense of belonging that easily lends itself to racism. Many theorists and philosophers find the idea of belonging apt insofar as political autonomy and popular sovereignty demand clearly demarcated territorial limits and a specified class of individuals empowered enough to have their voice represented in political and legal decision-making. The normative content employed in this sense of "belonging" designates a right or privileged status that confers and confines certain political duties and obligations to members of specified polities or institutions. When this normativity becomes racialized or emerges from a history plagued by racism, such that a particular group is viewed as having more of a rightful claim to participation or membership in a nation on account of their race or ethnicity, then the practice of citizenship and the idea of belonging associated with nationality become something more than just conditions explicating the parameters of membership, they become vehicles that perpetuate racial inequality and social stratification. Appeals to a lack of respect for "law" must be checked in light of the history of that law.

II

Recent hostility towards migrants and foreigners is thoroughly racist without even mentioning "race." Instead, as Haney López (2014) explains, terms like "illegal," "unlawful" or "criminal" operate as racial dog whistles, silently sounding racial alarms for those attuned to its frequency. These terms are

racist but in ways that exemplify the dynamic nature of racism. At their core, racial dog whistles are *strategically racist*, an account of racism that arises from the intersection of implicit bias, hate-based and structural accounts of racism (p. 41). Strategic racism, however, surpasses these ways of thinking about racism so as to account for this phenomenon in a "post-racial" society where one cannot easily articulate classically racist statements without challenge nor deny the fact that some progress has been made. Strategic racism is purposive action performed in the wake of historical inequalities that seeks to perpetuate and further social standing or privilege by manipulating racial ideas, albeit in coded form (p. 46). In Haney López's words, it is "the self-interested, strategic manipulation of racial antipathies." He continues, "*Strategic racism refers to purposeful efforts to use racial animus as leverage to gain material wealth, political power, or heightened sense of social standing* (p. 46; emphasis in original)." Central to strategic racism is Derrick Bell's racial realism, especially his claim regarding the permanence of racism (Haney López, 2014, pp. x–xii), and Douglas Massey's account of social stratification. Haney López writes, "One of the leading contemporary scholars of social inequality, Massey argues that stratification has two principal components: the creation of social categories, and the misallocation of resources between those groupings. Focusing on the misallocation of resources, Massey distinguishes between 'exploitation,' where in one group expropriates resources from another, and 'hoarding,' in which a group that has previously acquired disproportionate resources acts to preserve its advantage" (2010, p. 1027).

In the context of this essay, the standing and power that "illegal" attempts to secure is the privileging of whiteness as central to United States national imaginings. Never having to justify or explain one's status as a citizen or member of the American people is part of the materiality of white identity formation. The self-serving dimensions of the strategic employment of terms like "illegal" can be seen in the fears many have about the effects immigrants and foreigners will have on the collective identity of the United States, as I explain below. "Illegal" operates as a racial dog whistle when legal sovereignty is said to exist within the hands of individuals and communities *imagined* as ideal Americans, a product of racist history that has afforded privilege to some at the expense of others.

Elements of strategic racism have been described in different ways. For David Haekwon Kim and Ronald R. Sundstrom (2014), nativism comes close to pointing out the same phenomena since it "marks the point in which xenophobia is elevated to a national political project that is committed to the exclusion of groups perceived as foreign, and perhaps even to the egoistic promotion of the perceived interests of a purified nation: it is xenophobia more explicitly engaged in the defense of the nation-state." (p. 31) Strategic racism is also apparent in what others have called "societal [in-]security,"

i.e., the trepidations generated by changes to a country's national identity, particularly sudden changes that generate much discomfort for longstanding national groups (Rudolph, 2011: p. 213). According to Christopher Rudolph, when external threats are low, internal or domestic pressures connected to perceived destabilizations of societal security are amplified. Immigrant groups, racial minorities and subnational organizations are often the main targets of these fears. Rudolph draws from Ole Wæver who further explains societal security as "the sustainability, *within acceptable conditions for evolution*, of traditional patterns of language, culture, association, and religious and national identity and custom" (quoted in Rudolph, 2011: p. 213). Hence, nowhere is the claim made that nations do not evolve at all; some change is bound to occur. Trepidation and anxiety associated with societal security stems from concerns regarding whom or what is actually driving change, and how this change comes about (this is how and why some in the United States believe they "need to take America back!"). As Rudolph points out, "societal insecurities may be manifest as racism or xenophobia, but may also manifest themselves by a discourse of a 'loss of control' – in other words, when notions of sovereignty lie at the core of the debate" (pp. 213–214).

