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Introduction: Latinas/os and Citizenship Excess

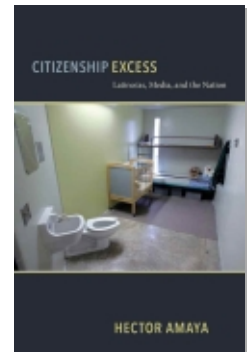
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Introduction: Latinas/os and Citizenship Excess

In April 2010, Arizona governor Jan Brewer signed what at the time many observers considered the toughest immigration bill in the nation at a state level (Archibold 2010). The law ordered immigrants to carry their alien registration documents at all times and required police to question any detainees that they believed might be in the United States illegally. Opponents of the law argued that it would inevitably lead to racial profiling against the Latino population. In the weeks that followed, a mediated national debate about the merits of the law pitted Latino groups, human rights and social justice activists, nativist organizations, politicians, city councils, members of state and federal congresses, and an ever-polarizing media against each other. President Obama criticized the law but also explicitly agreed with some of the rationale used by Governor Brewer; he allocated an additional twelve hundred National Guard troops and half a billion dollars for increased border security. In the weeks that followed, politicians in other states began contemplating copying Arizona's law. On May 2010, the Quinnipiac University Polling Institute released data

showing that a majority of voters wanted similar laws passed in their states (48 percent versus 35 percent). The support for this type of legislation came despite the fact that the majority of voters also believed (45 percent versus 40 percent) that it would lead to discrimination against Hispanics (Quinnipiac's terminology). Tellingly, according to Quinnipiac, the majority of blacks and Latinas/os opposed the legislation. As in other times in history, state discrimination and mistreatment of minorities was accepted as reasonable, a sacrifice the majority was willing to make for the well-being of the nation-state. Here, a majority defined the nation-state decisively and undisputedly in ethno-racial terms and embraced political and legal excess as the proper privilege of ethno-racially white citizenship.¹

Inspired by events such as those in Arizona, this book introduces *citizenship excess* to investigate the convergence of legal and political excess with ethno-racial privilege. Citizenship excess theorizes that citizenship is inherently a process of uneven political capital accumulation and that the unevenness follows ethno-racial lines. As important, the term *excess* signals that citizenship cannot be rehabilitated within the nation-state. This theory helps us see that excess happens when those who are in power can organize political markets in such a way that political transactions yield a surplus value that they accumulate. The accumulation of such surplus political value, over time, becomes the basis for more and for easier accumulation.

Citizenship excess is a political and media theory that explains ethno-racial inequality as the product of the nation-state and the political, cultural, and legal systems that sustain it. In particular, citizenship excess explains why Latinas/os in general and immigrant Latinas/os in particular are the target of so much ethnic resentment and hate by a large portion of the citizenry and by mainstream politicians, media, and law. I find the problem very complex and traditional racial explanations of why this is happening rather unsatisfactory. Traditional U.S. explanations of race, such as those put forward by Michael Omi and Howard Winant (1994), emphasize vertical racial hierarchies within nations. Their theory of racial formations would explain anti-Latino and anti-immigrant sentiment as a sort of pushing down of these communities with the goal of reproducing a vertical racial hierarchy with whites on top and the rest fighting for political crumbs. As in Omi and Winant's explanation, citizenship excess starts with empirically verifiable vertical racial hierarchies in the United States, but it historicizes and theorizes these hierarchies in transnational terms,

as hierarchies that are not strictly vertical: they are also about geography, about the difference between the here and there, about borders, about us-versus-them and the protection of the nation-state. Citizenship excess hence explains anti-Latino and anti-immigrant sentiment as both a pushing down (racism) and a pushing away (xenophobia) that accomplishes the goal of preserving the ethno-racial character of the nation-state. That is, citizenship excess is concerned with the ability of whites to claim a legitimate monopoly over the state. This ability is based in ideas of race that not only work internally (as vertical hierarchies) but are always embedded in transnational relations and politics *because* they originated in transnational relations and were used to justify internal and external colonialism (D. Gutiérrez 1999; Molina-Guzmán 2010, 14; Pérez 2004, 6, 95; Ana Rodríguez 2002; Romero and Habell-Pallán 2002, 4; Valdivia 2008). I call this theory *citizenship excess* because it is the citizen who is the political actor within the nation-state, because citizenship is how we articulate the relationship of individuals to states, and therefore citizenship and its excess is how we express ethno-racial supremacy.

