BIRTHRIGHT CITIZENSHIP AND THE RACIAL CONTRACT

The United States' Jus Soli *Rule against the Global Regime of Citizenship*[1]

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Abstract

Since 1981, there has been a sea change in longstanding policies of *jus soli*, or birthright citizenship, reinforcing the global divide between affluent spaces of whiteness and impoverished spaces of nonwhiteness. I argue that these moves highlight the global system of citizenship as an increasingly consequential aspect of what Charles Mills terms the Racial Contract: the set of agreements, historically explicit and currently tacit, that divides the earth's peoples into full persons—Whites—and subpersons—nonwhites—such that the latter are constitutive outsiders to the political, moral, and epistemological norms that structure the White social world. Mills posits that the present phase of the Racial Contract disconnects present geographies of inequality from the violent history of the earlier phase that brought them into being, thereby moving them outside the realm of redress. I focus on formal citizenship as a central locus of such erasure, using the figuration of the undocumented mother in the controversy over U.S. birthright citizenship as a case study. I argue that the global regime of citizenship perpetuates White supremacy in two ways: first, through a Westphalian map of citizenship, and second, through gendered and raced neoliberal norms of citizenship. The alchemy between these two rationalities both entrenches and hides the violence of the Racial Contract. Building upon Mills' standpoint epistemology, I analyze arguments from both sides of a 1995 congressional hearing on birthright citizenship. I argue that the arguments opposing birthright citizenship exhibit what can be thought of as a *White epistemology of citizenship*, which relies upon a profound amnesia about the exclusionary and violent history of the global regime of citizenship.

Keywords: Birthright Citizenship, Fourteenth Amendment, Racial Contract, Neoliberalism, Borders, Westphalian Map, Undocumented Immigrants, White Epistemology, Immigrant Mothers

INTRODUCTION

Birthright citizenship, or *jus soli*, is the Fourteenth Amendment grant of citizenship to all persons born within the United States territorial borders. Since the mid-1980s, it

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has been under sustained attack, with at least one proposal to end birthright citizenship in one or both houses of Congress each session since 1987 (Lee 2005; U.S. House 2007a, b; U.S. Senate 2008) and numerous proposed state initiatives (Ho 2008). Opponents of birthright citizenship make dramatic claims, alleging that undocumented (Mexican) immigrant women instrumentalize their supposedly exaggerated fecundity for welfare dollars and legal residency for themselves (Brimelow 1995; Jacobson 2008; Roberts 1997b)—a fantasy that has led to the labeling of the children of non-citizen mothers as "anchor babies" (FAIR; Dobbs 2005). Despite a lack of supporting evidence (Grossman 2004), these claims draw sharp moral and ontological distinctions between undocumented immigrant motherhood and the utterly non-instrumental ideal of White bourgeois motherhood (Collins 1999; Fraser and Gordon, 1994).

The controversy over birthright citizenship in the United States is in fact part of a global trend targeting the reproductive bodies of nonwhite immigrant women in immigrant-receiving countries. Since 1981, there has been a sea change in birthright citizenship law across nation-states where *jus soli* had long been the rule. In that year, Great Britain restricted birthright citizenship to the babies born to a legal resident or citizen parent. Australia followed suit in 1986, Ireland in 2004, and, most recently, New Zealand in 2006. Mae Ngai (2007) writes of these new restrictions that "in each case, the changes were made at least partly, if not primarily, in response to popular nativist sentiment against nonwhite immigrants" (p. 2530): Caribbean and Asian immigrants in the case of the UK, East and Southeast Asian immigrants in Australia and New Zealand, and African immigrants in Ireland. In Ireland, during the anti-birthright citizenship campaign leading up to the 2004 referendum (passed by 70% of the population), newspaper articles and ads featured pregnant Nigerian women entering the country just in time to give birth—a figure strikingly similar to that of the undocumented mother in anti-birthright citizenship discourse in the United States (Lentin 2007).[2]

In the United States, nativist opposition to birthright citizenship in the United States has thus far failed to change the law. Legal scholars and policymakers generally agree that *jus soli's* enshrinement in the Fourteenth Amendment makes it very difficult to touch (Ho 2008).[3] Yet U.S. birthright restrictionists' claims have enjoyed significant rhetorical success. As a policy proposal, birthright restriction has substantial popular support (Jacobson 2008; Taxin 2007).[4] Further, the figuration of immigrant mothers as unfit for inclusion in the American polity, and their children's citizenship as illegitimate, has arguably contributed to the normalization of a draconian deportation regime that deprives citizen children of their parents (Rabin 2011).

The United States' formal exception, then, could be said to prove the rule: this recent transnational move toward *jus soli* restriction highlights the role of citizenship laws in reinforcing the historically constituted global divide between affluent spaces of whiteness and impoverished spaces of nonwhiteness, and in perpetuating the deprivation of people of color in new ways. I argue in this paper that Charles Mills' concept of the "Racial Contract" is a helpful schematic for understanding the exclusionary logics of what I will call the *global regime of citizenship*.[5] The Racial Contract can be summarized as the set of agreements, historically explicit and currently tacit, that divides the earth's peoples into full persons—Whites—and subpersons—nonwhites[6]—such that the latter are constitutive outsiders to the political, moral, and epistemological norms that structure the White social world, benefiting and protecting Whites while removing opportunities and creating insecurity for peoples of color (Mills 1997). The key analytical—as well as the titular—term of Mills' 1997 book, the "Racial Contract" as a critical theory[7] exposes the "dark matter" (p. 111) of purportedly raceless White moral and political thought, and social contract theory in

particular. The development of the latter, Mills argues, was tied to the simultaneous rise of European colonialism. The nature, rights, and individuality of the (White male) human of the social contract were constituted in opposition to the supposed subhumanity of the peoples of Africa, Asia, and the Americas, morally, politically, and aesthetically. The Racial Contract thus explains the inconsistency between European moderns' brutalities of conquest, on the one hand, and their passionate defense of the rights and liberties of Man, on the other. It also, I contend, in its subtler contemporary form, helps to explain the political furor around birthright citizenship.

One of the major insights of Mills' book is that the officially raceless contemporary discourses of justice and morality erase the past violence of explicit White privilege. This serves to disconnect present geographies of inequality from the histories that brought them into being, thereby moving them outside the realm of redress. This paper focuses on citizenship as a locus of such erasure, using the controversy over U.S. birthright citizenship as a case study. The first section, taking inspiration from Mills' boldly schematic account, sketches in broad strokes the mechanics of the global regime of citizenship. It aims to demonstrate that this regime perpetuates White supremacy in two ways: first, according to a global Westphalian map of citizenship; and second, via gendered and raced neoliberal norms of citizenship. The alchemy between these two rationalities of citizenship, without recourse to the explicit language of race, both entrenches and hides the violence of the Racial Contract. This section further follows Mills in arguing that the global regime of citizenship carries epistemological as well as political and moral implications. Its beneficiaries, in general, will suffer from an "epistemology of ignorance" (Mills 1997, p. 18) that prevents the recognition of both their own privilege and the disadvantage of others that enables it. Conversely, those who collectively resist these rationalities of citizenship—more likely, though not necessarily, people of color—will potentially be privy to a better picture of their real mechanics.

In the second part of the paper, I adduce evidence for this position by homing in on the birthright citizenship controversy in the United States. Building upon the standpoint epistemology inherent in Mills' theorization of the racial contract, I analyze the arguments from both sides of a 1995 congressional hearing on birthright citizenship. I argue that the arguments opposing birthright citizenship exhibit a *White epistemology of citizenship*, which relies upon a profound amnesia about the exclusionary and violent history of U.S. citizenship. I then examine the ways that the defenders of birthright citizenship challenge that amnesia by revealing the limits of Westphalian and neoliberal rationalities.

Two caveats before proceeding. First, this article aims to contribute to the conceptualization of "big picture" racial dynamics of contemporary citizenship. Recent scholarship demonstrates the exclusion of nonwhite immigrants from citizenship rights in particular nation-states.[8] This paper does not purport to improve upon the detail or depth of these accounts. Like the "Racial Contract" itself, this is a standpoint argument: a theoretical device for illuminating particular structures of oppression, and their cognitive corollaries. There is no doubt that such a formulation fails, on its own, to account for significant variations across space. If it is to become a useful frame of analysis for a progressive global politics of citizenship, it requires empirical substantiation; the second section of this paper is a small move toward that end.

The second caveat pertains to the application of standpoint epistemology to this empirical component. In formulating an account of an amnesiac White epistemology of citizenship, and opposition grounded, to some extent, in experiences of racial othering, the danger of demographic determinism raises its ugly head. The analysis thus takes care not to ascribe a priori any point of view according to subjects' somatic

charateristics. Rather, the analysis focuses on the narrative evidence of both White and counterhegemonic epistemologies of citizenship—on how ways of seeing and saying, rather than categories of being, fortify or undermine the exclusions of the global regime of citizenship. It is to these exclusions that we now turn.

THE GLOBAL REGIME OF CITIZENSHIP

In this section, I establish what I mean by the "global regime of citizenship," and how Mills' theory of the Racial Contract illuminates its mechanisms. I first briefly review Mills' account before sketching the regime itself. I then describe how two dominant rationalities of citizenship, the Westphalian map of citizenship and neoliberal citizenship, work in concert to perpetuate the racial injustice of the global regime of citizenship.

The Racial Contract

Mills' (1997) treatise on the Racial Contract claims that "white supremacy is the unnamed political system that has made the modern world what it is today" (p. 1), structuring the vastly unequal global distribution of wealth, power, rights, security, and opportunity. While the dawning of European modernity saw the explicit adoption of social contract theory as an explanatory and normative framework for thinking about people in society, this shift was, Mills argues, accompanied by a *Racial Contract* that excluded most of the world's human beings and groups from the categories of "people" and "society," respectively. This Racial Contract comprises

> [The] set of formal or informal agreements or meta-agreements . . . between the members of one subset of humans . . . designated as white, and coextensive with the class of full persons, to categorize the remaining subset of humans as "nonwhite" and of a different and inferior moral status, subpersons, so that they have a subordinate civil standing in the white or white-ruled polities . . . moral and juridical rules normally regulating the behavior of whites in their dealings with one another either do not apply at all in dealings with nonwhites or apply only in a qualified form . . . [T]he general purpose of the Contract is always the differential privileging of the whites as a group with respect to the nonwhites as a group, the exploitation of [nonwhites'] bodies, land, and resources, and the denial of equal socioeconomic opportunities to them (Mills 1997, p. 11).

