Racialization involves the production and justification of hierarchies of difference through appeals to notions of superiority and inferiority. This chapter considers multiple views of racialization, ranging from accounts of racial formation, intersectionality, matrices of domination, and assemblages to analyses of colonialism, enslavement, and capitalist accumulation by dispossession. In contrast to discredited biological notions of race, it draws attention to processes of racialization that are orchestrated through state policies and practices that subordinate, marginalize, and exclude particular groups while securing the dominance of other groups. The final section of the chapter examines violent racialization in the form of abusive and lethal policing practices, which are best understood as state terror that establishes the parameters of permissible hate.

Keywords: race, racialization, hierarchies of difference, colonialism, citizenship, miscegenation, immigration, state terror, police violence

Introduction

Racialization refers to an ongoing process of marking, categorizing, and reproducing human difference through the uneven distribution of life chances within specified geographic space-time continuums. Within European societies and geographies that have withstood generations of colonial invasion, enslavement, and diverse modes of racial apartheid, the reproduction of difference is realized through the maintenance of fairly rigid social, economic, and political hierarchies based on skin color, phenotype, culture, and the invention and enforcement of legal fictions that reify human difference. Race as a putative biological category is one such fiction. As Toni Morrison (1997, xvi) noted in the preface to Paradise, race “is designed to construct artificial boundaries and maintain them against all reason and evidence to the contrary.” These fictions are deadly. They determine who is eligible for personhood and who is rendered subhuman and thereby excluded from civil and political rights and from the right to freely live and to belong within sovereign political territories. Lisa Cacho (2012, 7) explains, “Racism is a killing abstraction. It creates spaces of living death and populations “dead to others.” In the United States’ public imaginary, the living dead include prisoners, criminals, terrorists, looters, addicts, prostitutes, and other subjects who may fall into these politically construed categories of the socially abject.

Race is produced by the application of violence. And it is evidenced by state-sanctioned or extralegal production and exploitation of group-differentiated vulnerabilities to premature death, and what some scholars have theorized as “bare life”—or human flesh that can be murdered, or rendered socially dead (Agamben 1998). Consequently, the most important and influential scholarly treatments of race and contemporary and historic processes of racialization have explored the role of violence—epistemic, physical, and structural—in the un/gendering of subjects within and across diverse spatial and temporal domains—material, symbolic, embodied, legal, and psychic. These studies document how racialization contributes to the impossibility and impairment of life, to (social)
In their view, the "new racialism" produces historic rates of hyper-segregation in American communities, the racial containment of poor blacks and Latinos, and the growth of mass incarceration—all while the US "nation" indulges in death, and to the negation of freedom and humanness.

This chapter provides an overview of conceptualizations of race and racialization that have shaped feminist writings in the past thirty years. It analyzes key categories of difference, including gender, sexuality, class, ability, and nation that have clarified the project of race-making in late modernity. It examines new genealogies of race that theorize processes of heterosexualization, neoliberalization, nationalization, and the un/making of gendered bodies and subjectivities in the field of feminist studies. Drawing on works in critical race theory, postcolonial theory, feminist post-slave studies, and feminist theory that have ignited the most generative conversations about race, the chapter is an exercise in feminist, anticolonial, and anti-racist knowledge production and political struggle.

Racial Formation Theory and Intersectional Approaches

Sociologists Michael Omi and Howard Winant (1986) coined the term "racial formation" to describe the process by which social, economic, and political forces determine the context and importance of racial categories, which are reified through the attachment and proliferation of racial meanings. In this formative study, Omi and Winant argued that racial formations were produced through state and civic discourses that delineated certain groups as worthy of inclusion and the political rights of citizenship, in contrast to other groups, who were designated inferior and subject to limited inclusion or total exclusion. Racialization—the political and social practice of making race real—determines the distribution of property, the denial or enjoyment of political rights, whether or not one is one's ancestors have been subject to coercive labor, social and political containment, forced migration, or outright extermination. Racial thinking, as well as the invention and reproduction of racial categories (white, Negro, mulatto, savage) determined which social groups could have their lives and properties protected by the law and reinforced by court decisions, and demarcate others whose lives were unprotected, whose lands and properties were confiscated, and whose capacities were circumscribed by indentured servitude, enslavement, incarceration, and the ongoing misery of poverty (Omi and Winant 1986, 68).

Racial formations have varied histories, shaped by specific relations of power within a given territory. In the southern United States, for example, the emergence of race was attached to juridical-political mechanisms informed by scientific racism such as the theory of hypodescent, otherwise known as the "one drop rule." The theory of hypodescent reserved the legal standing of a human being as a citizen, with rights of legal protection, ownership, and inclusion in civil society, to whites while relegating indigenous people and people of color to the status of noncitizen, and in the case of African-descendant people in the colonies, to that of chattel. For Omi and Winant, the making of racial formations can be traced to specific juridical-political devices and mechanisms that marked and valued difference within a specific geopolitical order. Drawing attention to the role of the state, typically at the scale of the nation or "national body," Omi and Winant (2014) emphasize that dominant classes produce supposedly superior and inferior social groups. In the US context prior to the twentieth century, the "inferior" groups included "blacks," "Indians," "Mexicans," "Asians," and "women."