To construct political legitimacy in today's society requires media, and therefore citizenship excess is also a media theory that explains how media structures participate in the pushing down and the pushing away of Latinas/os. The pushing down is done by discriminating against Latino participation in mainstream media (discussed in chapter 5) and by foreclosing Latino participation in media narratives that problematize Latino life in the United States (discussed in chapters 3 and 6). As in politics, the pushing down secures the preservation of vertical ethno-racial hierarchies.² The pushing away is accomplished in media through processes of ethnic and linguistic balkanization that separate Spanish-language media (SLM), the only segment of U.S. media that consistently serves Latinas/os, from mainstream media, which most Americans define in linguistic terms (discussed in chapters 2 and 4). The pushing away reconstructs the walls that stop access of Latinas/os to traditional ethno-racially white media, hence making it practically impossible for Latinas/os to participate in the majority's public sphere. Both the discrimination (pushing down) and balkanization (pushing away) of Latinas/os secure the supremacy of ethno-racially white interests in political cultures and over the state.

The theory of citizenship excess is rooted in history, and it relies on a set of political and cultural theories that explain political capital accumulation and its impact on Latinas/os. This introductory chapter elaborates on these roots by showing that uneven ethno-racial political capital

accumulation is an intrinsic and foundational characteristic of the United States that relates to its political roots and that is crucial to the way political majorities have debated and treated Latinas/os. As importantly, this unevenness is a political and legal foundation of the nation-state and not only the contingent manifestation of deep-seated racism and xenophobia that surfaces in times of political and economic crisis. I support this claim with scholarship on race, gender, and globalization coming from political theory, critical legal studies, citizenship studies, critical race theory, and Latino studies.³ So I do not make this claim alone, but I bring to the table the language of excess and do so for a very tactical reason. Excess signals that this theory of citizenship is filtered through a Marxian understanding of politics based on one axiom: political and judicial systems can be described as interrelated social fields that follow economic rules. Just as excess of economic wealth is a social problem, I argue that excess of political capital is a political and legal problem. The political and legal fields, which define the nation-state, organize the production and distribution of political goods and give political and legal ground to the racism and xenophobia that give meaning and texture to the lives of Latinas/os in the United States.

In the following sections, I bridge the gap between citizenship excess and a Marxian view of politics and critical race theory, the two most immediate theoretical contexts for citizenship excess. The link to Marx explains the reason for choosing the word *excess*, and the link to critical race theory explains why I approach the problem of ethno-racial inequality from the perspective of citizenship and not centrally from the perspective of race. These sections should prepare us to tackle the basic question of why I use citizenship excess and not simply citizenship or, if you wish, what is the difference between citizenship and citizenship excess and what are the advantages of using the term *citizenship excess*. My goal is that by the end of the introduction, I will have shown that there is something intrinsically poisonous in citizenship, a quality that cannot fully be contained, an excess that feeds the power hungry and that convinces otherwise good people that oppression is just.

The Marxist Roots of Citizenship Excess

Today, Arizona is not the exception but the rule. The first decade of the new century has been very difficult for Latinas/os in general and Latino immigrants in particular.⁴ A decade that began with the recognition that