Thus the genocides, enslavements, and wars of colonization perpetrated by the Europeans, far from being aberrant violations of the social contract's claim to rest on "the popular consent of individuals taken as equals," were actually essential to its constitutive "underbelly," the Racial Contract (Mills 1997, pp. 3–4). Mills finds evidence of this dichotomy in virtually all modern social contract theories, from references to indigenous people as embodying the state of nature—and thus intrinsically uncivil—in Hobbes and Locke to the racialogical dimensions of Kant's thought.

Although no longer condoned by law in our own era of allegedly universal rights, the Racial Contract's historical partitioning of the globe between full persons and subpersons undeniably persists. Mills explains this by periodizing the Racial Contract. While he argues that "the Racial Contract is *continuously being rewritten* to create different forms of racial polity" (1997, p. 72, emphasis in original)—and thus varies considerably over space and time—he identifies two very broad phases. In

"phase one," when the classic modern social contract theories were formulated, "white supremacy was openly proclaimed" (p. 73). In its second, contemporary phase, the Racial Contract has become tacit, as references to race have been excised from the official language of the juridical, political, moral, and institutional realms.[9]

Unlike Rawls' revival of contract theory, which is purely normative,[10] Mills' states that his theorization, the "Racial Contract," is not only normative but descriptive and explanatory, following the pattern of the *non*ideal contract in Rousseau's *Discourse on Inequality* (1984). It "explains how an unjust, *exploitative* society, ruled by an *oppressive* government and regulated by an *immoral* code, comes into existence . . . enabling us to understand how these values and concepts have functioned to rationalize oppression," toward the ultimate goal of ending that oppression (1997, pp. 5–6, emphasis in original).

Mills' emphasis on the function of concepts here is crucial. "[C]oncepts," he writes, "are central to cognition" (1997, p. 6). Because, for the most part, White moral and political thought has elided the concept of race, Whites suffer from systematic blindnesses to the world as it actually is—i.e., fundamentally partitioned by race—or what Mills calls an "inverted epistemology" (1997, p. 18). The social contract, as a concept central to Western understandings of politics and society, has functioned as an epistemological obstruction. Epistemologically oriented to a facially raceless social contract, Whites generally lack the conceptual structures for seeing the centrality of race to all social and political formations touched by Europeans or their descendants. Moreover, Whites thus also lack a point of reference outside their own experience, and therefore often cannot really see their own privilege or its relation to the deprivation of others. The "Racial Contract" is a therefore a "corrective concept for allowing us to better cognize the actual world" (1997, p. 6). As I argue below, this concept proves particularly useful for cognizing—in deliberately broad and oversimplified strokes—one particularly powerful determinant of the contours of life in the actual world: namely, the global regime of citizenship.

Outline of the Global Regime of Citizenship

The global regime of citizenship is defined by four essential features. The first is its *geography* (which like all geographies is the product of history): the global regime of citizenship consists of a "White bloc" and a "nonwhite bloc," roughly corresponding to the former colonizer/former colonized binary. The second is its *resource differential*: because of the original Racial Contract, resources, substantive rights, and opportunities are concentrated in the former. To be a citizen of the White bloc is to be, on average, materially better off, better-educated, longer-lived, healthier, and more physically secure (Milanovic 2008; Shachar 2009; Winant 2001).[11] The third is its *mobility differential* across the White bloc/nonwhite bloc divide: if one holds a passport from a White bloc state, most international boundaries are indeed "flattened," à la Thomas Friedman's (2005) business-class vision of globalization. But if one is a citizen of a nonwhite bloc state, international boundaries tend to be very hard indeed. And those international boundaries where the White bloc and the nonwhite bloc meet—those borders where, in the words of Gloria Anzaldúa, "the third world grates up against the first world and bleeds" (1987, p. 3)—are the hardest of all. The wall between Mexico and the United States (Massey 2007); between Israel and Gaza (Weitzman 2007); and the wall around Ceuta—as Wendy Brown notes, they are increasingly militarized and increasingly marked by physical barriers (Brown 2008).[12] The fourth, finally, is its *seeming neutrality from the perspective of the White bloc*. Although it forcibly maintains a world that is satisfying to a relative few (mostly

Whites) and devastating to much of the nonwhite global majority, the global regime of citizenship is generally understood by Whites—from rabid nationalists to international human rights advocates—as an a priori fact.

The global regime of citizenship thus exemplifies the way that the Racial Contract continues to structure our world. The partitioned geography of the global regime of citizenship reflects Mills' contention that even the paragons of Western democracy today are de facto apartheid states or "*Herrenvolk* democracies" (Mills 1997, p. 28). Its concentrations of wealth in the hands of Global North Whites bears out Mills' emphasis on the *economic* gains of conquest and exploitation by Whites of the nonwhite peoples of the earth. And the mobility differential for nonwhite bloc versus White bloc citizens reflects Mills' argument that the Racial Contract's geography of inequality must be maintained through violence. The militarization of borders and increasing criminalization of immigrants of color (Nevins 2010), testifies to the perception of nonwhite bodies "out of place" as a challenge to the stability of the White supremacist order that must be met with force.[13]

Most fundamentally, however, the global regime of citizenship perpetuates the Racial Contract by *racing space and individuals*, demarcating "civil and wild spaces" (Mills 1997, p. 41) and their corresponding subjects. As Mills recounts, from the sixteenth through the nineteenth centuries, roughly, White elites drew the map of the world as partitioned between civilized White polities and "wild spaces" where nonpersons roamed. The latter lands were variously considered empty (a cognitive schema captured by the doctrine of "discovery") and/or spaces of vice and danger, in need of civilizational virtue and harsh constraint. From the perspective of the present, the "wild spaces" inhabited by nonwhites have congealed into ghettos (internally) or the "third world" (externally), where the juridical, social, and political norms of Whites do not apply.[14] Further, these exceptions are concentrated in the "wild space" of the nonwhite body itself, a designation that issues partly from identification with "uncivilized" regions. Given this association, the bodies of people of color are seen as carrying a "bubble of wilderness" (1997, p. 53) around them as they move through White space, which exempts them from the protections that apply to White bodies.

I argue that the global regime of citizenship races space and bodies via two distinct rationalities of citizenship: first, the rationality of the Westphalian map, and second, through the norms of neoliberal citizenship. As an aspect of the "phase two" Racial Contract, however, these exclusions of the global regime of citizenship must be facially race-neutral. Accordingly, I argue that they function without recourse to explicit language of race, thereby reproducing Whites' moral cognitive dysfunction at the global scale. I discuss the exclusionary logic of nation-state-based citizenship and neoliberal citizenship in turn, and then outline how they work together.

Persistent Exclusions of Westphalian Citizenship

Hindess (2002) and others have argued that, while the boundaries of nation-states have in some ways been dissolved under processes of globalization, the modern state/citizenship *system* remains an indispensable framework for the global governance of populations. I adapt this point here to argue that one of the principal reasons for its indispensability is that it allows the raced geography of the Racial Contract to comfortably (for Whites) persist while seeming to accord universal equality.

The Westphalian nation-state system has, in fact, recently come under substantial attack by normative theorists as incompatible with global justice. Working from a variety of conceptual frameworks, these theorists converge in decrying as funda-

mentally unjust the fact that the arbitrary circumstances of one's birth powerfully determine one's life chances (Baubock 2007; Shachar 2007, 2009; Stevens 1999, 2010). Nancy Fraser (2009), for instance, argues that what she calls the "Keynesian-Westphalian misframing" (p. 21) of contemporary global reality works powerfully to obstruct redress for individuals and groups hurt by its forces and flows—to drastically circumscribe the both the set of legitimate subjects of justice and the scope of legitimate claims.

The following section homes in on the specifically racial effects of the Westphalian map. White bloc versus nonwhite bloc citizenship profoundly structures what Judith Butler (2004) calls "the differential geopolitical distribution of corporeal vulnerability" (p. 29). It legally binds human beings to both 1) a particular set of material conditions set in place through the dispossessions of the colonial era, and 2) an enabled (for White-bloc citizens) or constrained (for the nonwhite bloc) mobility across borders, especially the world's White bloc/nonwhite bloc borders. A child born in Haiti or Afghanistan is far less likely to reach even one year of age, let alone adulthood, just by virtue of being born there rather than in France or the United States (WHO 2008). And it is far more difficult for Haitian or Afghani citizens to gain entry to France or the United States than for French citizens to legally enter the United States and vice versa (Farmer 2005). The binary schema of White bloc/nonwhite bloc, of course, obscures important internal variations.[15] Nevertheless, the difference in survival and opportunity at every stage of life is very significant (Shachar 2007).

The Westphalian map that defines hegemonic understandings of the world, codified in the UN's rules of international sovereignty, *maintains* and *normalizes* this racing of space, with its unequal distribution of resources and vulnerability. As Hindess (2002) notes, nearly everyone worldwide is now a citizen of some nation-state—but this abstract equality of "citizen-ness" masks enormous raced disparities both within and, as is my focus here, across the global racial divide. On the Westphalian world map, with its "quality of simplicity and clarity that almost resembles a Mondrian painting" (Baubock 1997, p. 1), Haiti and Afghanistan are outlined and colored in exactly the same way as France and the United States. The emptily equivalent "state-ness" of nation-states is emphasized, rather than the vast material inequalities between states (and the blocs) on the ground. Each state is the legal guarantor of the well-being of its citizens, yet unless there are situations of genocide (and even then, perhaps not) there are no inquiries as to the state's ability to do so. In the sphere of international relations, this adds up to a sort of "On the Jewish Question" (Marx 1994) scenario writ large, wherein all states may participate in the global "public," as long as everyone agrees to leave the differences between the White and nonwhite blocs—thirty-year life expectancy differentials, hundredfold infant mortality differentials, and excellent healthcare and education versus a near-total lack of doctors or schools (Davies et al., 2006; Weisbrot et al., 2001; WHO 2008)[16]—at the door. These crucial differences between the spaces of White bloc citizenship and nonwhite bloc citizenship, and the histories of those differences, as in Marx's polemic, are therefore depoliticized, silenced, and (from the White bloc) unseen.