Omi and Winant's comprehensive theory of racial formation has been critiqued, extended, and reformulated to account for the workings of gender and class in both domestic and international contexts (Rothenberg 1992; Caldwell 2007). Writing within a critical race legal framework, Kimberlé Crenshaw developed perhaps the most profound critique of earlier articulations of racial formation, arguing that single-axis treatments of race marginalize those who are multiply burdened by sex and gender discrimination. Theorizing "intersectionality," Crenshaw emphasized how intersecting forces of racial and gender subordination work simultaneously to frame a unique set of difficulties for women of color. Thus Crenshaw challenged not only unidimensional conceptualizations of racial formation, but also the validity of hegemonic feminism whose ideological and descriptive definitions of patriarchy rendered black women's experiences invisible or unintelligible. Theorizing "matrices of domination" that included race, gender, and class oppression—later extended to include nation, ethnicity, sexuality, and age—Patricia Hill Collins (1991, 2004, 2007) also emphasized an intersectional approach. Collins argued that "controlling images" of black femininity (and, later, black masculinity) provide the ideological justification for intersecting modes of group-based subordination. Furthermore, controlling images create the paradox of new racial formation: "the new racism—the simultaneous invisibility and hyper-visibility of those racialized as black in the United States" (Collins 2004, 7). In her view, the "new racism" produces historic rates of hyper-segregation in American communities, the racial containment of poor blacks and Latinos, and the growth of mass incarceration—all while the US "nation" indulges in
myths of color blindness.

In later years, feminist theorist and literary critic Sally Kitch (2009) revised the original thesis advanced by Omi and Winant, arguing that gender works as a foundational organizing principle that fuels processes of racialization. Indeed, she suggested that gender binaries define modern ways of making sense of sexed bodies and gendered relationships under patriarchy. Kitch conceptualizes gender as a “force that reduces a spectrum of sexual identities and proclivities into dichotomies of sexuality and sexual difference.” And she conceives “race” as “the persistent tendency toward racial dichotomization reflected in the black-white racial paradigm that normalizes the concept of racial opposites” (10). Kitch describes the making of race and gender as more or less identical processes that operate in tandem over the course of Western sociopolitical history, informing social theories that legitimate and perpetuate European patriarchy. This work, while relatively influential, did not clarify how race itself is has morphed with the recent shifts in the arrangement and distribution of capital. Gender remains tethered to biology (male-female) and therefore bound to the limits of the archive. Scholarly thinking of this kind produces a distorted view of both race and gender because it treats them as relatively stable categories of identity that are temporally isolated from social factors, including urbanization, neoliberalization, and migration—factors that determine how racialized gender hierarchies are reproduced by such practices as containment, disappearing, public killing, or the wholesale extermination of gendered bodies deemed inferior, illegal, monstrous, or terrorist.

Jasbir Puar (2007, 212), inspired by Giles Deleuze and Felix Guattari (1987) and Brian Massumi (2002), issued a resounding critique of theories of intersectionality that are overly attached to stable notions of identity, arguing that “[i]ntersectionality colludes with the disciplinary apparatus of the state—census, demography, racial profiling surveillance—in that ‘difference’ is encased within a structural container that simply wishes the messiness of identity into a formulaic grid.” Dismissing intersectionality as a “hermeneutic of positionality” that accounts for locality, specificity, placement, and junction, Puar offers the concept of “assemblage” as an alternative. Following Deleuze and Guattari, she defines assemblage as a “series of dispersed but mutually implicated networks,” which are conceptually treated as collections of dynamic multiplicities based upon complex, perpetually shifting, and spatially and temporally constituted modes of power—often enunciated as race, gender, sexuality, nationality, ability, or debility. According to Puar (2007, 215), “[i]ntersectionality privileges naming, visibility, epistemology, representation and meaning, while assemblage underscores feeling, tactility, ontology, affect and information.” Moving past Puar’s critique of intersectionality, and drawing from careful reading of Hortense Spillers and Sylvia Winters, Alexander Weheliye (2014, 49) writes that racializing assemblages materialize as “sets of complex relations of geographic and discursive territorialization and deterritorializations that are structured in political, economic, social, racial and heteropatriarchal dominance.” He goes further, arguing that racializing assemblages “represent among other things, the visual modalities in which dehumanization is practiced and lived.” Within this paradigm, race itself disciplines humanity into full humans, not-quite humans, and nonhumans. Consequently, race-gender, rather than operate as a categorization or intersection of identity and difference, actually figures into how and which kinds of human experiences can be clearly articulated within the Western notions of racialized gender—revealing the very notion of binary gender to be limited to those who are already fully recognized and racialized as human.

Of course, intersectionality, as a structure of identity making and an affective and resistant mode of identification (including knowledge making), is not so neatly distinguishable from assemblage. Both are effects of and responses to complex modes of gendered racialization that make political movements and deeply situated writing and analysis of sub/alterity possible (see, e.g., Berger and Guidroz 2009; Isole 2013). While “intersectionality” is considered by many to be a “dated” concept, it is the preeminent way in which complex relationships among gender, race, class, nation, sexuality, and ability and debility are both conceived and taught to undergraduate students in both feminist studies classrooms and the social sciences. Indeed, the intersectional mode of theorizing race has gained strength in contemporary feminist studies, particularly women’s and gender studies departments that are heavily influenced by the social sciences, including sociology, feminist philosophy, political science, and feminist history proper (excluding strictly Foucauldian approaches). The “mutually constitutive” nature of race, gender, and sexuality is often theorized under the umbrella phrase “intersectionality,” especially in the social sciences.