Insofar as sovereignty is at the core of the immigration debate, especially in terms of the ability or right to determine the parameters of membership, the term "illegal" remains the expression that succeeds best, though problematically, in alienating and excluding various groups from nation-formation processes. What "illegal" suggests is that there are classes of individuals that are incapable of rightfully belonging here, where "here" refers to land assumed to be already under the control of a national grouping and "rightful" refers to legally codified racial and ethnic imaginings said to represent this grouping. "Illegal" cannot just refer to individuals who break laws, since that would include anyone convicted of a crime regardless of their citizenship or alienage; this is not how the term is colloquially used. It would also necessitate that out-of-status residency would amount to a crime, which it does not. Instead, "illegal" refers to a *being against law*, not a human being; an incomplete subjectivity whose social existence is predicated on non-compliance or nonrecognition with admission policies that are said to reflect the ultimate expression of national sovereignty, namely policies of admission and exclusion – "incomplete" because some level of agency is required in order for one to be held responsible for their legal transgressions.

When immigration is viewed as taking place against laws founded upon racial stratification, terms like "illegal" do not just represent the fact that persons may have questionably entered the country but assumes greater significance. Due to the conflation of white normativity and U.S. national identity, "illegal" designates *not a specific racial identity* (although I am tempted to say it does) but *nonwhite status*. While this claim was articulated

before (Mendoza, p. 46), my goal is to underscore the fact that hostility towards immigrants and foreigners is racist and meant to undermine the idea that nonwhites can belong.[8] Here, the normative content associated with the idea of belonging again expresses privilege, albeit of the racial variety. To call this hostility "xenophobia" or even "nativism" remains settled within the confines of the white American imaginary such that the immigration debate occurs on unequal terms, a conceptual concession that reifies white identity as rightfully belonging in the United States.

Returning to Kim and Sundstrom (2014), for them xenophobia boils down to civic ostracism and does not necessarily equate with racism or nativism. Their attention to racism is insightful, particularly since they view it as historically situated or context-specific. As they explain, "racism and bias directed toward immigrants or foreigners is lost, and sometimes intentionally so, in nationally recognized narratives of racism" (p. 21). Take for instance the fact that discourses of race and racism in the United States are historically dominated by a black-white dichotomy. For Kim and Sundstrom, however, a nationalized rhetoric of racism, a *particular* manifestation of racist ideology, may block attempts to explain anti-immigrant or anti-foreigner action and sentiment as racist. We can only see racism in light of its historical specificity, a dangerous predicament since "Nationalized narratives of racism make nations color-blind to racist incidents that fall beyond the scope of their public conceptions of racism." Kim and Sundstrom continue, "This is most apparent in right-wing nationalist groups that use anti-immigrant or anti-foreigner language and then deny that they are engaging in racism" (p. 22), i.e. racial dog whistles.

Xenophobia as civic ostracism harbors psychological, political and even existential dimensions all of which convey the message that foreigners or immigrants do not belong within a particular polity. As part of their argument they identify "group life" as central to human identity formation. Kim and Sundstrom's analysis of xenophobia acknowledges that humans are born and depend upon social arrangements that are outside of our control and, for the most part, are crucial to our identity formation (p. 23). They explain the ways in which civic ostracism works to devalue and impoverish those persons, groups and identities deemed as not belonging. When someone or a group of people are excluded from a polity's group life it robs them of their ability to function and thrive in an assortment of ways, e.g., socially, economically, politically, etc.

And while I agree with this description of xenophobia, I nevertheless take it to be symptomatic of a deeper issue: the "threat" posed by foreigners or immigrants to the white racial self. While Kim and Sundstrom might fall back on the claim that they are conceptually distancing xenophobia from racism and thus do not have any particular polity in mind, the source for xenophobia

in the United States stems from the perception that immigrants and foreigners trouble a consolidated and nationalized understanding of white identity. Whereas Kim and Sundstrom adequately explain what xenophobia is, they do not critically engage the issue of *why* people are xenophobic.