the number of Latinas/os was growing at a remarkable pace became a decade of anti-Latino and anti-immigrant politics. Our media environment reflected this duality, with SLM extolling the national benefits of Latino growth, and, increasingly, large portions of English-language media (ELM) crying foul. What began as fringe politics and extreme ELM by decade's end had become relatively mainstream nativism and ethnonationalism mostly against Latina/o immigrants. By *nativism* I mean the "opposition to a minority on the basis of their 'foreignness'" (Jacobson 2008, xxi). With *ethnonationalism* I refer to a strong affective investment in a nation that is defined in terms of ethnicity (Connor 1994, xi). Both nativism and ethnonationalism are the pushing away, the xenophobia, I referenced earlier. They share the political view that the United States ought to remain an ethno-racially white nation with ethno-racially white values and socio-cultural characteristics. Unlike nativism, ethnonationalism may welcome immigrants, but only after they radically assimilate.⁵ Arguably, ethnonationalism is a milder form of nativism. For brevity's sake, I will refer to both groups of people who espouse these views as nativists but will specify when needed as to whether the nativism I refer to is radical or mild. In this book, I am concerned with political, social, and media events that have pitted Latinas/os against vocal and powerful nativist forces. I am concerned with social, cultural, and political battles that will undoubtedly shape the future of Latinas/os and the type of liberal democracy the United States will have in the twenty-first century. I am referring to battles such as immigration and securitization, which are broad sites of conflict in which Latinas/os and nativists play important but different roles as social agents. Nativists try to harness the power of the state to discipline, control, and shape the political potential, and future, of Latinas/os. Latinas/os try to appeal to broader definitions of belonging and liberalism to claim the complex rights of citizenship. In a post-9/11 world, these battles have been won by nativists who have used the issues of immigration and securitization to produce anti-Latino legal and political structures, as in recent events in Arizona. For me, the issue is how to make sense of these very complex phenomena without losing sight of the key moving pieces and their histories. So applying some Marxian and economic ideas helped me organize these moving pieces and allowed me to see a predictable pattern in the way discourses and practices were woven through time.⁶ This pattern has three types of effects, which produce three types of citizenship excess: institutional effects, which I discuss first; specific forms of consciousness; and political and cultural effects,

which I discuss in the following sections and in the rest of the book. So let me start by quickly describing this Marxian perspective. I will do so, first, by describing how this perspective organizes four of the key moving pieces. The next sections will deepen these propositions.

Citizenship Excess at Institutions

The four moving pieces are tightly interwoven in a dramatic structure, a battle over social positions and political power between (1) nativists and (2) Latinas/os that is brokered by (3) the state and (4) the media. (1) There is broad anti-Latino hate among the political right deeply influenced by nativism and a general anti-Latino sentiment among the majority of the U.S. population. Nativists concentrate their hate and political efforts on attacking undocumented immigrants, but nativists also have broad concerns about the willingness of immigrant Latinas/os to assimilate, to learn English, and to play by the political and economic rules by which everybody else plays. (2) Latinas/os are becoming more powerful, and they showed their political might in the pro-immigration reform marches. Latino civic organizing has succeeded at making visible the might of the Latino electorate, and that has influenced local and state politics, but in 2006, Latinas/os failed to push for immigration reform at the federal level. (3) Although ideally the state should broker between groups, that has not been the case. Under Republican control from 2000 to 2008, the state, as represented by the political and legal systems, seemed co-opted by nativists, and it produced, through legal or political systems, anti-Latino law. Although Democrats took control of the federal government in 2008, the influence of nativism did not subside. In 2010, Republicans, energized by a Tea Party that includes many nativist voices, took control of the House of Representatives, and, with that, the power of nativists to set the political agenda was cemented.⁷ Simply, the power of the state to broker between nativists and Latinas/os is practically gone. (4) Ideally, media, in its capacity as public sphere, should be a space where different groups can come together and present their points of view, debate them, and influence general public opinion. That is the way the Founding Fathers imagined it; it is the way most Americans think of it today. So, has media played the role of a public sphere? In the United States, we have an incredibly dynamic and diverse media system that, regardless of its dynamism and variety, has failed to provide a general platform for Latino voices. Simply put, it has gone nativist. This is not only because of Fox

and Rupert Murdoch but also because of CNN (Lou Dobbs), talk radio, and the general unwillingness of mainstream fictional media to include Latino narratives. Ironically, SLM, which serves the majority of Latinas/os, has been thriving, but it is isolated and incapable of shaping general public opinion because of linguistic differences. So, like the state, the power of the media to broker seems negligible, and the fight between Latinas/os and nativists appears absolutely rigged. How do we explain these complex and important phenomena, particularly as this type of national scenario seems to echo events in Europe, where nativism also seems to be on the rise?