In tandem with assemblage theories of race and racialization, affect theory has also prodded race/gender scholars beyond the boundaries of strict social constructionism. Affect theory has sought to explain how race operates viscerally—driving human bodies toward certain modes of relationship, which reproduce the everyday intimacies
that are foundational to race’s realness. Sharon Patricia Holland (2012), for example, thinks through the concept of the erotic in order to understand not only race but also the psychic life of racism. Building jointly on theories of the erotic featured in the writing of Audre Lorde and Simone de Beauvoir, Holland invokes the erotic to recall how race both structures and ruptures the possibility of connection and reciprocity between human subjects:

While race creates the possibility for blood strangers, it also employs its primary ally and enforcer, “racism,” to produce the imaginary boundary between blood (us) and strangers (them). Racism transforms an already porous periphery into an absolute, thereby making it necessary to deny all kinds of crossings. Moreover, even when those crossings appear together in a quotidian scene of racist violence, for example —racism succeeds in breaking the tacit connection between them. In other words, racism irrevocably changes gendered relationship. Racism can also be described as the emotional lifeblood of race; it is the ‘feeling’ that articulates and keeps the flawed logic of race in its place."

(Holland 2012, 6)

Affect theory has stimulated new ways of thinking with, and writing through the peculiarities of race, often requiring scholars to engage more deeply with the histories of coerced intimacies that are framed by shifting racial hierarchies within and across diverse, multiple, and convergent spatial and temporal configurations. This kind of work has required sustained practices of interdisciplinarity that privilege engagements with film, music and sound studies, literature, and the archive, as well as more conventional “scientific” sources of evidence of race, racism, and racialization.

### Entanglements of Race-Gender in Feminist Postslave Studies and Postcolonial Theory

As an alternative to the notion of the mutual constitution of race, gender, and sexuality, such scholars as literary critic Hortense Spillers (1987), feminist historian Anne Stoler (1995), and critical indigenous studies legal scholar Andrea Smith (2005, 2006) locate the making and unmaking of gender in the entanglements of enslavement and colonialism. From postcolonial and anticolonial vantage points, they have theorized how the (coerced) intimacies of rape, concubinage, and sexual violence constitute simultaneously raced and rapeable bodies, lands, and cultures. These approaches emphasize that violence, intimacy, and the policing of sex helped to organize, justify, and maintain racial boundaries throughout the New World. Their painstaking reexaminations of the past illuminate how grammars and discourses of race, gender, and desire attached themselves to certain bodies—or, in the case of enslaved Africans, made bodies into flesh—across time and continents, creating hierarchies of in/humanness that are continually reenacted today (Hartman 1997).

In 1987, Hortense Spillers wrote about the New World, “That order, with its human sequence written in blood, represents for its African and indigenous peoples a sense of actual mutilation, dismemberment and exile. Under these conditions we lose at least gender difference in the outcome, and the female body and the male body become a territory of cultural and political maneuver, not at all gender-related, gender-specific” (Spillers 1987, 67). For Spillers, the making of race occurred before the invention of juridical-political devices to justify the political exclusion of the other, and it occurred as an effect of the un/gendering process of making slaves. For enslaved Africans, the “(un)gendering” of subjects happened on the slave ships of the Middle Passage. Embedded in both the actual experiences (unsayable) and remembrances of slavery, relationships between African male and female subjects were produced in the context of captivity, displacement, and transportation. The “making of slaves” itself required the obliteration of any conceivable gendered relationships that may have existed prior to enslavement.

It was exclusively for the sake of profit that American slavers subjected males and females to nearly identical social realities—backbreaking labor, brutality, and torture as well as distinct modes of sexual objectification that transformed captive bodies into flesh. Spillers writes, “This materialized scene of unprotected female flesh—of female flesh “ungendered”—offers a praxis and a theory, a text of living and for dying, and a method for reaching both through their diverse mediations” (62). Thus Spillers notes that notions of gender difference are often superfluous in relation to racialized subjects. She identifies the past as a fertile site through which to examine how black fe/male subjectivities are misrecognized in the present (e.g., the notorious Mounihan report). And she challenges us to imagine new insurgent grounds in which we might “radically re-write notions of female empowerment.” Spillers’s notion of empowerment rests in tracing how power itself creates a structure of value that produces black women as non-human in relation to the production of the very categories of race/gender that
operate as “real” in the US political and social imaginary. Spillers argues that the “empowered” liberal female subject (read white woman) comes into being only in comparison the enslaved women’s non-being in relation to the category of the so-called raced and gendered human. This rewriting would come through locating the “interstices” of discourse and myth which have placed and continue to place black women within the realm of the “monstrous.”

From a political vantage point, this perspective urges scholars to trace the multiple discourses of the “human” from which blackened subjects have been categorically excluded by virtue of their physical, material, and psychic subjugations and erasures. Blackness here is not about skin color but about social, political, and economic processes that construe certain human bodies as inherently violable. As Katherine McKittrick (2014) poetically reflects, “[B]lack is naturally malignant and therefore worthy of violation; where black is violated because black is inherently violent; where black is naturally unbelievable and is therefore naturally empty and violated; where black is naturally less-than-human and starving to death and violated; where black is naturally dysselected, unsurviving, swallowed up; where black is same and always dead and dying; where black is complex and difficult to bear and violated (17).” Within this paradigm, is not enough to simply name and describe the political violence that manufactures racial subjugation or blackness per se; rather, scholars should begin to identify simultaneous philosophical and geographic processes that scaffold racial hierarchies of humanness. The most obvious historical examples of this are captivity, enslavement, lynching, rape, and forced breeding; more contemporary examples might include national and foreign policies that foster permissible genocide, mass incarceration, biometric surveillance at the border, geographic containment, state-endorsed extrajudicial killings, and even slow death or debility (through impoverishment; poor health; malnourishment; cross-generational debt; lack of economic opportunity; or physical, mental, or emotional disablement; McKittrick 2013; Spade 2011; Puur 2011).