Critical to the longevity of white-ways-of-being is national dominance, not necessarily in terms of demographic numbers but in terms of monopolizing the nation's self-conception. This dominance is as old as citizenship itself in the United States. José Jorge Mendoza (2010) describes white racial dominance in metaphorical terms as the multi-stranded "braid of whiteness:" with the increasing destabilization of biological race and the problems found within the concept of ethnicity, the "national strand" of whiteness "is quickly becoming the central strand" and the foundation for white supremacy (p. 43). Whiteness has vested interests in the racial and national status quo of the United States. This amounts to a conflict of interests when admission/immigration policies are in question, policies that separate the legal from the illegal, the protected from the precarious.

Whiteness necessitates the conditions that provide for whiteness, which, in this case, is the idea of the United States for "Americans." There is a circularity or tautological nature to this discussion that is resolved through a diachronic and not a synchronic understanding of the construction of white America. The normative understanding of white America necessitates that the existence of borders and the political debate surrounding them be settled as antecedent fact (debates about needing to "secure" borders notwithstanding). Balibar (2006) expresses this thought when he writes: "Apparently, and legally, *foreigners* are those 'other humans' or precisely *strangers* who already belong to other spaces, who are citizens from different states, either by descent or adoption, and the borderlines (with the associated institutions: passports, ID controls, differential treatments in the public space, different social rights) merely register this preliminary fact" (p. 4). Along these lines, Cole (2001) relays a suspicion about a kind of "primordialism" connected to borders. Borders are treated "as if they have always been where they are, and all we have to do now that we have acknowledged their existence is to take them into account in our theorizing about social justice; and all that amounts to is the recognition that there will be people on the other side of the border." He continues, "The borders themselves are never theorized. Liberal nationalism recognizes the two categories of member and nonmember, but the status of individuals as insider or outsiders is taken as a given fact about them" (p. 195).

The "primordial" nature of borders is visible in Walzer's famous "Membership" chapter (1983) and recent work on the ethics of immigration. While explaining how distributive justice necessitates the existence of *an independent pre-existing* political community, Walzer writes, "I don't mean, How *was* it

constituted? I am concerned here not with the historical origins of the different groups, but with the decisions they make in the present about their present and future populations" (p. 31). For Walzer, admission policies are indeterminable unless a pre-existing political community exists to make such decisions. While connected to Walzer's point is the classic communitarian adage "the community is prior to the individual," he intends something deeper. He claims, "The distribution of membership is not pervasively subject to the constraints of justice" (p. 61). Membership, the good that all citizens distribute to one another, is necessarily prior to any act of distributive justice; membership is more foundational than justice is how I read the above claim.[9] Similarly, Christopher Heath Wellman (2008) posits the freedom of association and the presumptive right to self-determination as necessary in order for political autonomy to be possible at all (pp. 109–119; see also Wellman and Cole, 2010, pp. 29–41). A legitimate political community is not a community unless it has the right to not associate with those it chooses to not to associate with. While Wellman does not make the kind of statement Walzer does regarding a pre-existing political community, one can inquire as to how freedom of association is exercised or even recognizable without an already existing community. Hans Lindahl (2008) summarized this as the need for every *nomos* or set of laws governing a political community to invoke of an *anomos* or "we-here-now" that has no actual referent in empirical space and time, the ultimate sanctification of the legal order.

The primordial existence of borders and the need for a pre-existing yet empirically unverifiable political community can be understood as the inability to justify or explain one's own existence. I may not be able to explain why I exist but I can offer explanation for decisions I make from here on out. My existence is part of the facticity of my historical situatedness that I am thrown into. Walzer suggest we can only hold communities accountable for decisions they make going forward, after they somehow find themselves in the world. I call this to mind not to contend against the necessity of a preexisting political community or the presumptive right to freedom of association, that is another essay. Instead, my point is that if a preexisting political community is held to be unquestionable at a certain point, if the history of a community's borders is murky or hazy, meaning there is a limit to how far we can challenge the members of political community in justifying their existence, *racial normativity is afforded opportunity to reside in the historic fabric of a political community's existence*.[10] In the context of the United States, white normativity rides the coattails, so to speak, of presumptive rights or preconditions for justice that are often assumed outright in discussions about the ethics of immigration. To challenge the racial or ethnic normativity of a community is to challenge the existence of the community itself in a way that cannot be done.

The link to Du Bois' comments at the onset of this essay regarding the larger problem at the back of the color line should now be more apparent: protecting privileges that are based on relations of domination, where advantages come at the expense of disadvantages, is the main goal of the color line; the color line, however, is itself a product of racial differences that cannot be located in history, they are older than history itself, a part of nature (or so the story goes). Borders operate this same way but secure national privilege. Strategic racism connected to white identity thrives on the need to perpetuate the privileged status whiteness maintains in terms of the national imaginary. How can whiteness, as understood in the United States, ever be considered foreign?