We can start by noting that we are witnessing a battle of Marxian proportions between the haves and the have-nots. Nativists are economically wealthier, and they have sizable political capital because they claimed legal and cultural ownership of the U.S. territory. Nativists then transform this political capital into legal and cultural capital (Bourdieu 1986).⁸ For instance, nativists characterize undocumented immigration in terms of sovereignty under threat. This narrative has played wonderfully in political cultures and media, and it has provided the narrative energy for news that framed Latino immigrants as an invading horde, the barbarians knocking at the walls, and the nativists as defenders of the motherland. Latinas/os, on the other hand, are poorer; they have weak territorial claims; and the legal and political frameworks that, since the 1960s, have given them a foothold in the state have become increasingly unpopular since Reagan.⁹ Yes, Latino numbers have been growing, but this also means that the Latino population seems more like a threat to a majority that, after 9/11, is too concerned with security of the physical and economic kind. So nativists have accumulated political capital that they have used both to accumulate even more political, legal, and cultural capital and to make their political messages seem more mainstream. In contrast, Latinas/os' political capital has dwindled, and the losses have been in direct proportion to the gains of nativists.

The Marxian analogy does not end here. Witnessing the past couple of decades of political battles between nativists and Latinas/os, it is impossible not to notice a certain economic logic to the way political and legal losses and gains have been allocated. Pierre Bourdieu's work on political and cultural capital is useful here to help us understand that society works as a giant political market, a field of power if you wish, where different communities bring their wares and trade with the goal of surviving or moving up the political and cultural ladder.¹⁰ Following Bourdieu, I

propose that the political market follows a few basic rules of trade that are easily observable and worth mentioning right here:

- The first thing that is striking about this field of power is that in order to participate, you must be a citizen. Noncitizens have practically no say, and undocumented immigrants are simply the worst off of the have-nots.
- Although all citizens are allowed to participate in the field of power, the most politically wealthy class is ethno-racially defined. They tend to be white and economically wealthy; they often attend the same universities; and they are frequently members of the same clubs. They also have the habit of speaking on behalf of everybody else and succeed at doing so because they often own or control media. It is not a monolithic class. Others may become part of it, but they must adopt the “ethnic” part of the ethno-racial. Those who wish to join the ranks of the political elite must speak with their accent, eat their food, go to the same universities, and succeed at accumulating something that can be traded for political wares, for example, money, cultural capital, or votes.
- This giant field of power allows for trade in several fine currencies including votes and civic behavior. But there is no finer currency than law, and many citizens would gladly trade their political wares for having their views become law.¹¹ So communities with quick access to legal systems have the power to trade that access in exchange for the votes and energetic civic behavior of other communities.
- Although a great deal of political capital is the accumulation of political currencies, such as votes and civic behavior (“I will vote for your proposal if you vote for mine”; “I will march for your cause if you march for mine”), political capital is also the result of currency accumulated in other social markets including wealth, prestige, and, as Bourdieu (1986) would note, cultural capital.
- Because law not only applies to the political market but shapes every other social market including the financial, cultural, educational, labor, health, housing, and media markets, the accumulation of political capital typically translates well into accumulation in other markets (Dudziak and Volpp 2005; Oliver and Shapiro 2006). Bourdieu calls this principle “interconvertibility,” or the ability of one type of capital to be converted into other types.¹² In Arizona, for instance, shortly after the draconian immigration bill I mentioned earlier, the government produced a law prohibiting the teaching of Ethnic Studies in public schools. Ethnic Studies is the only area of the public school curriculum that places the history of

ethno-racial minorities at its center, and as a result, it is a type of cultural capital for ethnic minorities.