Ann Stoler (1995) links the making of race—specifically whiteness—with efforts to construct a respectable bourgeois European self that could be easily distinguished from colonial subjects and legitimized as fit to rule the empire. According to Stoler, “What sustained racial membership was a middle-class morality, national sentiments, bourgeois sensibilities, normalized sexuality, and carefully circumscribed ‘milieu’ in school and home” (105). “Europeanness,” later coded “whiteness,” functioned as a discourse mobilized by colonizers (in both the metropole and the colony) to distinguish themselves from the rapidly increasing population of ethnically ambiguous and “racially” hybrid subjects in the colonized territories. “Whiteness” itself was deeply contingent upon social disposition, class background, and close adherence to codes of sexual morality, accomplished through the micromanagement of European women’s domestic lives. By tethering white women’s supposed chastity to their class status and social standing, colonizers were able to control who was white and whose children could become citizens by virtue of their “Europeaness,” distinguishing them from the Natives who would become subjects. Stoler (1995, 115) emphasized that “Europeanness was not just class specific but gender encoded. A European man could live with or marry an Asian woman without necessarily losing rank, but this was never true for a European woman who might make a similar choice to live [with] or marry a European.” Stoler locates racialization not only in the subjugation, regulation, and management of the colonized, but also in the compulsion for European women to fashion a bourgeois, middle-class self. Through “good” parenting, convincing performances of bourgeois respectability, and the fulfillment of their sexual and conjugal contracts with European men, white women both secured and reproduced the colonial nation and its racial underpinnings.

Andrea Smith identifies sexual violence as a tool of both colonialism and racism. For Smith, the exercise of power and domination through racial/colonial ideologies is consolidated through the European construction of Native bodies as inherently violable through the practices of genocide and rape. Smith juxtaposes sexual violence against Native women with practices of land theft, attempts to eradicate indigenous cultures through the forced removal of Indian children from their homelands to boarding schools, and efforts to erode Native sovereignty through broken treaties. In so doing, she challenges nationalist discourses that deploy rape as a metaphor for colonial violence against indigenous peoples, arguing instead that sexual violence against Native women must be examined in its full brutality. It provides a unique demonstration of state-sanctioned violence, while also illuminating structural connections among environmental racism, population control, and the widespread appropriation of Native cultural practices by whites and other nonnatives.

Cedric Robinson and other scholars have argued that in addition to demonstrating the intricate ties between racialization and colonization, the dissemination of racial ideology—a system of meaning that is consolidated through the institutions of science, politics, and religion—coincided with the ascendancy of global capitalism. The
genocide of indigenous people and the enslavement of Africans enabled the development of capitalism through accumulation by dispossession. The first slaves of the New World were the Native peoples of the Americas and the Caribbean. The decimation of the Native population through disease and overwork, however, created a sharp demand for enslaved Africans to work the land and build colonial infrastructures that would secure and maintain whiteness.

**Racialization versus Biological Notions of Race**

Scholars of racialization emphasize that state policies and practices subordinate, marginalize, and exclude particular groups while affirming, privileging, and securing the dominance of other groups. In marked contrast to notions of “biological” race—the discredited belief that there are naturally occurring hierarchies of humans determined by brain size, genes, morphology, phenotype, or pigmentation—racialization traces how states produce particular raced-gendered-sexualized national identities through processes that simultaneously create the dominant and the subordinate. Far from being given in nature, races are produced through political mechanisms that create forms of inequality written on the body. Manifold social, economic, and political forces contribute to the hierarchical organization of social groups with profound implications for self-understandings, interpersonal relations, possibilities of belonging, and life prospects. But contrary to liberal notions about negative liberty (a sphere free from state intervention) and legal neutrality (the idea that the law applies equally to all), racialization calls attention to the role of the state in creating dominant and subordinate groups by means of laws, policies, norms, and practices that categorize, classify, separate, and segregate in ways that create and sustain a social order and seep into individual consciousness.

Although certain processes define racialization (the production of hierarchies of difference and their justification through appeals to notions of superiority and inferiority), racial categories themselves are not static but vary in accordance with the cultural and political imperatives of specific locales. Thus, systems of racial classification in the United States differ substantially from those in Brazil, the United Kingdom, the Middle East, South Asia, or East Asia. Racial classifications also shift over time in conjunction with processes of migration, state management of difference, litigation, and popular tolerance for “assimilation.” Where some groups are allowed to “become white” (e.g., Irish, Italians, and Jews in the US context), others are rendered “unassimilable” (e.g., blacks, Asians, and Native Americans; Haney-Lopez 1996; Jacobson 1998; Ngai 2004).

State practices of racialization produce observable and widespread inequities in wealth, income, political representation in government, life expectancy, and other markers of human well-being. Yet these palpable differences are naturalized through racist ideologies that attribute unequal outcomes to physical attributes or individual effort. Racist discourses transform stratified distributions of goods, resources, honors, respect, opportunities, liberties, and life prospects into mystified notions of “just desserts.” Precisely because racism naturalizes racial hierarchy, it is useful to specify state practices that create and maintain racial difference.

In *White by Law*, Ian Haney Lopez (1996, 19) points out that through the direct control of human behavior and by shaping public understanding, “law translates ideas about race [gender and sexuality] into material and societal conditions that entrench those ideas.” Laws pertaining to citizenship are one of the most fundamental ways that race and gender structure national belonging. Laws define the minimal conditions that must be met to be eligible for citizenship—conditions that often turn on race, class, and gender. And changes in law over time provide clear indications of shifting processes of racialization that undergird citizenship in particular countries.