To put it differently, take Alasdair MacIntyre's views on the nature of patriotism. Consider his (2002) conditional argument:

> Indeed the case for treating patriotism as a virtue is now clear. If first of all it is the case that I can only apprehend the rules of morality in the version in which they are incarnated in some specific community; and if secondly it is the case that the justification of morality must be in terms of particular goods enjoyed within the life of particular communities; and if thirdly it is the case that I am characteristically brought into being and maintained as a moral agent only through the particular kinds of moral sustenance afforded by my community, then it is clear that deprived of this community, I am unlikely to flourish as a moral agent. […] Detached from my community, I will be apt to lose my hold upon all genuine standards of judgment. Loyalty to that community, to the hierarchy of particular kinship, particular local community, and particular natural community is prerequisite for morality (p. 50).

MacIntyre's argument for why one should be loyal to their country is based on the notion that the moral, political and social atmosphere of your community created the person that you are. Your sense of self, MacIntyre assumes, depends on these institutions continuing in perpetuity. If you like who you are and want to continue being this person, given the fact that you depend on your community you must privilege it over others "when push comes to shove," so to speak. I call attention to the fact that there is a conflation of self and community in MacIntyre's point that parallels the conflation of white normativity and American national identity taking place in the immigration debate. Hostility towards immigrants and foreigners is not just about excluding and thus thwarting the social development of others, as Kim and Sundstrom suggest, but maintenance of the white racial self.[11]

Before closing this section it is important to note, however, that strategic racism is not a "neo-racism" as Balibar (1991) rightly pointed out. That would amount to a form of racism that is "irreducible to earlier models" (p. 17).

Instead, what takes place in anti-immigrant and anti-foreigner racism is a confounding of racial identities, a separation and realignment of race and culture for the purpose of perpetuating hierarchical structures of inclusion and exclusion (Balibar, 1991: p. 26). I return to this in the next section. Nevertheless, how to combat this racism is tricky. "[T]he destruction of the racist complex," Balibar explains, "presupposes not only the revolt of its victims, but the transformation of the racists themselves and, consequently, *the internal decomposition of the community created by racism*" (p. 18, emphasis in original). I bracket the points about revolt and transformation and ask: How can racial justice necessitate "the internal decomposition of the community created by racism" *when that community in question is said to be* the *national community*? How do we identify this community without reifying the monopoly it is said to have on the nation itself? This is my rationale for not labeling the hostility towards immigrants and foreigners "xenophobic" or "nativist." While they may describe similar happenings the racial normativity latent to political membership in the United States is not fully grasped by these concepts. Racially speaking, either anyone can "belong" in the United States or no one does; elimi-*nativism* should know no bounds.

III

This last section offers and explores implications for thinking about anti-immigrant and anti-foreigner sentiment as racist. I first entertain general implications and then focus on how these impact racism and racial embodiment theory.

Critically theorizing anti-immigrant and anti-foreigner sentiment as racist means that pro-immigrant rights movements can be considered new fronts in the battle for racial justice. This is one reason that I framed this discussion in terms of the color line. The idea of border relegates certain racialized bodies outside of nation-formation processes (Casey, 2014) similar to how the color line lent support to segregation and racial subordination of blacks and other racialized minorities. While one may suggest that this dilutes particular, nationalized understandings of racism (i.e. anti-black hostility), this is only so if one thinks of racism as animosity based on skin color or some other somatic, phenotypic trait(s). We need to re-conceptualize racism as context specific and informed by national and regional racial ideologies that often work alongside advances in race relations. Kim and Sundstrom were right to point this out. Drawing from Paul Gilroy's claim that "there is no racism in general," Ngai (2004) similarly argues: "Race is always historically specific." She continues, "At times, a confluence of economic, social, cultural, and political factors has impelled major shifts in society's understanding (and con-

struction) of race and its constitutive role in national identity formation" (p. 7).