This perspectival invisibility signals the participation of contemporary citizenship policy in the "phase two" Racial Contract. This differs from the late nineteenth to the mid-twentieth century, when many aspects of U.S. citizenship law baldly partook in "phase one" Racial Contract exclusions. Chinese (and eventually most East Asian) immigration was banned beginning in the 1880s. 1924's Immigration Act invoked the "Whites only" stipulation of the Naturalization Act of 1790 as grounds for codifying the exclusion of nonwhite "aliens ineligible to citizenship" (Haney Lopez 2006; Ngai 2004).[17]

Now, however, because of the superficial equivalence of all states and citizens, the Westphalian map allows the de facto drawing of a seemingly innocent partition between the "civil" and "wild" spaces of the world—via skill-, health-, and education-based visa, residency, and citizenship requirements—that replicates the overtly racial partitioning of the original Racial Contract. But whereas, previously, "wild" spaces' alleged wildness served as an explicit justification for *invasion* of nonwhite space, "wildness" now serves to justify the *exclusion* of people of color from White space. Contemporary "wildness"—measured now by armed violence, disease, low life expectancy, high infant mortality, illiteracy, and malnutrition—is, ironically, a long-term *effect* of those colonial invasions. Yet the self-serving synchronism of the Westphalian map acknowledges none of this history.[18] Responsible only to themselves, the sovereign states of the White bloc, quite rationally, open the doors of potential citizenship most easily to "civil bodies" from within the White bloc itself.[19] The conceptual framework of Westphalian citizenship thus simultaneously perpetuates the partitioned geography of the original Racial Contract, and hides global exclusions via the superficial equality of state sovereignty.

Efficient Exclusions: Neoliberal Citizenship

"Neoliberal citizenship" is the state-enforced, socially pervasive reconfiguration of citizenship norms as market-based competitive individualism and self-entrepreneurship (Brown 2005). If Westphalian citizenship maintains and hides the racing of space, neoliberal citizenship maintains and hides the racing of individuals.

"Neoliberalism" in the sense of a set of citizenship norms departs somewhat from the most common usage of the term, but it is important to understand the latter as the stage for the former. Neoliberalism most commonly denotes a set of economic policies grounded in the philosophy that societies work best when their markets are free from from government regulation. The now-familiar roster of neoliberal policies includes large-scale privatization of industries, cuts in taxes, business deregulation, significant reductions in government-provided services, and the dismantling of welfare state institutions (Goldberg 2009; Harvey 2005; Sparke 2006).[20] Internationally, economic neoliberal free trade was entrenched through agreements between wealthier and poorer nations (such as NAFTA) and through membership in organizations like the WTO (Massey and Kelly, 2007). This has often increased the vulnerability of poorer nations, forcing imported goods onto their markets and disrupting established economic equilibria, demanding the removal of existing social supports and agricultural subsidies, as well as requiring stringent loan repayment terms, often plunging much of the population into poverty and triggering waves of transnational labor migration (Harvey 2005). Neoliberalism as an economic program has deepened the resource differential between the White and the nonwhite citizenship blocs, as well as deepening intra-national racial inequality in the United States and in other nation-states, including Brazil, Israel, and South Africa (Goldberg 2009).

But economic policies are not the whole story. As Wendy Brown (2005) argues, neoliberalism also denotes a radical reorganization of how states and citizens are thought about, talked about, and shaped by policy. Following Michel Foucault's (2000) formulation of governmentality,[21] she defines neoliberalism as a *political rationality*: an organizing logic of governance that works though official and popular discourses, institutions, and policies toward the production of particular kinds of political subjects and spaces. A specifically neoliberal political rationality involves "extending and disseminating market values to all institutions and social action" (Brown 2005, p. 40). This includes the lives and conduct of individuals; humans are

normatively cast as rational actors whose moral faculty consists of the capacity for self-maximizing cost-benefit analysis. This "entails a host of policies that figure and produce citizens as individual entrepreneurs and consumers whose moral autonomy is measured by their capacity for 'self-care'—their ability to provide for their own needs and service their own ambitions" (Brown 2006, p. 695).

Important here is that neoliberalism as a political rationality not only *figures* citizens as entrepreneurs, but also *produces* them as such: as the very option of public supports is removed, a sort of entrepreneurialism of desperation is forced upon the poor, involving such "rational" choices as living in one's car or with an abusive partner as an alternative to homelessness. People of color worldwide—women of color most of all—bear the brunt of this (Pratt 2004; Sassen 2002). In plain language, the global poor—who are mostly people of color—are seen as having brought about their own disadvantage through moral failure. Neoliberal citizenship norms thus effectively resuscitate, while eschewing racial language, the Racial Contract's ontological partitioning of the world into morally and politically perfected Whites and morally and politically unfit nonwhites.

In the United States, site of some of the harshest neoliberal reforms, the receipt of public funds is widely regarded as both rewarding and enabling this moral failure/political unfitness. These neoliberal citizenship norms are encapsulated by the abject figure of the African American Welfare Queen,[22] a fiction that persists to this day, regardless of the fact that we effectively no longer have welfare in this country.[23] Intimately related to this figuration is the public outrage at the alleged receipt of public support and services by undocumented immigrant mothers (Jacobson 2008; Roberts 1997b). Like the Welfare Queen, the undocumented mother is represented as hyperfecund, unable to responsibly manage her reproductive processes (Jacobson 2008), compounding the immorality of public dependency and confirming her unfitness for political membership. This framing of undocumented immigrant women as neoliberal "anticitizens" (Inda 2006; Roediger 1999), as we shall see, is central to the attacks on U.S. birthright citizenship.[24]

Maintaining our focus on the United States, then—as we will for most of the rest of this paper—undocumented mothers' alleged dependency and lack of fiscal discipline mark them as outsiders among the (White) neoliberal citizenry. Images of their uncontrolled reproductive bodies, in particular, encapsulate them in the "bubble of wilderness" that, for Mills, surrounds people of color in White-ruled polities and White imaginations. And, in a double movement analogous to that of the Westphalian map, neoliberal norms hide the violent history of the Racial Contract even as they reproduce its effects. Just as Welfare Queen rhetoric makes invisible the historical and ongoing lack of opportunity for poor women of color native to the United States, representations of the undocumented mother's personal irresponsibility and dependency obscure the inequalities between the White and nonwhite blocs that, in fact, probably explains her migration. Within a neoliberal conceptual framework, her situation appears to be a result of personal "mismanagement" rather than the effect of the global structural deprivation of people of color, exacerbated by punishing neoliberal reforms. The latter are thus radically dehistoricized and depoliticized.

Exclusionary Synthesis: Westphalian Map, Neoliberal Citizens

I have outlined the respective ways in which Westphalian and neoliberal rationalities of citizenship both reproduce and obscure the territorial and human geographies of global White supremacy. In this section, I briefly elaborate how these two rationalities dovetail in the operations of the global regime of citizenship.

Consisting of around two hundred states, the Westphalian grid hides the global geography of privilege and deprivation. Meanwhile, differential citizenship regulations vis-à-vis White versus nonwhite subjects—trafficking under apparently race-neutral criteria of education level and skills—maintains those raced inequalities, partitioning the world and its populations between a "civil" White realm of abundance and mobility, and a "wild" nonwhite realm of scarcity and constraint. The Westphalian political map, by appearing as natural as the landmasses and oceans that form its continental contours, frames the breathtakingly unequal distribution of resources and opportunities as the natural order of things, rather than a contingent outcome of specific histories of domination.

Neoliberal citizenship norms augment the exclusionary effects of the Westphalian system, complementing the racing of space with the racing of individuals. Not only are the historical causes of the deprivation of peoples of color hidden from view; poverty itself is construed as a moral failing, and thus deserved—all the more reason for keeping nonwhites out of White space. Conversely, White affluence is construed as reward for merit, moral self-actualization, and fitness for political personhood. This, in turn, both bolsters and legitimates the mobility differential of the global regime of citizenship, producing what Matthew Sparke (2006) calls a "neoliberal nexus" of "free market transnationalism" for (White) elites, and "securitized nationalism" for nonwhite, non-elite bodies. And even if nonwhite bloc citizens do manage to bypass the hard and dangerous boundaries of the White bloc—as in the case of undocumented immigrants—they will find themselves unable to shake off a residual aura of "wild" raced space. In sum, the Westphalian model of citizenship hides inequality with an empty equivalence of status, and administratively blocks substantive change of status; the neoliberal model, taking for granted that inequality, accords responsibility to subjects for their own satisfaction or devastation, hiding the histories of White supremacy that have imposed this differential.

Of course, Mills (1997) would remind us, this hiddenness is *perspectival*, an effect of the "epistemology of ignorance" (p. 18) that issues from the materially privileged situation of the White citizenship bloc. In the *Wretched of the Earth*, Frantz Fanon (2004) writes that "[t]he colonized world is a world divided in two . . . The colonist's sector is a sector built to last, all stone and steel . . . lights and paved roads, where the trash cans constantly overflow with strange and wonderful garbage, undreamed-of leftovers . . . a sated, sluggish sector, its belly permanently full of good things." In contrast, in the sector of the colonized, "You are born anywhere, anyhow. You die anywhere, from anything. It's a world with no space, people piled one on top of the other . . . The colonized sector is a famished sector, hungry for bread, meat, shoes, coal, and light" (p. 4).[25] And yet the colonizer cannot see the actual conditions of the colonized sector: there is a "kind of reification secreted and nurtured by the colonial situation" (p. 8). The colonizers not only imposed and maintained a regime of everyday violence, exploitation, and impoverishment for the colonized, but also constructed a world whose spatial and epistemological limits protected them from contact with, and even knowledge of, the effects of that regime. With the "Racial Contract," Mills extends this claim to encompass our own postcolonial era. Likewise, I have argued, the global regime of citizenship, through both its Westphalian and neoliberal rationalities, both maintains the structures of White supremacy and prevents Whites' perception of those structures.