In the United States, for example, state and federal governments, from colonial times to the present, have crafted citizenship laws that envision a white “race-nation” of European ancestry and have used the law to produce a population that conforms to that vision, simultaneously creating hierarchies of citizens based on race, gender, ethnicity, and sexuality (Stevens 1999). From the earliest days of settlement in North America, British colonists used the law to draw lines of inclusion and exclusion based on a racial conception of membership. In 1662, ten years before the British government awarded the Royal Africa Company the sole privilege of supplying African labor to the colonies, Virginia passed legislation to alter the common-law practice of patrilineal descent through which citizenship was passed down as a birthright from fathers to children. Instead, the Virginia House of Burgesses (or freemen of the borough) decreed that enslaved women passed their lifetime bondage to their offspring (Mills and Pateman 2007). This early experiment in “democratic governance” stripped citizenship from the
progeny of free white men who procreated with enslaved women. In so doing, it established a racial regime that defined slaves—including the sons and daughters of free white men—as “chattel” or personal property of their masters. It suspended the principle of *ius soli*, which established citizenship by birth within a geographical territory.

As a form of property, slaves were excluded from civil law altogether: they could not marry, own property, or testify in court. Categorized as property by law, they were excluded from citizenship. Thus, even though second and subsequent generations of slaves were born on American soil, thereby fulfilling the primary criterion for citizenship, they were denied the status of citizen by law. That the denial of citizenship had more to do with the fact of their blackness than with the condition of enslavement was made clear by laws that also denied citizenship to free blacks born on American soil, laws that were overturned only in 1868 with the passage of the Fourteenth Amendment to the US Constitution.

African Americans were not the only people of color born on “American soil” to be excluded from membership in the race-nation. Native Americans, the original inhabitants of the land, were also denied citizenship in the new republic on the grounds that they were “sovereign” peoples or independent nations, possessing the right to self-governance, including the right to enter into binding treaties with the government of the United States—treaties that were savagely violated during the continental expansion of the white race-nation.

As the United States pursued its policy of Manifest Destiny, expanding its territorial boundaries from the Atlantic to Pacific Oceans, it resorted to warfare not only to displace Native Americans, but also to acquire the northern half of Mexico. The 1848 Treaty of Guadalupe Hidalgo, which ended the Mexican-American War, gave residents of the conquered territory the option of leaving their land or becoming US citizens. More than 70,000 Mexican nationals were coerced into citizenship (McWilliams 1968, 51–52), but the terms of their citizenship were far from equal. Although the treaty promised to respect the property, language, and religion of the new citizens, none of these promises was kept as white settlements expanded across these territories. In 1930, the census enumerated Mexican Americans as a separate “race.” During the Depression in the 1930s, 240,000 Mexican American citizens by native birth, along with 160,000 Mexican nationals, were deported, nearly 20 percent of the Mexican population of the United States at that time. As Mae Ngai (2004, 75) has noted, “The repatriation of Mexicans was a racial expulsion program exceeded in scale only by the Native American removals of the nineteenth century.”

In her systematic examination of marriage practices in the new world, *Public Vows: A History of Marriage and the Nation*, Nancy Cott notes that the British colonies in North America were the first secular authorities to criminalize and nullify intermarriage among people of different races or colors. In 1664, Maryland enacted the first criminal law against “freeborn English women who “made shameful Matches” with African slaves (Cott 2000, 44). Six of the original colonies prohibited marriage between whites and blacks and between whites and mulattoes; three banned interracial sex outside marriage. Despite the colonists’ status as a small minority in a land populated by people of color—Native Americans and enslaved and free Africans—the miscegenation laws were intended to create a white nation. Antimiscegenation laws prohibited marriage not only between people of different legal statuses, freeborn and enslaved, but also across color lines, prohibiting unions between free blacks and free whites. The number of states prohibiting interracial marriage grew throughout the nineteenth century. In the early twentieth century, thirty of the then forty-eight states enforced antimiscegenation laws prohibiting marriage not only between whites and blacks, but in many instances between whites and Asian Americans, and between whites and Mexican Americans. California, for example, passed its antimiscegenation law in 1850, prohibiting marriage between a white person and a Negro, mulatto, or Mongolian. The California legislature amended the law in 1933 to extend the prohibition to members of the Malay race (Filipinos), retroactively voiding and making illegal all previous Filipino-white marriages (Ngai 2004, 115). The California Supreme Court was the first to strike down antimiscegenation laws in 1948. The United States Supreme Court declared antimiscegenation laws unconstitutional in *Loving v. Virginia* in 1967. But the consequences of centuries of miscegenation prohibitions are systemic. As Ian Haney Lopez has noted, by constraining reproductive choices, miscegenation laws produce the physical appearance of the nation’s population.

Through racialization, the United States actively created itself as a white race-nation in part by controlling marriage and mating practices, in part by suspending birthright citizenship for people of color, and in part by controlling immigration. As a settler society in the new world, the United States proclaimed itself a nation of immigrants, but only some immigrants were deemed eligible for citizenship. Through laws governing “naturalization,” the US Congress determined which immigrants could become citizens. The Nationality Act of 1790 unequivocally...
articulated the founding vision of a white race-nation, restricting the right of naturalized citizenship to “free white persons” of good moral character—evidenced by having lived in the country for five years without incurring any criminal record. The initial naturalization act consolidated the hierarchy of “Anglo-Saxon” over African American and Native American already embedded in the suspension of birthright and miscegenation laws and laid the foundation for intensive contestation over the legal meaning of “white person.” For more than a century, changing immigration laws, court decisions, and census categories contributed to shifting definitions of who was “white” and who was “non-white,” ascribing racialized meanings to physical features and ancestry in the process (Haney Lopez 1996).