Another ramification exposes the colonial underpinning of white identity in the United States. Part of the reason why I do not want to consider novel instances of racism "xenophobia" or "nativism" is because I do not wish to reify ideologies of belonging. If immigration policy remains linked to normative expectations of viewing particular kinds of people as having more of a rightful claim to membership than others, based on their ability to leave intact current racial, economic or national dynamics, then all forms of irregular migration constitute a kind of protest against that normativity.[12] Illegal immigrants represent a form of "migratorial" disobedience to the racialized logic of belonging that finds a home in the immigration debate. Whether or not the fact that undocumented immigrants are objectified and subjected to exploitative conditions allows for one to label irregular migration a form of protest to unjust immigration law remains an open question worth future exploration. Few, if any, irregular immigrants come to the United States with the explicit goal of destabilizing nation-formation processes predicated on white normativity. Nonetheless, more remains to be said about this.[13]

In terms of thinking about racism, we must begin to see anti-immigrant and anti-foreigner racism as a product of the increasing presence of non-nationals who are perceived as threatening to the racial wellbeing and societal security of the United States, especially when white normativity is viewed as the basis for American identity. As a result, white normativity disperses into and "infects" aspects of identity where it was not as apparent. Culture, class, education level, assumptions about lawfulness and even citizenship are impacted by the dispersal of whiteness. Haney López's (2006) prediction about "colorblind white dominance," which implies the continual dominance of whites, the expansion of who counts as white, and "a colorblind ideology that simultaneously proclaims a robust commitment to antiracism yet works assiduously to prevent effective racial remediation" (p. 148) seems to have come into fruition.

That being said, the way in which racism is conceived in this essay necessitates a reconceptualization of racial identities. Novel instances of racism generate novel sites of racial embodiment. Here I would like to express a concern I have regarding racial embodiment theory. For some years now, philosophers who engage the concept of race have attempted to disabuse the public mind about the physical reality of race, i.e., the lack of correspondence between folk notions of human racial difference and clearly demarcated biological categories of human sub-speciation (for a now classic account see Zack, 2002). Nowadays, the worry amongst philosophers and social theorists working on race is that the claim that "race is not real" has been hijacked in order to dislodge historical concerns with racism and the salience of racial

identities. The most notorious commandeering of this notion is that of "the post-racial era:" in light of the successes of such things as the civil rights movement, the election of President Obama and the supposed moral progress of society, racism is said to be over and the concept of race lacks contemporary significance. In response, philosophers of race reemphasized the reality of race, albeit in more nuanced ways. Linda Martín Alcoff (2006) writes, "When one realizes the indeterminacy of racial categories, their fluid borders, arbitrary criteria and cultural variety, it may be tempting to adopt a nominalism about race, that race is no more real than phlogiston or witchcraft." She continues, "I resist this conclusion primarily on phenomenological grounds. Race is real…its 'reality' is internal to certain schemas of social ontology that are themselves dependent on social practice" (p. 179).

Sympathetic to the idea of racial embodiment, I generally agree with Alcoff's statement. In fact, this essay attempts to track the movement of social practices that reveal changes to how race is understood within the current social ontology of the United States. We do not reside in a static social ontology, thus socially derived concepts likewise change with society. Nevertheless, reemphasizing the reality of race through ideas of racial embodiment, which depend heavily on ascriptive markers of race like skin-color,[14] might very well swing many folks back to naïve forms of racial realism. While skin hue remains a problematic and often inconsistent aspect of folk racial conceptions, differential treatment does stem from visible racial difference. My worry is that the focus on visible race – which tends to be the most "material" element of race in the eyes of white America, where "black" bodies are marked as dangerous because they are black – will cloud our ability to identify the emergence of novel forms of racism, the type of which I describe throughout this essay. There seems to be no way of shaping public opinion about race.

Visibly nonwhite people – and I acknowledge that epidermal differences such as "black" or "white" are not uniform nor do they actually fit popular racial categories – embody racial difference in ways different from how immigrants or foreigners do. For immigrants and foreigners, racial difference is the product of an idealized (and yet legally codified) nation-formation once reserved for whites but said to be operating in "post-racial" fashion. Nonetheless, the logic of race is still present: "citizenship" is a legal category based on descent (blood) or one's place of birth (geography) and has associated with it positive or negative social inherencies that determine human life prospects.

Another way of putting my point is to say as frustrating as it may be, philosophers of race should not necessary shy away from discussions of post-racialism if it demands that race theorists arrive at conceptions of race that reflect the "progress" made. Wendy Brown (2010) provides valuable insight

into the meaning of the prefix 'post' that helps in understanding "post-racial." In her discussion of the post-Westphalian world order, Brown writes:

> To speak of a post-Westphalian order is not to imply an era in which nation-state sovereignty is either finished or irrelevant. Rather, the prefix 'post' signifies a formation that is *temporally after but not over* that to which it is affixed. 'Post' indicates a very particular condition of afterness in which what is past is not left behind, but, on the contrary, relentlessly conditions, even dominates a present that nevertheless also breaks in some with this past. In other words, we use the term 'post' only for a present whose past continues to capture and structure it (p. 21).