- Similarly, decreased political capital can easily translate into decreased capital in other markets. A lack of political capital is quickly converted into a lack of prestige or cultural capital, and this is typically the case for ethno-racial minorities and immigrant populations. Forbidding Ethnic Studies in public schools in Arizona decreases the prestige and cultural capital of ethno-racial minorities in the state.

What these rules tell me about the field of power is that, left to its own devices, it tends to produce excessive accumulation of political capital, and this tends to end up in the hands of citizens who are ethno-racially defined. Although these communities are not racially monolithic (e.g., President Obama or Governor Bill Richardson), they tend to welcome those who are white and those who are willing to assimilate by taking on white ethnic markers.

Of course, the field of power was never left to its own devices, and there have been plenty of legal, administrative, and discursive tools meant to provide checks and balances. We have always had administrative walls separating politics from other social fields, and none were more essential than the walls separating wealth from politics, those two most important social fields. But new laws allowing corporations almost unrestricted access to the political system by giving them free rein to fund election campaigns are increasingly eroding these walls.¹³ The ability to convert economic capital into political capital has become a grotesque part of our political present, and the results are in: the advertising cost of the 2010 elections (which was not a presidential election) was upward of \$3.7 billion. Who can compete? Not many. Our media system is rich and has the potential to be prolific and diverse, but after the 1996 Telecommunications Act, our media has consolidated so that only a few corporations dominate most of the public sphere. Powerful political classes have used extraordinary events such as 9/11 to transform the institutional character of important government agencies and to reframe their activities in terms of security. Significantly, the creation of the Department of Homeland Security (DHS) and the move of the Immigration and Naturalization Service to the DHS have permanently transformed both the discourse around immigration and state practices toward immigrants into state practices against immigration. And, perhaps most importantly, we have drastically redefined liberalism and republicanism,¹⁴ two political

platforms that were meant to remind us that the role of the state is to provide the ground for all sorts of equality and that all people should have a right to participate in government. What happened to this definition of liberalism and republicanism? There are two types of answer that can help us here. One would propose that liberalism and republicanism are under siege and have been perverted by capitalism (neoliberalism) and racist xenophobia. The second view argues that liberalism and republicanism were never that pure. Thanks to critical legal scholars, political scientists, critical race theorists, and theorists of globalization, we know that liberalism and republicanism share too much genetic material with colonialism, racism, and imperialism to be so pure, and I show this throughout the book. Liberalism and republicanism appear alongside the formation of nation-states and alongside a world economy that depends on colonial expansion and uses theories of race and racist theories of law to justify human exploitation and land robbery. I expand on these points in the following section, but now I want to mention one last lesson from Marx that is worth remembering.

Citizenship Excess, Forms of Consciousness and Culture

Besides inspiring us to see the nation-state as a field of power where political capital is accumulated in complex but predictable ways, Marx is useful for helping us think about the long-term effects of social systems on forms of consciousness and culture. When Marx investigated the capitalism he encountered in the nineteenth century, he used the figure of the bourgeoisie to criticize a class of people capable of controlling the narrative frames that reconstituted their privilege. These frames centered on the values of profit, entrepreneurship, and efficiency in everyday life. They worked because all classes shared them, albeit as different elements of the narrative of wealth. I believe the long-term effects of citizenship excess impact consciousness in complex ways, producing an array of platforms for subjectivities and identities that allow for this relatively rigid political system to be legitimated by the majority. Not all of these effects translate into racism and xenophobia, but some do. Other effects simply help the majority rationalize the current system, even while recognizing its imperfections. With Marx and Michel Foucault, I believe one of the most common and deepest effects on consciousness is interiorizing the law, or what Foucault calls the production of “juridical subjectivities.” When I mention these juridical subjectivities, I have in mind the now-famous