The Nationality Act also introduced legal status distinctions between citizens and aliens, clearing new ground for the construction of racial hierarchies. Over the course of the nineteenth and twentieth centuries, increasingly restrictive immigration laws and naturalization policies produced new categories of racial difference by distinguishing between “assimilable” (European) aliens, deemed eligible for citizenship after fulfilling the residency requirement, and “unassimilable” aliens, deemed permanently ineligible for citizenship. As Mae Ngai (2004) has carefully documented, the legal designation “alien ineligible for citizenship” created a new subject population, resident within the borders of the nation but barred forever from the possibility of citizenship. Without rights, aliens deemed ineligible for citizenship were condemned to a “condition of racial otherness, a badge of foreignness that cannot be shed,” an encompassing stigma that dramatically affected their children, born on US soil and, as such, citizens by birth (Ngai, 2004, 8).

The Chinese Exclusion Act of 1882 barred all Chinese contract laborers from entry into the United States and prohibited Chinese nationals already resident in the country from acquiring naturalized citizenship. Although the title of the 1882 legislation named only the Chinese for purposes of exclusion and ineligibility for citizenship, a series of court cases and subsequent immigration acts expanded the category of aliens ineligible for citizenship to include all “Asians.” Constructing “Asian” as “a peculiarly American racial category,” US immigration law homogenized all the peoples of East Asia and South Asia, creating a fictive sameness among all nations “from Afghanistan to the Pacific, except the Philippines which was an American territory” (Ngai 2004, 37). Barring half the world’s population from entering the United States, this provision also codified the principle of racial exclusion into the main body of American immigration and naturalization law.

Mae Ngai (2004, 202) points out that immigration laws that altered the status of Asian nationals already living and working in the United States created the “first illegal aliens as well as the first alien citizens. Although the Supreme Court ruled in 1898 that Chinese born in the US were citizens, the premises of exclusion—the alleged racial unassimilability of Chinese—powerfully influenced Americans’ perceptions of Chinese Americans as permanent foreigners. Excluded from the polity and for the most part confined to Chinatown ghettos and an ethnic economy, Chinese Americans remained marginalized from the mainstream of society well into the twentieth century.”

To be without rights as an alien ineligible for citizenship was to be at great remove from any notion of negative liberty. In the early decades of the twentieth century, immigrant farmers from Japan bought and worked farm land in California and Washington. In 1913, the California legislature passed a law banning aliens deemed ineligible for citizenship from land ownership. The State of Washington passed similar legislation in 1921. The United States Supreme Court upheld the California and Washington laws proscribing land ownership by aliens ineligible to citizenship in 1921. The Court ruled that “alien land laws did not discriminate against the Japanese because the laws applied to all aliens ineligible to citizenship, masking the racial foundation of the concept” (Ngai 2004, 46–47). Laws in many western states barred aliens deemed ineligible for citizenship from professional occupations, including in law, medicine, teaching, and real estate. The racialization of Asians as too foreign to become American pervaded the treatment of Asian American citizens born on US soil, underwriting “formal and informal structures of racial discrimination” culminating in “major official race policies, notably the internment of 120,000 persons of Japanese ancestry during WWII (two-thirds of them citizens)” (Ngai 2004, 8).

In addition to condoning the denigration, exclusion, and total deprivation of the rights of those deemed permanently foreign and unassimilable into the American race-nation, US immigration law contributed to the “invention and codification of new racial categories ... that put Europeans and non-Europeans on different trajectories of racial formation” (Ngai, 2004, 13). In Impossible Subjects: Illegal Aliens and the Making of Modern America, Mae Ngai illuminates the complex racialization involved in the concept of “national origin” deployed by the 1924 Johnson-Reed Immigration Act, legislation that was explicitly aimed at engineering the racial composition of the population.
Racialization and State Terror

Although racialization can operate through subtle techniques of power, it is often a far more bloody affair. As both a creation and an effect of discourse, race does not preexist the social order. As the discussion of colonization here demonstrates, the consequences of race-making can be deadly. The widespread loss of life and shortened longevity of socially despised people, whether black, brown, red, yellow, or other, are testaments to the deadly power of racialization. Loss of life can take the form of high rates of infant mortality; shooting deaths as a result of state or nonstate violence; poor health outcomes as a result of lack of access to healthcare; premature deaths from cancer, heart disease, or diabetes; or social deaths in the form of incarceration, underemployment, or debilitating mental health crises that disproportionately impact certain communities. For this reason, Ruth Wilson Gilmore (2002, 16) defines racism as the “death-dealing displacement of difference into hierarchies that organize relations within and between the planet’s sovereign political territories.” In the Americas, nation building has been centrally implicated in racial definitions and their management. The state itself—its consolidation, reproduction, and expression—rests upon the imposition of otherness on certain subjects as well ongoing attempts to account for, know, and control difference. In the words of David Theo Goldberg (2002), “[R]ace marks and orders the modern racial state. It fashions, modifies, and reifies the terms of racial expression as well racist exclusion and subjugation” (112). In other words, the racial state is also the “racial” state—a state that arranges and coordinates racial hierarchy in economic, political, social, and cultural domains.

Legal scholar Michelle Alexander describes contemporary modes of racial formation as the “New Jim Crow.” Characterizing the massive social and political disenfranchisement of black males as a function of US prison expansion, Alexander (2010, 2) suggests that

“[r]ather than rely on race, we use our criminal justice system to label people of color ‘criminals’ and then engage in all the practices we supposedly left behind. Today it is perfectly legal to discriminate against criminals in nearly all the ways that it was once legal to discriminate against African Americans. Once you’re labeled a felon, the old forms of discrimination—employment discrimination, housing discrimination, denial of the right to vote, denial of public education opportunity, denial of food stamps and other public benefits, and exclusion for jury service—are suddenly legal.