Although the concept of "race" is conditioned by its history, there is no doubt that a rupture has occurred, one that disallows this concept to be overly dominated by its past. We reside in a time when racial dynamics are changing, especially in the United States.[15] We have, in some sense, surpassed certain meanings of "race," a claim that does not render previous understandings of race and racism meaningless nor does this mean that those aspects of race that we have surpassed will not return (the recent display of violence against black Americans makes this very clear).[16]

My point is that philosophers of race should be theoretically on guard and prepared to call into question racism of all kinds. For this reason, what is racism in the *post*-racial era? Given their willingness to entertain questions about the social reality of race amidst its lack of biological foundations, philosophers and social theorists trained to think about race in terms of *racial embodiment* are equipped to answer the above question. Insofar as they remain open to the varying manifestations of racism occurring in the United States, embodiment theorists who point towards the way in which race is lived can help identify novel sites of racial privilege and oppression. For embodiment thinkers, the ontological status of race (from a biological standpoint) is largely tangential to the lived-experience of race.[17] The "physical" reality of race can be uncoupled from the everyday, subjective experience of race and racism. All this is to say that even within our post-racial moment, people will continue to treat each other as racialized entities regardless of whether or not these categories graph onto the real world. Similarly, social, political and legal institutions will continue to operate with their structural defects and racial inequities. Race will thus continue to be relevant to human subjective experience, serving as a valid source for knowledge about the world and also impacting human lives.

For embodiment theory, it is deeply unfortunate that the most common experience of race is racism. The experience of racism and the wielding of it tend to dominate the quotidian manifestation of race. Yet, racism is not a static phenomenon, and it would be shortsighted and theoretically rigid to

think about racism solely in terms of one of its more grotesque historical manifestations, i.e., anti-black racism in the United States. There is no doubt that anti-black racism played a unique role in shaping the modern notion of race, and the United States' history of anti-black racism makes it difficult to see racism in ways that do not correspond to a presumed biological foundation. This is especially true considering that popular opinion (and here I mean primarily white America) holds black and white on opposite ends of the visual register, and thus race is confined to visual perceptive practices. To limit racism to this particular historical manifestation would reinforce the very pseudo-scientific conceptualizations of race that many theorists attempt to combat, namely that race is ultimately about its physical reality. Racism thus defined would be confined to malicious, structural and institutional, as well as non-conscious forms of bias predicated against groups based upon skin-color or other phenotypic traits. Social and political progress garnered as a result of the civil rights movement and more recent events has resulted in racism becoming more complex, more nuanced. This is *not* to say that color-based racism is irrelevant or that fighting anti-black racism is outdated. Visible racial practice is operative in racism, but it does not operate alone. Race/racism is not just about visible physical appearance, it never has been. Connected to how people look are expectations about how they behave. Gains made in racial progress, as few as there have been, necessitates that philosophers of race remain aware of novel sites of oppression.

NOTES

1. Du Bois wrote this preface acknowledging the conceptual limitations of *Souls of Black Folk* (2007). In particular, he notes the unbeknownst (as he put it) influence of psychoanalytical theory and the impact of Marx on the modern world (p. 207). While there is no doubt that Du Bois had in mind slave-based institutions and the exploitation of African Americans in the United States, the persistence of "color lines" in different parts of the world was apparent early on in his work. See "Of the Dawn of Freedom" (2007) as example.

2. I do not just mean the border in a literal sense, as in the line between Mexico and the United States. I also mean the metaphoric sense of "the border," which as Étienne Balibar (2011 & 2006) explains is rather ubiquitous, asymmetric and vacillating. For example, people from modern, developed countries can easily venture into different states and view borders as nothing more than an exaggerated stop sign. For the less fortunate, the border is an impenetrable barrier lest one is willing to sacrifice their dignity and humanity. Along these lines, one can see the color line as an internal border, especially when one takes into consideration the ways in which early 20th century African American authors understood their social exclusion as a form of political disenfranchisement and denial of citizenship rights. I have in mind Alain

Locke's (1992) use of "cultural-citizenship" (p. 99) and obviously Du Bois' "Of Our Spiritual Striving" (2007).