Mills (1997) also makes the converse claim, arguing that people of color have a potentially privileged epistemological stance, and are potentially able to see through the reified conceptual structures of White supremacy. If the global regime of citizenship is an aspect of the contemporary Racial Contract, it follows that a position

outside of White bloc citizenship could potentially offer resources for recognizing formal citizenship's implication in White supremacy. In the second half of this paper below, I consider a pivotal congressional hearing as a test case for these epistemological claims.

THE 1995 CONGRESSIONAL HEARING ON BIRTHRIGHT CITIZENSHIP

In this section, I use the standpoint concept proposed by Mills to analyze the 1995 congressional hearing on the issue of birthright citizenship in the United States. I first briefly review the small amount of literature on this issue, and explain the importance of foregrounding the global regime of citizenship and its epistemological correlates. I then introduce the context of and the participants in the hearing before turning to the text of the hearing itself. Finally, I ask how the insights generated by defenders of birthright citizenship might help to transform the White supremacism of the global regime of citizenship more broadly.

Theorizing Birthright Citizenship

The recent restriction of birthright citizenship as a problem of global racial justice has garnered surprisingly little attention from political theorists.[26] Jacqueline Stevens, who offers the most carefully conceived criticism of the harms of birth-based citizenship ascription, does not attend to these recent developments. Stevens is rightly critical of the arbitrariness and injustice of the current system of birth-assigned, nation-state-based citizenship. In *Reproducing the State* (1999), she highlights the violence—ethnic conflict, brutal gender oppression—that issues from the metonymic relationship between family, race, and nation, and points toward a world in which citizenship is entirely decoupled from access to resources and opportunities. With regard to birthright citizenship, she comments incisively on the mystification inherent in the characterization of any citizenship assigned at birth—whether by a territorial or bloodline (*jus sanguinis*) criterion—as consensual. In *States Without Nations: Citizenship for Mortals* (2010), she expands this argument against birth-assigned citizenship into a key component (along with the abolition of marriage and inheritance laws) of a program to abolish the nation itself. Stevens characterizes the nation as the preeminent solution to the (particularly male) human fear of mortality. It is the primary institution, along with family and religion, "through which humans seek to transform their condition from one of finitude to one of infinitude" (2010, p. 5), as the nation promises to live on eternally even as individual human lives must perish. She locates the roots of large-scale violence throughout history in this promise, as it allows the nation (like family and religion) to demand the self-sacrifice of its members and the death of non-members in order to preserve its own immortality. Stevens envisions, and even includes practical steps toward, an alternative world of "states without nations," a cooperative system of administrative-redistributive units that operate according to a principle of global public good, among which movement is entirely free and "people belong because of choice, residence, and commitment" (p. 77) rather than the irrational criterion of birthright status.

Her argument misses an important detail, however, when she asserts that, contrary to common perception, *jus soli* rules are not inherently any less exclusionary than *jus sanguinis* rules. For her, both are equally irrational and anti-liberal criteria for membership: "It is ironic that modern commentators so often represent

birth by territory as . . . more inclusive than lineage criteria . . . From the point of view of an individual born to particular parents or on a particular territory, the birth principles of land and lineage are equally restrictive of that person's options for political membership" (Stevens 1999, pp. 61–62). In Stevens' view, for a less patriarchal and less racist world with prospects for actual democracy, we should equally repudiate all policies by which each citizen is bound to his or her particular nation-state by birth.

While this characterization of *jus soli* and *jus sangunis* as equally coercive may be accurate over the *longue durée* of citizenship history, Stevens fails to note the *transnational* exclusionary dimensions of the present context signaled by the recent trend of restricting *jus soli* in the United Kingdom, Australia, Ireland, New Zealand, and the corresponding attempts in the United States. Though I am in broad agreement with Stevens' assessment of the global system of birth-based citizenship as unjust in its totality, her argument does not leave room for the appreciation of the crucial differences between modes of citizenship assignment *in relation to* the White supremacist global regime of citizenship. Stevens' condemnation of *jus soli* and *jus sanguinis* as equally exclusionary ignores the fact that, as Ngai (2007) writes, "in the modern era of global migration, birthright citizenship has been a mechanism for incorporating new immigrants [who are largely from the Global South], and its disavowal a mechanism for exclusion" (p. 2530) along the lines of the Racial Contract. Considered together, the recent *jus soli* restrictions signal a kind of White-bloc solidarity[27] not entirely reducible to the passionate attachment of the citizen to his or her own nation, *qua* notional family and immortal refuge for death-fearing mortals, that Stevens justly condemns. This transnational White solidarity maintains the exclusion of nonwhite bodies not only from particular nation-states but from a substantial swathe of the affluent world. Stevens therefore misses, conversely, the subversive potential of the continued recognition of U.S. birthright citizenship in the service of her own political vision. The upholding of birthright citizenship in the United States, I argue, maintains an important chink in the increasingly extensive and fortified worldwide division between "civil" spaces of whiteness and "wild" spaces of nonwhiteness. The defense of birthright citizenship, while relying upon the admittedly exclusionary categories of the current global regime of citizenship, nonetheless offers substantial material and epistemological challenges to the global Racial Contract that underpins those categories—and may, over time, transform them.

The analysis that follows, then, in contrast with Stevens' argument for the worldwide abolition of birth-assigned citizenship, begins with the historical actuality of the recent attempts to restrict *jus soli*. It situates its judgments within the geographical context of the United States as a White-ruled polity within the global regime of citizenship, where the *specific* proposed curtailment of birth-assigned citizenship would in fact work to intensify existing exclusions. Building on the foregoing formulation of the global regime of citizenship as an instantiation of the Racial Contract, it homes in on the epistemological implications of that claim. It argues that a species of what Mills identifies as the cognitive dimension of the Racial Contract manifests within the global regime of citizenship as a *White epistemology of citizenship*, an obstructed vision that tends to attach to the benefits of the White-bloc citizenship. Like Mills' "White ignorance" more generally, this way of seeing citizenship entails a profound collective memory loss. Mills (2007) sees institutionalized White amnesia, "the management of memory" (p. 28) as a crucial element of White ignorance. Vehicles for that management include standard textbooks, which "help us forget that we wrested the country away from Native Americans" (Loewen 1996,

p. 133) and "minimizing the extent to which the 'peculiar institution' . . . shaped the national economy, polity, and psychology" (Mills 2007, p. 30). A White epistemology of citizenship hinges on just such institutionalized amnesia. As we will see in the transcript of the arguments against birthright citizenship, Westphalian and neoliberal norms interlock with an idealized memory of U.S. citizenship, against which recent immigrants of color are seen as threatening deviations.

Correspondingly, in examining the arguments in defense of birthright citizenship, this analysis focuses on the role of *remembrance* against the grain of the White epistemology of citizenship in contesting the account of the restrictionists. Defenders of birthright citizenship call into question the Westphalian and neoliberal visions of citizenship that both subtend and reinforce this forgetting.

Background on the Hearing: Context and Participants

The mid-1990s marked the apex of a movement toward the significant hardening of divisions between U.S. citizens and non-citizens—a setting of the terms that obtain today. In 1993–1994, a new "deterrent" enforcement regime instituted the permanent presence of thousands of armed agents guarding the U.S.-Mexico border from unauthorized crossings (Inda 2006; Perea 1997). 1994's Proposition 187 in California, passed by a majority of voters, would have disqualified all undocumented immigrants from public services, including health and education, and required that service providers report immigrants to federal immigration authorities. Though immediately challenged in court and eventually overturned, the inclusion of many of its tenets in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), the federal immigration reform that did pass two years later, made it a very significant precedent for the anti-immigrant position that became increasingly common in the 1990s (Inda 2006; Jacobson 2008). In 1996, along with the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), IIRIRA cut federal welfare eligibility for all undocumented immigrants, and many immigrants with legal status. IIRIRA also transformed misdemeanors committed by undocumented immigrants into deportable offenses, removed time limits on pre-hearing detentions for potential deportees, and mandated biometric documentation for all Mexicans crossing into the United States (Fragomen 1997; Inda 2006). Finally, the most literal hardening of the boundary between U.S. citizens and their southern neighbors began during this time: large-scale border fencing—now a 650-mile barrier along the U.S.'s southwestern border (Sherman 2012)—was first authorized by Congress within IIRIRA (Nuñez-Neto and Kim, 2008, p. 1). The summary deportations, detention in prisons, workplace raids, and literal walls that together define the current anti-immigrant moment have their beginnings in the legislative and procedural shifts of the 1990s (Jacobson 2008; Massey 2007; Massey and Kelly, 2007).

It was during this time that the reproductive bodies of Latina immigrant women became a site of obsessive focus. Representations abounded in conservative media, legal scholarship, and policy discourse of the threat allegedly posed by that these women and their children (Jacobson 2008). In 1995, nativist opposition to birthright citizenship for the children of undocumented mothers came to a head. The abolition of birthright citizenship was a Republican presidential campaign plank for 1996, and no fewer than seven proposals to end birthright citizenship for children of undocumented or non-citizen mothers were introduced during the 104th Congressional session. In December 1995, the House Committee on the Judiciary convened the first and only congressional hearing entirely devoted to the Fourteenth Amendment

guarantee of birthright citizenship for all children born within U.S. territory.[28] Under heavy media coverage, legislators on both sides of the debate marshaled expert witnesses. Because it bears significantly on the analysis that follows, I briefly describe the participants in the hearing.