“Letter from Birmingham Jail,” written by Dr. Martin Luther King Jr. in 1963 during one of the harshest moments of his political career. In this letter, Dr. King responded to clergymen who complained about the timing of the marches and who, Dr. King believed, would have preferred the embrace of slow reform instead of the push for speedy resolutions to the racist law that African Americans were facing. These clergymen seem the perfect example of complicit majorities that would rather endure the racial oppression of others than challenge racist law. These majorities are similar to the majorities today that would rather tolerate racial discrimination against Latinas/os than oppose legal frameworks such as the one passed in Arizona in 2010. These majorities have interiorized the law in such a way that it is easier for them to imagine that state harmony is more important than opposing the state in the name of justice. While political capital accumulation speaks to institutionalized citizenship excess, modern forms of consciousness that reproduce internal and external colonialisms are also evidence of citizenship excess that shape contemporary political cultures. These forms of consciousness include harsh forms of excess as in nativism, racism, and xenophobia but also more ambiguous forms of consciousness that are often complicit or implicitly supportive of uneven political capital accumulation. These latter forms include ethno-nationalism and the coward liberalism exemplified by the clergymen and most of the respondents to Quinnipiac’s polls who would tolerate racial profiling of Latinas/os. According to citizenship excess, both harsh and ambiguous forms of consciousness contribute to ethno-racial injustice.

Inspired by Marx, a term such as *political capital accumulation* is meant to suggest that the distribution of rights and duties is unequal and that this inequality is patterned. This book, like most citizenship studies, shows that this pattern is partly based on ascription, that is, on birth characteristics such as race, ethnicity, gender, and nationality. Just as wealth attracts wealth, political capital seems to attract more political capital, making the pathways to social and political relevance of some people much easier to navigate than the paths of others. The point of accumulating political capital is to allow easier access to positions within the political field, as Bourdieu shows in other contexts with other types of capital. Just as ascription is not destiny, some bearers of the wrong ascription(s) can negotiate the difficult paths to social and political relevance. But a few success stories are not likely to change the basic pattern of resource distribution that the excesses of citizenship produces. Nor are they likely to challenge the basic political values that give control of a nation-state to

a relatively small political class whose tenure in power is maintained by accumulated political capital and by political cultures that reproduce narrow definitions of political action and political agency.

Citizenship Excess and Critical Race Theory

Citizenship excess follows contemporary understandings of race and is directly indebted to the theories of racialization by Omi and Winant (1986, 1994), including the latest theories by Winant (2004), which recast the problem of race as a global problem. Omi and Winant's theory of racial formation "refers to the process by which social, economic, and political forces determine the content and importance of racial categories" (1986, 61). Racial formations change over time, as do the meanings of race, racial etiquettes, and the aspects of life that are understood as racial. Citizenship excess theorizes the contemporary racial formation in the United States that is determining Latinas/os' lived experiences. So, in one sense, citizenship excess is an application of the theory of racial formation that accounts for the growing importance of immigration, nativism, and linguistically differentiated media in the lives of Latinas/os. In another sense, citizenship excess reframes Omi and Winant's ideas on race by proposing that the hierarchical power of race, the ability race has to naturalize and produce power differences, has been its ability to speak to ethno-territoriality, the link between a people and a territory (N. Rose 1999, 113).¹⁵ Ethno-territoriality has helped establish legal or illegal sovereignty over land. When mixed with race, ethno-territoriality provides the legal framework for imperialism, as when European colonizers of the New World defined it as *terra nullius*, empty land. As noted by Omi and Winant, theories of race, from the conquest of the Americas to the present, were created and have been consistently used to justify, explain, and promote territorial expansion and the plundering of other geographies (1986, 58–59). European in origin, ethno-territorial theories of race were part of the political, cultural, and legal arsenal that the British, French, and Spanish used in North America to destroy local Native American cultures, to uproot Africans and subject them as slaves in the British colonies, to colonize Mexican territory and force subjection on Mexicans, and to foster the importation and exploitation of labor from Asia. As important for this book, ethno-territorial theories of race later became nationalized in nativism, which discriminates against the foreigner; in ethnonationalism, which equates the values of the white ethnicity with the state;

and in legal theories of citizenship. Because of this, I believe that Omi and Winant's ideas about race must work in concert with theories that account for ethno-territoriality in order to explain the U.S. racial formation from a Latino perspective. Citizenship excess is one such theory.