Within the New Jim Crow, gender as an analytical framework retreats into the background, as the carceral state emerges as a premier site of domination and resistance for racialized subjects.
In contrast to notions of equal opportunity and equal rights, state practices of racialization deploy violence—structural violence, physical violence, and epistemic violence. Consider, for example, gratuitous violence directed against black American bodies in recent years by police officers. Although the shooting death of Michael Brown in Ferguson, Missouri, and the asphyxiation of Eric Garner in Staten Island, New York, at the hands of police caused a public outcry in 2014, widely accepted practices that target poor black people who live on the margins of US society for physical assault and premature death seldom make the news. Little notice was taken when Levar Edward Jones, a thirty-five-year-old African American who had been pulled over for an unspecified traffic violation, was shot four times by a South Carolina state trooper in September 2014 while trying to retrieve his driver’s license from his car. The brutal beating of an African American grandmother in Los Angeles by a California Highway Patrol trooper in July 2014 also received scant attention. Her crime appears to have been walking barefoot on Interstate-10. Although captured on film by onlookers, an air of impunity surrounds police violence; prosecutors cite the dangers of the job as justification for these actions, and juries either fail to indict or acquit police officers who perpetrate racial violence in their everyday dealings with red, black, and brown people; the poor; the homeless; and the mentally ill.

Impunity is closely linked to the criminalization of the poor as urban black and Latino youth are constructed as threats, subjected to hypersurveillance, and disproportionately arrested and incarcerated in a new regime of racial control (Cacho 2012; Alexander 2010). Criminalization justifies preemptive and abusive law-enforcement practices and court procedures, which are often celebrated in the media and public discourses as essential to law and order. In fact, racialized criminalization make it impossible for certain bodies—usually black, brown, and/or male presenting—to be recognized as anything other than as a criminal. As always already criminals, poor people of color in the United States and the global South and undocumented immigrants—particularly males—are ineligible for personhood. “Ineligibility to personhood,” Lisa Cacho (2012, 98) explains, “refers to the state of being legally recognized as rightless and disentitled to life.”

The blackening of African American subjects like Levar Jones and the unnamed grandmother mentioned earlier is achieved through state-endorse violence—which is fundamental rather than anterior to racialization. Alexander Weheliye (2008) explains, “The creation of the tortured as inhuman might also be described as the production of both flesh (Spillers) and bare life (Agamben), since the physicality of torture and other manifestations of politicized brutality depends on the conscription of the victim as both lacking in body and full human existence.” Within this framework, the process of racializing (as a verb) relies upon an active consensus by the larger political community that specifies certain lives as fundamentally less worthy of personhood and thus susceptible to political violence and terror at the hands of civil society and the state. Weheliye goes further to suggest that there are some rather obvious continuities between chattel slavery and modern biopolitical formations of postslavery: racialized subjects are subjected to “bare life.”  In an obvious sense, bare life could refer to living, breathing, human flesh that possesses no rights and is seen as socially and politically dead in the eyes of the state; but within today’s racial landscape the polemic of “bare life” serves to direct scholarly analyses toward state-endorsed practices of racialization that effectively deprive citizens and noncitizens alike of the basic human rights they are formally guaranteed by national constitutions and international treaties.

Although crime rates in US cities have been falling steadily over the past twenty years, police have developed standard operating procedures, such as racial profiling, that result in mass incarceration. As Loïc Wacquant (2008) has documented, the US population behind bars increased fivefold between 1975 and 2000, to over two million inmates, making the United States the world leader in incarceration. Although the incidence of crime remained constant from 1973 to 1993, it fell sharply during the last decade of the twentieth century—just as imprisonment was skyrocketing. Racialization structured criminalization. As Wacquant notes, “The proportion of African Americans in each ‘cohort’ of criminals decreased steadily over those two decades, as their share of the carceral population increased rapidly and continually. To explain these ‘mysteries,’ we must move beyond the crime and punishment schema and rethink the prison as a political institution, a central component of the state” (111). As economic insecurity grows with deindustrialization and increasing urban unemployment, young men of color are warehoused in prisons as women of color are subjected to punitive “workfare” (the requirement to perform unwaged labor in order to receive minimal temporary assistance for needy families). In Wacquant’s words, “Neoliberalism ushers in an era of punitive containment of the precarious sectors of the new urban proletariat by diffusing ‘zero tolerance’ policy” (111).

As criminalization legitimates a fear of people of color, state violence is augmented by extrajudicial violence. When
Renisha McBride, a nineteen-year-old African American, knocked on the door of a white homeowner in Detroit after her car had broken down, in November 2013, he shot and killed her under the pretense that he feared she intended to harm him. When neighborhood watch volunteer George Zimmerman observed Trayvon Martin walking on the streets of Sanford, Florida, in February 2012, he targeted the black teen as a potential threat, followed him, accosted him, and shot him to death. The idea that police can commit violence against young black men with impunity was conveyed to Zimmerman when the Florida jury acquitted him of murder, shoring up the criminalization of “walking while black.”