The preponderance of participants were Congressional representatives, but their numbers also included law professors, a political scientist, a journalist, a county welfare administrator, and the U.S. Assistant Attorney General.[29] One unsurprising feature of the hearing was that the debate fell along highly partisan lines. The Republican-dominated Congress that had swept into office with the 1994 "Contract With America" campaign held the hearing during the 104th Congressional session. Along with their key agendas of (anti-gay) "family values" and (anti-welfare) "personal responsibility," the "Contract with America" Republicans had vowed to rehabilitate a strong patriotic national identity (Schram 2000). Although the "Contract with America" itself did not mention immigrants, Republicans quickly turned to hardening the lines between citizens and non-citizens. All but one of the restrictionist legislators who spoke during the hearing were GOP members.[30] In contrast, the representatives who defended birthright citizenship were all Democrats.[31]

But this was not the only difference between the two sides. Beyond the partisan divide, their respective demographics were also very different. In sharp contrast to the "White men in suits" (and one White woman) that comprised the opposition, the defenders of birthright citizenship included, *inter alia*, the first Asian American woman to be elected to Congress, the first African American woman elected from a southern state, a representative born in Puerto Rico and a representative of Puerto Rican descent, a Mexican American representative, an African American representative, a White woman representative, and a Mexican American journalist.

These identity markers come significantly into play in some of the arguments defending birthright citizenship. Though all participants in the hearing were formal citizens of the United States, and thus the White citizenship bloc, they highlight histories of racial exclusion from citizenship that continues to structure opportunities and experiences today. Mills (1997), in his schema of the Racial Contract, contends that people of color potentially[32] have a "perspectival cognitive advantage that is grounded in the phenomenological experience of the disjuncture between official (White) reality and actual (nonwhite) experience"—what he calls "'racial' version of standpoint theory" (p. 109).[33] Several defenders of birthright citizenship use the view from a particular nonwhite identity group to retell the story of U.S. citizenship against the whitewashed grain of their opponents' account.

As cautioned above, the move to link the two groups' respective demographics with the terms of the debate risks lapsing into demographic determinism. The standpoint approach taken here emphasizes that a critical view of domination is *potentially* available to specific collectivities marginalized by those power relations, and is not automatic but requires work and intention (Hartsock 1998, p. 229). The actualization of this political potential can only be affirmed through words and deeds that challenge the dominant regime of visibility. Accordingly, this analysis discerns White and counterhegemonic epistemologies of citizenship in narrative evidence, rather than ascribing them a priori according to somatic characteristics.

Amnesia and the White Epistemology of Citizenship

The following are two typical quotes from the hearing's anti-birthright citizenship contingent:

Rep. Bryant: People are in this country illegally . . . and they are on welfare. Again, the statistics speak for themselves (U.S. Congress, House 1996, p. 69).

Rep. Gallegly: This Congress is finally taking the necessary steps to regain control of our borders and eliminate the access of illegal immigrants to public benefits (U.S. Congress, House 1996, p. 22).

I argued in the first part of this paper that the global regime of citizenship, in its contemporary formation, entails a convergence of Westphalian and neoliberal citizenship norms. Here, in these statements from Representatives Bryant and Gallegly, we see this convergence clearly: "in this country illegally" and "on welfare"; uncontrolled borders and public benefits. The violation of state sovereignty, on one hand, and dependency, on the other, marks undocumented mothers as quintessential anti-citizens.

Westphalian and neoliberal discourses also function with relative autonomy; with the outrage or sense of threat that they separately engender, they come together all the more strongly, buttressing the legitimacy of the global regime of citizenship. Two instances of such autonomous invocation are noteworthy. The first is the representation of Mexico as a sovereign enemy of the United States. The chaos of the Mexican revolution, and the well-known threatening figure of Pancho Villa, is used to race the space of Mexico (where most undocumented immigrants today originate). Meanwhile, the Westphalian map of realist international relations—states as bounded, monolithic, and self-interested entities in an anarchic war of all against all—obscures that racing, framing the objection as an abstract matter of two states in competition:

Rep. Bilbray: Children of an occupying or invading army, do they qualify for automatic citizenship under the 14th amendment?

Rep. Dellinger: They do not . . .

Rep. Bilbray: So . . . there are conditions here that are not based on race, not based on prejudice . . . In this century, there was an occupation of . . . a New Mexico town by forces of a man called Pancho Villa . . . if a child was born in that town at the time that Pancho Villa occupied that town, would that child qualify for automatic citizenship? . . . the invading army and the diplomats . . . will be in violation of the sovereign or the sovereignty issue. Thus, that's why they are not allowed to have the automatic citizenship . . . I think that the real technical issue here is that there is a violation of the national sovereignty that occurs [when undocumented immigrants enter the country]" (U.S. Congress, House 1996, p. 88).

Interesting to note here is Bilbray's defensive declaration that his opposition to birthright citizenship is not racist but merely an attempt to enforce neutral rules—just before he tacitly invokes the threats of race: the specter of a Mexican occupation, the dark villainy of Pancho Villa.

The second, more common, case in which one citizenship rationality is present more or less singly is the figuration of undocumented immigrant women as failed neoliberal citizens. Most frequent are references to their alleged welfare dependency, which compares unfavorably with the upright morality of citizen taxpayers:

> Rep. Foley: According to the *San Diego Tribune* article, an estimated 96,000 babies were born to undocumented women who were covered under California's Medi-Cal, state Medicaid program in 1992 alone. The cost to California taxpayers, more than $230 million in medical bills that year (U.S. Congress, House 1996, p. 41).

Further, citizen taxpayers are not the undocumented mothers' only foil. The latter's lack of discipline is also contrasted with past generations of upstanding (White) immigrants.

> Rep. Foley: Like most Americans, I am the proud descendent of immigrants. My grandmother was an immigrant from Poland. She came to the United States through the legal immigration process with a sponsor, a clean bill of health, and a desire to find a job. My grandmother worked for years as a maid in a local motel, supporting her family without any assistance from our welfare system. She was proud to be an American citizen . . . Historically, the United States has been a country of immigrants like my grandmother, who possessed a passionate respect for the freedoms and liberties so many of us take for granted (U.S. Congress, House 1996, p. 40).

The clear implication is that the undocumented immigrants of today embody the negative of this snapshot: coming from a space of nonwhiteness rather than Europe, they are disconnected from Americans, diseased, uninterested in honest work; welfare parasites with no interest in political membership as an end in itself; and passionately *dis*respectful of American values.

In most cases, however, the two rationalities are difficult to tease apart. For instance, the undocumented mother is figured as lacking not only discipline but decency:

> Rep. Gallegly: . . . over two thirds of all the births in Los Angeles County operated hospitals . . . fully funded by taxpayers, the mother *openly admits* that she's in the country illegally (U.S. Congress, House 1996, p. 62, emphasis mine).

Because it is not simply about the use of services, but an unabashed brazenness in admitting to the deed, this outrage points to an element beyond undocumented women's basic moral failures in terms of neoliberal citizenship norms. This failure here exceeds irresponsibility and begins to shade into wildness, a complete lack of moral compass. This sentiment crystallizes most clearly in Rep. Bilbray's dare to doubters:

> Rep. Bilbray: Anyone who wants to come to the emergency rooms and the hospitals of San Diego and see what we see going firsthand . . . in the parking lot waiting for a young lady to dilate, just so she can deliver her baby in a US hospital (U.S. Congress, House 1996, p. 53).

The alleged animality of the undocumented immigrant woman (Santa Ana 2002), the "bubble of wilderness" that, according to Mills, people of color carry through White space, is neatly encapsulated in Bilbray's challenge. The spectacle of her body, per-

forming the most private of functions in public, is an affront to civilized White eyes; so far beyond the pale, he implies, that it must be seen to be believed. Her wildness clearly marks her as an outsider to the White polity who ought to be returned to the wilderness where she belongs. The raced failures of neoliberal citizenship fold back into the raced spaces of the Westphalian map.

We thus see how Westphalian and neoliberal rationalities of citizenship work together to construe undocumented immigrants as anti-citizens, legitimating their exclusion from the polity. If we revisit the examples given above, however, we can also discern that part of what binds these rationalities together is their *complementary amnesias* about the actual history of United States citizenship. The Westphalian invocation of the Mexican Civil War in the early twentieth century not only neatly pairs the figure of a Mexican with a national security threat; it also reinforces the image of a historically stable territorial border—stable enough for Pancho Villa's crossing to be a clear act of invasion—at its current location between the American southwest and Mexico. Yet as Mae Ngai's (2004) account reminds us, this memory of the historical clarity of the United States-Mexico border is a false one; for most of the first two decades of the twentieth century, when the Mexican Civil War was fought, Mexicans (and presumably Americans) crossed freely back and forth across the Rio Grande. Furthermore, the memory of a stable U.S. border along its current lines obscures the fact that, only a few decades before, New Mexico (along with Arizona, California, Nevada, Utah, and part of Colorado) had been part of Mexico, its inhabitants Mexican citizens—and that this territory was wrested from Mexico with great violence in the 1848 war.[34] The amnesia attached to the Westphalian rationality of citizenship allows the boundaries of U.S. citizenship to be remembered as always-already existing where they are now, clear and uncontested, rather than as artifacts of violent U.S. expansionism.

If Westphalian amnesia gives rise to an unproblematic historical space of citizenship, the complementary neoliberal amnesia populates the past with virtuous citizens within that space. As shown above, opponents of birthright citizenship draw a diachronic contrast between the dependent contemporary immigrants and hard-working ancestor immigrants, who made their own way without asking for a handout. This throws the "accidental citizenship" of the children of undocumented immigrants into sharp relief; unlike the old days, when citizenship had to be achieved, we are now handing out citizenship as a reward for promiscuity and laziness (never mind that nearly all Americans, including these legislators, are themselves citizens by accident of birth). Finally, Representative Bilbray's example of his grandmother tells a story about the historical inclusivity of citizenship: even a humble Polish maid was able to achieve citizenship—and, apparently, a family wage—by virtue of a strong work ethic and persistence. The long history of racial exclusions from U.S. citizenship (Haney Lopez 2006) is thus erased. This erasure is particularly problematic in view of the original context and purpose of the Fourteenth Amendment's birthright citizenship clause: namely, to overturn the Dred Scott decision that had deemed African Americans as forever ineligible for citizenship.