3. Joseph H. Carens (1987) was one of the first thinkers to explore (and critique) the ethics of immigration from a perspective concerned with property rights, utilitarian justification for immigration restrictions and from a Rawlsian perspective. Michael Walzer (1983) defended exclusive membership policies from a communitarian perspective that viewed questions regarding membership as a precondition for justice. Philip Cole (2000) provides an excellent analysis of liberal, communitarian and nationalist arguments in favor of borders and strict immigration restrictions. More recent thinkers use the notion of presumptive rights, such as freedom of association (Wellman, 2008), or focus on the juridical/ethical burden generated by the presence of undocumented people (Blake, 2013) to argue for borders and immigration restrictions. Arash Abizadeh (2008) provides a useful summary of five arguments in favor of borders (see pp. 49–53). For more on property rights and immigration see David Miller (2011). With the exception of Wellman, an argument can be made that implicit to all of the above arguments in favor of immigration restrictions is a zero sum framework.

4. It follows that this essay is part of the attempt to "nominate" or call-out white dominance within social, political and legal institutions that purport to be race-neutral or colorblind (Yancy, 2012).

5. As it occurs within the United States, the fact that the "immigration debate" is often construed as a single, monolithic debate centered on the demerits of illegal immigration is part of what I mean by "stands without question." It is not necessarily the case that the problem of illegal immigration or the existence of undocumented people in the United States comprises the entirety of what the immigration debate is about. We could (and should) discuss whether or not categories like "citizen," "alien," "guest-worker" or even "immigrant" remain viable in the 21st century, in addition to the fact that a state's right to establish policies of inclusion and exclusion is yet to be ethically dispositive. Nonetheless, one is hard-pressed to find some other topic in this debate that commands as much time and attention as the question of illegality (this topic is even at the heart of debates about the need for border security and novel protocols related to hiring processes in the U.S.).

6. By "over-determine" I mean something similar to what Paul Apostolidis (2010) writes in the following: "[T]he debate about immigration control and reform proceeded then, as it does today, largely through native-born Americans' statements *about* immigrants and proposals for what to do *to* and (less often) *for* immigrants. Immigrants, in other words, were then and remain the objects for discussion and analysis, the targets of apprehension strategies, the dangerously inscrutable entities whose likely responses to carrot-or-stick incentives were the subject of predictive calculation and ceaseless debate (p. xiii)."

7. Visible whiteness is not enough by itself to signify alienage or even immigrant status. People need to speak with a *particular* accent, practice a *specific* religion or exhibit cultural traits and customs that are said to be out of sync with the national narrative of the United States. From here, one could point to the ways in which whiteness, and thus national membership, is performed and assigned to specific cultural practices, and not just a product of the visual registry (see §3). Whiteness is

made real through actions and identities. For immigrants who think of themselves as white – which proves to be a contentious issue since global ideals of whiteness do not necessarily fit with that in the United States, for instance in Latin America and the Caribbean white identity can be claimed by people who look nonwhite by U.S. standards but based on a variety of factors, i.e., culture, class, education, economic level, language, their claim to whiteness works in their home country – their marginalization necessitates a refinement of whiteness (one of several refinements to have taken place in wake of immigration) such that they can be considered "wrongly white."

8. It is also important to note that "illegal" functions to alienate classes of persons and particular aspects of their identity from the national history of citizenship and immigration law, a necessary move if their labor is to be exploited (Mendoza, 2010: p. 47). If the need for cheap, exploitable labor is the source for undocumented immigration, then this form of immigration furthers the economic wellbeing of the receiving nation and serves as a form of neo-colonialism through the exploitation of the foreign body (albeit on domestic soil). Literally, all that is wanted from undocumented immigrants is their time and energy, their ability to work, their productive powers. All other aspects of what constitutes their being, for example, who they are, their culture, language, customs, family and even their "rights as person," are obstacles to this alienating process. If we could have them work *here* and send them home on a daily basis there would have no problem, and in fact this is how cultural enclaves and segregation works. However, *their* continual existence inside "the confines of the United States" – a notion that gives birth to ubiquitous understandings of the border – can disrupt the racial and national dynamics of the country, especially when their numbers rival that of whites. These are further instances of the color line – again, colonization masked as "immigration," or more appropriately neo-colonial exploitation under the guise of "illegal immigration."