The irrational fear of black and Latino youth expressed by police officials and by private citizens is a product of the epistemic violence perpetrated through criminalization. Unwarranted fear structures the standard operating procedures for policing in the United States. It justifies perceptions of unidentified African American men as criminal suspects and, in turn, gives rise to various forms of police violence through interrogations, shakedowns, illegal search and seizures, handcuffings, and arrests—often accompanied by beatings or shootings to subdue unruly suspects. That “unruliness” might be associated with innocence is incompatible with the fundamental precepts of criminalization. So, too, is attentive listening to the reports and testimony of black witnesses and victims of violence in relatively poor Native American, African American, Asian American, and Latino communities. Fearing persons of color and being insulated against evidence of innocence, the police devise the abusive and too frequently fatal modus operandi manifested in the shooting deaths of Fong Lee, Allen Lock, Benjamin Whiteshield, Antonio Zambrano-Montes, Jason Harrison, and untold others.

The racist violence embedded in police standard operating procedures is sometimes supplemented with extralegal violence, as in the case of Duanna Johnson, a six foot, five inch, male-to-female transgender black woman, who was shot in the head execution style on the streets of Memphis, Tennessee, on November 9, 2008. Johnson was killed within two days of testifying in a lawsuit that she had brought against the Memphis police department for a brutal beating she survived while in police custody (which was captured on tape). Johnson was assaulted after having been subjected to police officers’ pointedly transphobic taunts and insults. She was called a “faggot” and a “he/she” by two white officers, who arrested her for alleged sexual solicitation. Although the two officers were convicted of the charges documented on tape and lost their jobs, as of 2015, no charges have been filed for her murder. Memphis police officials said they had no suspects, had made no arrests, and did not have a motive for the killing. Johnson is just one of five African American transwomen murdered in Memphis in the first decades of the twenty-first century. An air of impunity surrounds these murders, too, as few produce arrests, much less convictions.

When race-gendering is accomplished through the explicit deployment of violence by police or by nonstate actors abetted by hostile or indifferent law-enforcement agencies that fail to investigate black homicides, the state establishes boundaries of permissible hate. Precisely because violent racialization has systemic effects, it is better understood under the rubric of hate crime or state terror than as aberrant practice. Noam Chomsky (2003, 188) defines terrorism as the “calculated use of violence or the threat of violence to attain goals that are political, religious and ideological in nature, through intimidation, coercion, or instilling fear.” By legitimizing unwarranted fear of people of color, criminalizing young black men, brutally enforcing white privilege and traditional gender norms, neglecting murders in minority populations, and engaging in lethal violence against persons “suspected” of criminal conduct, the state positions certain communities of color outside the protection of the law, structures and normalizes relations of superiority and inferiority, and produces a form of demoralization and powerlessness that perpetuates racial domination. Violent racialization can induce a state of terror in communities of color, precisely because police impunity demonstrates that resistance can be lethal.

To invoke the language of state terrorism is to conceive violent racialization as a form of asymmetrical conflict masked by formal guarantees of equal protection of the law; to make visible structures of power that allow and condone the use of violence and intimidation against individuals who have committed no crime; and to situate these acts of violence in a political framework in which the perpetrators of violence quite literally have control of the state, using its lawmaking powers to produce laws reflecting their own interests, and using formal police powers to ensure that they could engage in violence with impunity. David Rapoport (2004, 1049) has noted that “[t]he concept of terrorism, as opposed to the activity, originated with birth of modern democracy. The French Revolution provided the vocabulary for terror. In 1795 terrorism meant ‘government by intimidation’ (Oxford English Dictionary) and ‘terrorists’ were the creators and implementers of that policy.” Derived from the Latin terrere, “to frighten or deter” (Donohue 2005, 16), terrorism originally referred to a state’s violence against its own citizens for
purposes of social control, to produce a particular kind of subject. In organizing the “reign of terror,” the Jacobins believed they had a new purpose and method, and when Robespierre proclaimed ‘either virtue or the terror’, he meant that only terror could produce true democratic dispositions—a special task of the “Revolutionary Tribunals.” Ordinary courts assessed whether defendants violated the law; but the Tribunals treated “enemies,” those who would break the law if they could. Ordinary rules of evidence developed to assess behavior were scrapped as impediments because guilt or innocence in the conventional or legal sense was irrelevant. The issue was not justice, but how to treat a prisoner so that his fate would be a didactic lesson for the public by identifying appropriate and inappropriate democratic dispositions.

(Rapoport 2004, 1049)

 Construing violent racialization as state terrorism underscores the strategic uses and political effects of the concept of race. Deployed by official representatives of the state, violent racialization is not an arbitrary act of violence done by one individual on another, it is a political act of oppression. As the Jacobins acknowledged, the use of state terror produces particular dispositions on the part of the dominant class and quite different dispositions on the part of those who have been terrorized. Violence and its corollary fear establish the modern equivalent of a caste system (Alexander 2010), consolidating a racial order despite formal equality. Violent racialization seeks to produce bodies of color that know their place, accept an inferior status and abandon the full possibilities of freedom.

The formal contemporary study of race and racialization has required careful thinking about and responding to these basic questions: (1) Who gets to live, and who gets to die? (2) Who gets to live well, and who gets to suffer? (3) Who has the right to hate, and thereby the right to kill? (4) Which bodies are counted as persons, and which are counted among the (living) dead? (5) How do states, governments, civil society, media, popular culture, the technologies of everyday life, and theories of political and social life either contribute to or disrupt the practices of violence that continue to make race real? These questions, while daunting, also force new generations of scholars to think carefully about the significance of small-scale movements, including common and reoccurring interpersonal and collective modes of relation that allow innovative forms of resistance and practices of freedom to flourish.

References


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Notes:

(1) This truncated definition of racialization is a culmination of several meditations on racialization including but not limited to the ideas of Omi and Winant (1986); Homi Bhabha (2000); Achille Mbembe (2003); and Dean Spade (2011).

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