Citizenship excess illustrates a particular racial formation and gives contingent meaning to the relation of race in a state and society increasingly attentive to racialized language (Oliver and Shapiro 2006, 37). So the issue becomes, how do we manage to sustain racial difference within legal and political systems increasingly aware that racism is bad? Here, I am not saying that our law is not racist. What I am saying is that in order to have racial effects, the meaning of race had to be dramatically changed, and it changed in two significant ways. It generated what Eduardo Bonilla-Silva (2001, 193), Herman Gray (2010), and Carter Wilson (1996, 219), among others, call the new racism, a type of racism that is institutionally hidden and that has the effect of stratifying without using openly racially prejudicial language. This new racism appears in the way racial language has been excised from law and much policy. In legal decisions such as those that have eroded affirmative action in the past fifteen years, the decision is often posed in terms of ending racism by ending racial discrimination against whites. This new racism has also generated a puzzling new form of racial consciousness. Today, everyone seems to be engaged in the project of ending racism, and yet the effects of racism do not end. One finds this commitment to ending racism among the Minutemen, the vigilante organization monitoring the U.S.-Mexico border, or among skinheads (see <http://skinheads.net>), who nonetheless rant about all sorts of racial others. I recognize that both issues can be answered by pointing out that neither the legal system nor the ultraright are honest when they say they reject racism. Perhaps deep down they remain equally committed to racial hierarchies. Perhaps. But my point is that in today's racial formation, nobody can be openly racist, not even the state: how is it, then, that the effects of racism persist?

The answer to this important question is partly the new racism, an answer that fits with Omi and Winant, but also partly the evolution of citizenship. The meaning of race has been changing since the abstracting language of the law made citizenship the foundation of the state (Hong 2006, 11, 32). Although for most of U.S. history race and sex have determined citizenship, the process of making citizenship a more abstract category continues moving forward, as noted by Omi and Winant and any legal historian of the nineteenth and twentieth centuries. Today, as Melvin

Oliver and Thomas Shapiro (2006) have argued in their work on wealth inequality in the United States, the push-down effects of racism are made possible by insidious law and political policies that never mention race but that seem to be calculated to have long-lasting racial outcomes, such as housing policy, lending practices, public-education funding policies and laws, health care policy, and, I would add, media policy. In other words, if legal language in the eighteenth, the nineteenth, and part of the twentieth century could explicitly discriminate based on race, today the state cannot use that language, even if the goal of politicians and lawmakers is to produce law and policy that stratifies racially.¹⁶ This old-style racism is out of political fashion as a public performance of political selfhood.¹⁷

The modern state, however, remains deeply ethno-territorial, and the pushing-away effects of xenophobia continue to be quite central to the law. With fear and sadness, we have witnessed the rise of nativism and ethnonationalism as accepted political and legal platforms in the United States, France, Germany, Italy, Spain, Japan, and even Denmark, Sweden, and Holland, which are often treated as the socialist-democratic exceptions where things are simply better. In the United States, it is quite okay to speak against immigrants, Spanish speakers, Islam, and other nations without being excommunicated from the mainstream political community. It is worth mentioning that the effects of this pushing away are, like racism, hierarchical and have the long-term effect of debilitating the political strength of ethno-racial minorities, of foreclosing avenues to political power centers, of producing injurious stereotypes that make prestige impossible, and of devaluating ethnic cultural markers. In what political market can speaking two languages become a political deficit? Bilingualism is a political and cultural deficit in the political markets of many advanced nation-states: in the United States, if your first language is Spanish and your second language is English; in Germany, if your first language is Turkish and your second language is German; in France, if your first language is Arabic and your second language is French. Ethno-territoriality shapes the field of power and efficiently overvalues and devalues political and cultural goods on the basis of national, ethnic, and racial origin.

In the current racial formation, Latinas/os suffer the double damage of highly abstract forms of state citizenship excess, the new racism, that have racial effects (in, for instance, the unequal funding of public schooling) and direct forms of state citizenship excess that have xenophobic roots (as in the adoption of English as the official language of twenty-eight states and hundreds of English-only initiatives across the nation).