A U.S. citizenship peacefully contained within the United States' "natural" borders, composed of independent workers making their own way, inclusive of anyone with the requisite moral fiber: this is the managed memory that underpins, and is in turn reinforced by, the White epistemology of citizenship. Against this background, the notion of sharing the political and economic resources of White bloc citizenship with the (nonwhite) children of undocumented immigrants seems unnatural: an "offense to common morality and common sense" (U.S. Congress, House 1996, p. 95).

Remembering Citizenship: In Defense of *Jus Soli*

In this section, we see how the defenders of birthright citizenship challenge the claims of the birthright restrictionists, and the amnesia that underpins them. One major strategy, in response to the allegations that undocumented immigrants are welfare-dependent, and thus disqualified from citizenship in neoliberal terms, is to recast immigrants as workers rather than calculating welfare mothers.

> Rep. Lofgren: Most immigrants come to this country because of economic opportunity and to escape oppression, not to determine the citizenship status of their offspring (U.S. Congress, House 1996, p. 39).
>
> Hon. Jordan: People come to this country illegally because they want jobs. That is why they come. They do not come to have babies (p. 48).
>
> Rep. Gutierrez: They are all working . . . the undocumented person . . . probably has a job, pays Social Security . . . (p. 62).
>
> Rep. Gutierrez: Nor do I believe that people sit on one side of the border, sit down, make love, procreate, wait 8 months and I don't know how many days, and then decide to skip over the border to have [their babies] . . . People come here to work hard, to sweat, and to toil and to contribute (p. 57).

In view of the birthright restrictionists' depictions of undocumented women as animal-like, obscenely displaying their reproductive processes, this last quote is especially telling. In contrast to the leaky abjection of laboring maternal bodies, Gutierrez's undocumented immigrants are engaging in *wage* labor, their secretions the honorable sweat of hard work.[35]

In addition to these challenges to the exclusion of undocumented immigrants from neoliberal citizenship, defenders of birthright citizenship also contest the Westphalian map of citizenship, depicting the territorial boundaries of the U.S. citizenry as historically contingent rather than natural. Representative Serrano reminds those present that these boundaries are in fact the product of violence:

> Rep. Serrano: It is . . . ironic that we discuss this issue when the country was founded by illegal aliens who had no right to be here, just showed up at Plymouth Rock . . . And then there are parts of the country, the Southwest and the West; those lands were taken by us from Mexico (U.S. Congress, House 1996, p. 63).

In contrast to Representative Bilbray's depiction, in the previous section, of the United States-Mexico border at its current location, here Serrano reminds the audience, if only allusively, that this border came about through the forcible seizure of land from another sovereign state. Additionally, by assimilating the Pilgrims to illegal aliens, Serrano alludes to the historical White disrespect for the sovereignty of nonwhite peoples. He thus doubly highlights the irony of the construal by Representative Bilbray—as quoted above—and others of undocumented migration as a threat to sovereignty.

Representative Gutierrez also illustrates the contingency of the borders of U.S. citizenship by insisting on the accidental nature of his own status as a Puerto Rican American. In sharp contrast to the restrictionists' depiction of these boundaries as

timeless and unchanging, Gutierrez emphasizes precisely their changing character, representing his U.S. citizenship as a chance side effect of a geopolitical calculation by the United States. The following passage exemplifies the way that several of the hearing's participants of color employ a *strategy of reflexivity* to contest the rationalities of citizenship that structure their opponents' arguments. Reflecting on the relationship between their own racialized identities and U.S. citizenship, they reveal parts of the story of U.S. citizenship that have been erased from the restrictionists' account.

> Rep. Gutierrez: I have a funny feeling if it were not for World War I and the fact that you had to draft literally tens of thousands of Puerto Ricans from the island of Puerto Rico . . . that my parents would not be citizens of the United States, and that therefore, who knows? I might have come here as Dominicans have come here undocumented, as Mexicans have come here undocumented (U.S. Congress, House 1996, p. 68).

In addition to highlighting the territorial border of U.S. citizenship as a product of the Unites States' aggressive expansionism, Gutierrez also undermines the rigid binarism of the White epistemology of citizenship by hypothetically locating himself in the space of nonwhite citizenship. Finally, in concert with the recasting of immigrants as workers, this exercise challenges the contrast drawn by opponents of birthright citizenship between the disciplined (White) immigrants of the past and the undisciplined (nonwhite) undocumented immigrants today. We thus see that the defenders of birthright challenge the amnesiac citizenship narrative of the birthright restrictionists: a history of virtuous citizens in a pure and clearly bounded space of citizenship, now being corrupted by morally inferior immigrants. They posit instead an overall continuity between past and present groups of immigrants—laborers all—and remind their audiences that the boundaries of citizenship, like those of the nation-state, are the contingent outcomes of an often-violent geopolitical history.

Perhaps the most striking acts of political memory however, are those that counter the birthright restrictionists' depiction of U.S. citizenship as *historically inclusive*. While the restrictionists acknowledge the facts of slavery and the barring of Blacks from citizenship, the complete absence of discussion of other exclusions paints these as unique, unrepeatable aberrations. They hold that, in the words of Representative Beilenson, "We are a Nation that has taken great pride in expanding the civil rights of groups of people through the years. The notion of denying an existing right to any class of people . . . goes against our nature" (U.S. Congress, House 1996, p. 33).

The defenders of birthright citizenship remember things differently. These remembrances take two major forms. First, many arguments refuse the characterization of White Americans' enslavement and rights-deprivation of African Americans as anomalous. Depicting slavery, rather, as a defining national tragedy, they insist—in language that recalls the memorialization of the Shoah—that the Fourteenth Amendment must be remembered in its connection to the Dred Scott decision, as a sacred safeguard against the ever-present dangers of race-based tyranny.

> Rep. Gutierrez: Should we deny citizenship to an entire group of people, people born in America? . . . that idea [quoting Lincoln] "does violence to the plain, unmistakable language of the Declaration of Independence" . . . that idea was . . . [the] Dred Scott decision,

which denied the right of citizenship to all blacks merely because they were black (U.S. Congress, House 1996, pp. 28–29).

Mr. Dellinger: In this country, because of our tragic history, we have found it profoundly important to establish citizenship by the simple fact of birth in America (p. 76) . . . It would be a grave mistake to alter the opening sentence of the Fourteenth Amendment without sober reflection on how it came to be part of our basic constitutional charter (p. 82).

Mr. Neuman: The purpose of the [14th amendment citizenship] clause was to overturn the Dred Scott decision, which had excluded African-Americans from citizenship, and more broadly to guarantee that the US population would not contain a hereditary caste of noncitizens vulnerable to exploitation (p. 103).

Secondly, defenders employ the strategy of reflexivity introduced above to bring back into view specific histories of racial exclusion that are missing from the restrictionists' memory of U.S. citizenship. For instance, Hawaii Representative Patsy Takemoto Mink responds indignantly to having been told by the hearing's committee chairs (both restrictionists) that the Asian Pacific Caucus has no place in a discussion of immigration and citizenship. She insists that the perspective available to the members of the caucus in fact sheds unique and important light on the issue:

> I vigorously dispute the view of the subcommittee that the Caucus's perspective is not necessary . . . it is a misconception that simply because so many Hispanic aliens would be affected that Asians need not be heard when citizenship restrictions are discussed. Asians, more than any single racial group, have suffered from the US discriminatory immigration policies (U.S. Congress, House 1996, p. 73).

Contesting the conflation of "immigrant" with "Hispanic," Mink places the proposed exclusion of the children of undocumented immigrants within a historical continuum of race-based citizenship restrictions. Against the narrative of progressive rights-expansion articulated by Beilenson, Mink brings back into view the history of Asian exclusions from immigration and citizenship[36] and emphasizes its relevance for properly understanding the implications of the present debate.

Representatives Gutierrez and Serrano also employ this strategy of reflexivity to flesh out the differential historical experiences of citizenship for Whites and peoples of color. We saw above that Puerto Rican-born Representative Gutierrez emphasizes the instability of Westphalian boundaries by bringing into view the relatively recent extension of citizenship to denizens of the island, and by envisioning a counterfactual scenario that places him outside the bounds of U.S. citizenship. Extending this line of thought, Representatives Gutierrez and Serrano reflect ironically on the potential precariousness of their own political membership:

Rep. Serrano: I was born in Puerto Rico . . . my citizenship comes about because of the Jones Act in 1917 . . . At any given moment, if we opened this subject up . . . someone could decide that citizenship conferred by law and not by the Constitution can be revoked . . .

Rep. Gutierrez: Of course, if they revoked your citizen[ship] under the statute in 1917. . . they would revoke my parents' citizenship. . . . I don't know what happens to my standing, because I therefore

> was not born of citizens of the United States of America (U.S. Congress, House 1996, p. 64).

Although their tone is ironic, Serrano and Gutierrez spotlight the fact that, even once granted, the rights of citizenship have historically proven far more fragile for people of color than for Whites. The Hoover administration's "repatriation" program forcibly removed between one and two million persons of Mexican descent in the early 1930s; over 60% of the deportees are estimated to have in fact been U.S.-born birthright citizens, but their legal status afforded them little protection (Balderrama and Rodriguez, 2006). During "Operation Wetback," the massive deportation campaign initiated in 1954, an unknown number of U.S. citizen children were deported to Mexico among the hundreds of thousands of undocumented persons rounded up and dumped in the middle of the northern Mexican desert (PBS, n.d.; Ngai 2004). During the decade between these two campaigns targeting Mexican immigrants, 110,000 people of Japanese descent—of whom two-thirds were citizens—were interned in concentration camps during World War II (Densho, n.d.). As Peter Nyers observes, our history shows that citizens of color, especially in times of national crisis and conflict, may be subject to being seen as "accidental citizens" whose formal status masks a threat, and should thus be disregarded for the good of the "true" citizenry (Nyers 2006). Though they do not cite these examples here, the reflexive speculations of Serrano and Gutierrez open the door for such histories to challenge the amnesia underlying the restrictionists' vision of U.S. citizenship.