9. Walzer writes, "Across a considerable range of the decisions that are made, state are simple free to take in strangers (or not) – much as the are free, leaving aside the claims of the needy, to share their wealth with foreign friends, to honor the achievement of foreign artists, scholars and scientists, to choose their trading partners, and to enter into collective security arrangements with foreign states. But the right to choose an admission policy is more basic than any of these, for it is not merely a matter of acting in the world, exercising sovereignty, and pursuing national interests. At stake here is the shape of the community that acts in the world, exercises sovereignty and so on. Admission and exclusion are at the core of communal independence. They suggest the deepest meaning of self-determination. Without them, there could not be communities of character, historically stable, ongoing associations of men and women with some special commitment to one another and some special sense of their common life" (p. 62; emphasis in original).

10. I am not suggesting that Walzer or Wellman advocate for racist policies or have white privilege built into their views. Wellman would argue that such a policy renders a state illegitimate. Walzer address racism in his chapter by saying a polity can make racism a prerequisite for admission or central to character of the community, but it has to be willing to forsake land (see 1983, pp. 46–47).

11. It is for this reason that Jacqueline Stevens (2010) argues that the idea of "nation" is predicated on the avoidance of death and the desire immortality. The idea is that part of who you live on with the nation, even when you are not alive anymore. It is worth noting that Stevens also likens the practice of birthright citizenship to slavery insofar as the former (or lack thereof) is part of the legal mechanism that strips migrants of their social standing. She writes, "Nation-states no longer use slavery as a direct instrument of war, but the nation-state facilitates an illegal slavery through birthright citizenship" (p. 47).

12. It is worth noting that the example of the active kind of immigration policing I am concerned with would be Quebec. Quebec negotiated several agreements with the Canadian government to construct its own immigration policy, setting its own limits, targets and criteria for admission, with the explicit goal of perpetuating and protecting francophone culture. See the "Canada-Québec Accord relating to Immigration and Temporary Admission of Aliens" (http://www.cic.gc.ca/english/department/laws-policy/agreements/quebec/can-que.asp).

13. I explore this idea in an unpublished essay entitled "Migratorial Disobedience and the Law of Illegal Peoples." I draw a distinction between the *validity* and *justice* of immigration law that parallels draws the divide between positive law and natural law. My goal is to provide a way of viewing irregular migration as a form of civil protest akin to that which took place in the 1960s against segregation in the United States.

14. Proof of the continued role that visible race plays in embodiment theory is the question that Alcoff (2006) asks in the chapter following that on racial embodiment, entitled "Race and Visibility." Given the visible perceptive practices are overdetermined by value-laden ways of seeing others, Alcoff asks, "How can we learn to see differently?" (197). From my perspective, Alcoff is asking: How do we learn to see in ways that do not import or reflect the denigration of nonwhite bodies? While I agree that "seeing differently" represents a way of inhabiting the world that contributes to the goal of racial justice, another necessary component to racial justice is increasing the acumen in perceptive practices that attempt to identify whiteness in all of its permeations.

15. Some of these changes are products of increased immigration from Latin America and Asia. Nevertheless, I also have in mind the arrival of the so-called "multiethnic-majority" and the relegation of whites to a demographic minority, which, as the history of Latin America reveals, is not necessarily going to do away with white supremacy. In various parts of Latin America and the Caribbean – with the exception of a few South American countries that made European immigration official components of nation-building efforts – whites are a minority but hold much social, political and economic capital. In addition, given the prevalence of mixed-race categories many people may look *nonwhite* but claim to be white. These claims have some purchase in their racial ontologies. Thus, in many parts of Latin America there is a dispersal of whiteness taking place rather than a truncating of whiteness. I worry about this taking place in the United States, a concern that partially motivates this essay.

16. I must underscore that my use of "post-racial" is not meant to imply that the idea of race lacks any contemporary significance. On the contrary, I hold the concept "race" to be more convoluted now than ever before, as this essay reveals.

17. George Yancy (2012) writes, "In our contemporary moment, the *lived* experience of race is anterior to the question of its empirical referential status. Black people are always already raced in relation to the history of the term as a marker of black inferiority. White people are always already raced in relation to the history of the term as a marker of white superiority. The point here is that the conceptual analysis of the scientific or empirical status of race is a second-order process that must not overlook the quotidian reality of race as experienced, as constitutive of interstitial socially lived dynamics" (p. 18).

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