Finally, Serrano and Gutierrez also use this strategy of reflexivity to highlight the fact that elements of these historical exclusions still persist, and that restricting birthright citizenship would serve to validate and expand these exclusions.

> Rep. Serrano: Now here's my concern. How the heck do you enforce this? . . . "Dr. Smith, this one looks dark. Check him out." "Yes, but his mother is speaking English. He [*sic*] doesn't speak Spanish" . . . "This one is light skinned. He's probably ok, he's probably a citizen." Boy are Puerto Ricans going to be in trouble, because we come in all colors, and citizenship is not the issue . . . I assure you that if Mr. Gutierrez and his wife show up . . . or I show up and sign up with my last name, they are going to start asking me questions and not asking someone else questions about whether that baby is going to be a citizen or not. (U.S. Congress, House 1996, p. 63).

Serrano's bitterly humorous scenario warns the dangers that, given the history of racial exclusion in the United States, could attend the sorting of citizens from non-citizens at birth. Drawing on his own embodied experience as a nonwhite member of the White bloc citizenry, Gutierrez poignantly seconds this point:

> [N]ot only mothers who are not citizens, any mother or parent who might not look like a citizen would also be subject to questioning or suspicion. *I would ask my friends on the committee and here in Congress, do I look like a citizen?* . . . I wonder if the official at the hospital . . . would they have looked at *my wife and two beautiful daughters, do they look like citizens?* I can make a very confident guess that my wife, who is a US citizen, whose parents and grandparents are US citizens, would have attracted a lot more attention than the wives of many of my col-

> leagues who are here in Congress today (U.S. Congress, House 1996, p. 29, emphasis mine).

We saw above that the reframing of undocumented immigrants as workers, and the attention to the territorial borders of citizenship as the product of violent expansionism, contest the specific amnesias that attach to neoliberal and Westphalian logics of exclusion. Here Serrano and Gutierrez's self-representations as "outsiders within" the United States' citizenry (Collins 2004) highlight exclusions that give the lie to the narrative of U.S. citizenship as one of progressive inclusion. They draw upon their own embodied experience to call attention to the ways that many of these exclusionary dynamics live on in facially raceless terms, and to the specifically racial effects that birthright citizenship restriction would entail. Along with the sober attention to the relationship of the Fourteenth Amendment with the denial of rights to African Americans, and Representative Mink's insistence on remembering the exclusion of Asians from citizenship, these reflexive accounts contest the managed memory that enables a White epistemology of citizenship.

As acknowledged at the outset, the proposals to restrict birthright citizenship did not pass, either in 1995 or thereafter. In the wake of the hearing, both Ireland and New Zealand have restricted their birthright citizenship laws, but *jus soli* remains the rule in the United States. This, as I emphasize below, is important in itself, in view of the progressively hardening boundaries that structure the global regime of citizenship. The degree to which the contestations explored above mattered in this outcome is ultimately unknowable. However, it is undeniable that they introduced into a national public forum a historical account of U.S. citizenship that radically challenges the White epistemology of citizenship. These political remembrances offer a set of cognitive frames through which birthright citizenship for the children of undocumented immigrants can be seen not as an "offense to common morality and common sense" but as just and morally right.

CONCLUSION

I have argued that the global regime of citizenship works as an important element of the contemporary Racial Contract, perpetuating global racial inequality via superficially neutral Westphalian and neoliberal rationales. Following Mills' formulation of the epistemological implications of the Racial Contract, I have argued that the global regime of citizenship, to paraphrase Fanon, secretes its own unique form of reification, creating protected spaces and enclaves from which the deprivations and mobility constraints of people of color are not visible to Whites: issuing in a White epistemology of citizenship. I hope to have demonstrated that structural blindness, and the White amnesia that subtends it, in my account of the hearing on birthright citizenship. And though I would not argue that nonwhite identities necessarily or automatically translate into what Mills calls a "perspectival cognitive advantage" (1997, p. 109), I hope to have shown that the politicized reflexivity of some of the participants in fact does serve as a rich resource for challenging White amnesia about the actual exclusionary history of U.S. citizenship. It plays a central part in the *jus soli* defenders' revelation of the moral and epistemological limits of the restrictionists' rationalities.

I argued briefly above that theorizing the *jus soli* rule in terms of the global regime of citizenship is an important supplement to Jacqueline Stevens' otherwise insightful analysis. She condemns all birth-assigned forms of citizenship—*jus soli* and

jus sanguinis alike—as perpetuating a death-dealing worldwide system of patriarchal nationalism. While I wholeheartedly second the aspiration to a feminist world free of exclusionary and unequal regimes of inherited membership, I argue that soil *is* preferable to blood, and very much worth fighting for, in the specific historical and geographical context of the contemporary United States. The defense of birthright citizenship here and now challenges the Racial Contract, first of all, at a fundamental ontological level. To put it bluntly, it affirms the demographic transformations that are, as Representative Mink discerned, so very troubling for opponents of birthright citizenship. As more children are born into "mixed status" families, it quite literally undermines the division, in the United States, between White bloc and nonwhite bloc citizens. Who citizens are, who the parents of citizens are, what transnational connections citizens have—the composition of all of these categories will, in the absence of unforeseen state interventions, tend towards dissolving, rather than reinforcing, the dualities of the global regime of citizenship. Furthermore, if we take seriously the epistemological dimension of the global regime of citizenship, this transformation will potentially have profound cognitive effects as well. Experience of undocumented immigrants as relatives and members of families and communities, potentially undermines the credibility of the Westphalian-neoliberal vision of them as pathologically dependent invaders. Organizing campaigns like the New Sanctuary Movement, an interfaith consortium convened in 2007 to protect the parents of citizen children from the vastly intensified deportations under George W. Bush (Sustar 2007), and Obama's recent move to stop deportations of undocumented youth may testify to the beginnings, in some quarters at least, of such cognitive—and moral—challenges to the White epistemology of citizenship. The defense of U.S. birthright citizenship now does not, in fact, sacrifice Stevens' vision as a long-term goal. On the contrary, it moves us toward, rather than away from, a world beyond the partitioned global ontology of the Racial Contract.

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NOTES

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2. See Sheahan 2004a, 2004b for typical representations of pregnant immigrant women in Ireland (this dominant view was not uncontested, see Brennock 2004a, 2004b). Foreign women were portrayed in television and print media as instrumentally planning trips to Ireland to coincide with the labor and delivery of their babies (Sheahan 2004a). As in the United States, the women, of Nigerian, Arab, or Eastern European descent, allegedly flocking to Ireland to give birth were always represented as racially or ethnically different from the majority Irish population.
3. The growing Latino electorate may also mean that conservative politicians are increasingly unwilling to avow an anti-birthright citizenship stance. I am indebted to an anonymous reviewer for this point.
4. Though so far unsuccessful, various state legislatures have proposed denying a birth certificate or assigning a modified birth certificate to the children of undocumented mothers in recent years (Ho 2008; Rau 2011).
5. My use of the term "global" here is admittedly problematic, because the actual focus here is on the citizenship exclusions of white-ruled polities, and not, e.g., those of Japan or those internal to China. However, I use it here to capture, first, the sweeping breadth of the disparities between the life chances of most Global South populations from those of

most Global North populations, and second, the fact that both the misery of the former and the privilege of the latter stem from the same historically constituted global system.

6. The term "nonwhite" is a problematic descriptor, as it indicates a lack or deviation with respect to a White norm. Precisely because of this, it aptly captures the oppressive binarism of Mills' and my heuristic accounts of the Racial Contract and the global regime of citizenship, respectively.
7. In this paper, I follow Mills in writing the Racial Contract without quotes to signify the Contract as a system of White supremacy with real effects in the world, and putting in quotes the sense of the theory or critical examination of the Racial Contract: the "Racial Contract" (Mills 1997, p. 3)
8. For example, see Benhabib 2004; Calavita 2005; Brysk and Shafir 2004; Goldberg 2002, 2009; Haney Lopez 2006; Inda 2006; Lentin 2007; Ngai 2004; Ong 2003; Sparke 2006; Winant 2001.
9. Mills does not assign a specific date to the transition between phase one and phase two of the Racial Contract. As an anonymous reviewer pointed out, this transition can be located roughly around the end of World War II. David Theo Goldberg locates the move from explicit to "raceless racism" around this time as well (2009, p. 330).
10. Although, as Alasdair McIntyre (1984) notes, all "moral philosophy . . . characteristically presupposes a sociology" (p. 23); in this vein, Mills argues that what could be called Rawls' "tacit sociology" leaves out race and the legacies of slavery entirely in his theory of justice, reproducing the invisibility of race in the landscape of actual moral practices. Some defend Rawls by arguing that, although his theory may not address race explicitly, racial subordination could certainly be a part of the general sociological knowledge to which subjects have access behind the veil of ignorance. See Shelby 2004 for such a defense (though Mills (2009) begs to differ). I am indebted to Chip Turner for this point.
11. These are, again, very broad strokes. I recognize, and discuss in a later section, the fact that a de facto nonwhite bloc in fact exists in many places in the White bloc and in the United States in particular. The analytical focus here on formal citizenship brackets, for the moment, the multiple levels of membership *inside* states—social, economic, and political—that citizenship theorists since T.H. Marshall (1964) have elaborated.
12. Brown (2008) argues that this proliferation of walls may showcase the failures of state sovereignty more than effectively shoring it up. But this spectacle of sovereignty also has very serious material effects. In the United States at least, migrant deaths have drastically increased since the building of these walls—hundreds of deaths each year now result from migrant flows' having been pushed into the dangerous desert and mountain passes, when previously there were "only" a handful (Inda 2006; Massey 2007). This demonstrates the vast and viciously enforced differential in mobility (Sparke 2006) that U.S. (White bloc) versus Mexican (nonwhite bloc) citizenship entails.
13. As Mills (1997) writes, "Part of the purpose of the color bar/the color line/apartheid/jim crow is to maintain these spaces *in their place* . . . white space is patrolled for dark intruders, whose very presence . . . is a blot on the reassuring civilized whiteness of the home space" (p. 48). Compare James Baldwin's (1993) assertion that "the white world is threatened whenever a black man refuses to accept the white man's definitions" (p. 85).
14. See Shelby 2007 for a related normative argument that those subject to the injustice of ghetto conditions are exempt from certain civic obligations, as they are based on a notion of citizen-state reciprocity that does not obtain.
15. One thinks immediately of Paul Farmer's (2005) example of the life expectancy of African American men in Harlem as being lower than men in Bangladesh (pp. 156–157).
16. As Branko Milanovic writes, "new numbers show global inequality to be 70 Gini points—a level of inequality never recorded anywhere" (2008). The Gini coefficient is a measure of income inequality; a score of 100 signifies complete inequality and 0 means perfect equality of income. Milanovic is pointing out that the level of inequality between wealthy and poor countries now surpasses the internal inequality of all individual nation-states, including extremely stratified societies like South Africa and Guatemala. Weisbrot et al. (2001) concur that inequality has been growing. They show that not only GDP but a variety of other indicators, such as life expectancy, infant mortality, literacy, and education either did not improve or improved much more slowly from 1980–2000 than they had over the previous twenty years. Measuring wealth, rather than income, also yields a picture of growing disparity between North America, Europe, and high-income East Asian countries—which collectively own 90% of the world's wealth—and the rest of the world (Davies et al., 2006).

17. It was not until the 1965 Immigration and Nationality Services Act that national origins criteria were finally abolished (Lowe 1996).
18. The miseries of Haiti, for instance, from the erosion of its once-rich topsoil to its near century of atrocious political oppression by the Duvalier dictatorships and various military juntas, can nearly all be traced directly to economic and foreign policy interests in the United States (Farmer 2005). Yet the "wildness" of Haiti—the hunger riots, the thugs, the corruption, and the AIDS epidemic—is framed by mainstream U.S. policy analysts as an inherent property (Boot 2003). According to the global regime of citizenship, it is only rational for the United States to refuse entry—let alone residency or citizenship—to such (nonwhite) people from such a place.
19. As Mills (1997) writes, the boundaries of whiteness are constantly being redrawn (81); thus, in certain contexts, particularly that of the business class, "whiteness" has come to conditionally include some elite nonwhites. See Ong 1999 on this "flexible citizenship" among East Asian transnational business elites.
20. Though heavily based on the laissez-faire theories of economic liberalism forwarded by Adam Smith and David Ricardo, the appellation of *neo*liberalism refers to the fact that these policies were formulated in direct opposition to Keynesian liberal policies that underlay the twentieth century welfare state. Championed by economists Friedrich von Hayek, Milton Friedman, and others, neoliberal policies began to be implemented after the economic crises of the 1970s fomented a general disillusionment with Keynesian social liberalism. Increased legitimacy accrued to neoliberalism as the socialist bloc crumbled over the following two decades (Harvey 2005).
21. *Governmentality*, a neologism coined by Foucault (2000), combines the words "government" and "mentality," and is defined by him as, basically, the set of institutional and administrative practices that aim to achieve the "right disposition" of a given population, crucially including the inculcation of private-sphere and individual regimes of proper conduct. This formulation was a response to the emergence of neoliberal governments in Europe in the 1970s, and their attempts to "pedagogically" reshape citizens according to market values (Gordon 2000).
22. For analyses of "Welfare Queen" discourse and policy prescriptions that issued from it, see Hancock 2004; Roberts 1997a; Schram 2000.
23. The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was touted as "the end of welfare as we know it." Among other things, it instituted a three-year cap on public support over a lifetime; refused additional funding for women who "irresponsibly" became pregnant while receiving support; and required participation in punishing "workfare" programs in exchange for support, requiring women to work jobs for less than minimum wage, without, of course, providing for childcare (Schram 2000).
24. Strict adherence to neoliberal principles should in fact support open borders, as universal meritocracy and unbridled free enterprise trump the parochial boundaries of nationalism. As an anonymous reviewer pointed out, this complicates the inclusion of avowedly neoliberal policymakers within the restrictionist camp. For instance, Rick Perry's support of in-state university tuition for undocumented young adults during the run-up to the primary election in 2011 sat uneasily with his ultra-conservative supporters (Gabriel 2011). However, neoliberalism is here considered a *rationality*, a not-entirely-conscious mode of understanding and governing the actions of oneself and others, rather than a policy position. I would argue that there is a distinction at the heart of the neoliberal notion of freedom between deserving and undeserving subjects, rooted in the venerable metonymy between femininity, non-whiteness, and dependency (Fraser and Gordon, 1994). Thus while neoliberals may advocate open borders for "hardworking" immigrants, they will still advocate draconian measures for "freeloaders." This distinction is prominent in the analysis of the congressional hearing below.
25. Mills (1997, p. 48) quotes from this same passage by Fanon.
26. Though see Carens (1987) for an early response to restrictionism. Recent articles by historian Mae Ngai (2007) and sociologist Ronit Lentin (2007) offer insightful analyses of the racial dimensions of the recent attacks, with an emphasis on the United States and Ireland, respectively. Legal scholar Ayelet Shachar (2007, 2009) argues persuasively that citizenship in an affluent state is a special form of inherited property and should be subject to a global redistributive tax, and eventually abolished in favor of *jus nexi*, a principle of citizenship in the country where one's community is. She does not discuss racism as a significant component of the global citizenship system.

27. This solidarity, which I admit is a speculative notion, as an aspect of the "phase two" Racial Contract, is expressed through no explicit program to keep nonwhites out, but rather operates through rationalized immigration policies (as discussed above). In the United States, at least, I would argue that it is bolstered by the imaginary past of hardworking, independent White European immigrants, as discussed below in the analysis of the congressional hearing.
28. Shorter hearings considering birthright citizenship in combination with other issues were also convened in 1997 and 2005.
29. Law professors were Peter Schuck, Former U.S. Congresswoman Barbara Jordan, and Gerald Neuman; the political scientist was Edward Erler of Cal State; the reporter, for the *El Paso Times*, was Emily Jauregui-Alcantar; Joan Zinser of the San Diego Department of Social Services was the welfare administrator; and Walter Dellinger was the Asst. Attorney General.
30. These included Lamar Smith (R-Texas, Chairman of the Subcommittee on Immigration and Claims), Edward Bryant (R-Tennessee), Elton Gallegly (R-California), Brian Bilbray (R-California), Sonny Bono (R-California), Anthony Beilenson (D-California), and Mark Foley (R-Florida)
31. They were John Conyers (D-Michigan), John Bryant (D-Texas), Luis Gutierrez (D-Illinois), Zoe Lofgren (D-California), Patsy Takemoto Mink (D-Hawaii), Jose Serrano (D-New York), and Xavier Becerra (D-California).
32. I use the word "potentially" here because, as Mills (1997) points out, oppressed subjects are in no way immune to internalizing that oppression, as we are all constituted through the norms of our particular contexts. Thus, in the classic feminist standpoint formulation of Nancy Hartsock (1983), "the vision available to the oppressed group must be struggled for and represents an achievement"—a product of collective resistance to hegemonic norms (p. 232).
33. Mills traces the lineage of this concept back to W. E. B. Du Bois's "double consciousness," which predates Lukács' (1971) formulation of a "proletarian standpoint," even though Lukacs (in combination with some of Marx's early work on alienation) is usually credited with originating the idea. Mills reads Du Bois (to the extent that he does so) as suggesting that this double consciousness is, though costly, fairly reliably emancipatory—a view seconded by Holt's (1990) theorization of "The Political Uses of Alienation," and which I more or less follow here. Gooding-Williams (1987), however, sounds a more cautionary note, emphasizing that African American alienation, for Du Bois, is much more fraught with dangers. Emphasizing the term "second-sight" rather than "double counsciousness," Gooding-Williams argues that the estrangement of the African-American subject of Du Bois's account is not simply an estrangement from the White world but, deeply, from African-American selfhood—undercutting, at least potentially, the self-affirmation necessary for turning abjection into a moral and epistemological resource.
34. Commentator Albert Gallatin wrote, in an 1847 pamphlet opposing the prospect of war, that "In the total absence of any argument that can justify the war in which we are now involved . . . it is said that the people of the United States have a hereditary superiority of race over the Mexicans, which gives them the right to subjugate and keep in bondage the inferior nation" (quoted in Rathbun 2001, p. 22). In 1880, the Republican National Committee's *Republican Campaign Textbook* remembered the war as an incident of "feculent, reeking corruption . . . The Mexican War, one of the darkest scenes in our history [was] . . . forced upon our and the Mexican people by the high-handed usurpations of Pres't Polk in pursuit of territorial aggrandizement of the slave oligarchy" (p. 97).
35. This resignification of undocumented immigrants as wage laborers, though in fact reflective of the actual lives of most undocumented immigrants (Passel 2005), and a logical counter to the rhetoric of neoliberal failure (free-riders on the taxpayers' dime), is not unproblematic. First, it reinscribes the distinction between a masculine public and a feminine private sphere: the construal of the maternal body and labor of maternity as abject, alien to and corrupting of the wholesome, manly realm of autonomous citizens (Young 2005). It can thus reproduce a gendered conceptual boundary *within* the population of undocumented immigrants in addition to the raced and gendered conceptual boundary already dividing undocumented immigrants from "virtuous" White citizens. Second, as Cristina Beltrán (2009) argues via Arendt's notion of *animal laborans* (Arendt 1958), the figuration of immigrants as laborers and only laborers reinforces the raced notion of the undocumented as an undifferentiated mass without citizenly individuality,

more or less reproducing the binary that Mills identifies in social contract thinking between Euro-subjects and nonwhite others. She writes: "the capacity to work hard and earn confers little or no civic standing on raced subjects. Instead, the undocumented occupy a subject position defined by their willingness to engage in punishing, tedious, and dangerous labor" (p. 614).

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