I have begun assembling the theoretical scaffolding that will allow me to engage the large claim mentioned at the beginning of this introductory chapter: citizenship excess proposes that uneven ethno-racial political capital accumulation is a political and legal foundation of the nation-state. The following section has the goal of explaining how citizenship excess differs from common uses of citizenship in contemporary citizenship studies, and it argues that this difference is important because it is the grounds for a particular type of analysis of the nation-state, one that is more attentive to the ethno-territorial, to the nation-state in the world system, and to the evolution of racist and xenophobic culture and law. To illustrate the type of critical analysis that results from citizenship excess, I use the case of Latinas/os and their complex relationship to U.S. political, cultural, and legal systems.

From Citizenship to Citizenship Excess

There is something intrinsically confusing about the term *citizenship*. It is used in so many different and interrelated ways that it is hard, in one glance, to envision the spectrum of things and practices referred to by it. This book may add to the complexity by introducing yet another term and definition for citizenship, albeit with the modifier *excess*, but this section explains why this addition is necessary. Moreover, here I narrow down the spectrum of things and practices that I understand as citizenship and explain the difference between citizenship and citizenship excess. To do this, I will first briefly reflect on the definitions of citizenship that I find more inspiring. I will then explain how citizenship excess relates to these definitions and describe the types of historiographies of the nation and of Latinas/os that are engendered by citizenship excess. I will never claim that citizenship excess engenders a fully unique type of historiography of the nation or Latinas/os. What I will argue is that citizenship excess will always remind us of the most troublesome roots of citizenship and of the modern nation-state.

The better uses of *citizenship*, in my view, define it as political, legal, and cultural processes that give shape to the nation-state, the citizen, and the national political community. So citizenship is more than the ability to have a passport or to be a national. Citizenship is technology of power that has productive capabilities at the level of institutions (the nation-state), forms of consciousness (the citizen), and political and cultural practices (the national political community). In this spirit, Engin Isin and

Patricia Wood write, “We conceive of citizenship broadly—not only as a set of legal obligations and entitlements which individuals possess by virtue of their membership in a state, but also as the practices through which individuals and groups formulate and claim new rights or struggle to expand or maintain existing rights” (1999, 4). Echoing this complex political weaving, Suzanne Oboler notes that “to speak of citizenship in any meaningful way is, thus, to speak of the specific historically constituted, politically verified, and socially conditioned and differentiated relations within and across sovereign communities” (2006, 4). While also emphasizing political practices and relations, others such as Toby Miller (1993, xvii), Lauren Berlant (2002, 107–108) and Anthony Elliott (2001, 51) conceive of citizenship as a technology of power by which nation-states constitute modern political forms of consciousness, including political agents and political subjectivities. Through political practices, the political agent structures the political world and gives fluidity to the nation-state. Modern political subjectivities, these scholars would note, are not individual; they are determined by history, discourse, and social and racial formations.¹⁸ Otherwise stated, the very large institution that we call the nation-state has some flexibility and can be changed by political agents engaged in political activism. But the nation-state is also quite resilient and very hard to change, and this is partly because our political subjectivities, which are determined often by discourse, histories, and practices that legitimize the state, reduce the likeliness of massive and effective activism.

As a technology of power, citizenship has both positive and negative historical effects on Latinas/os.¹⁹ Some Latinas/os have benefited from curious racializations that allowed them to claim a *Latinidad* rooted in Europe; for instance, significant groups of wealthy Mexicans in New Mexico and California have enjoyed relatively robust versions of citizenship since the nineteenth century. The Treaty of Guadalupe Hidalgo, the document that in 1848 legally formalized the annexation of half of Mexico by the United States, included the provision that Mexican citizenship should be respected and converted into U.S. citizenship. U.S. citizenship, hence, was collectively and automatically granted to the roughly 120,000 Mexican citizens in the southwest territories, but at the time, U.S. citizenship was restricted to whites; so, of necessity, Mexicans were classified as whites (Carbado 2005, 637).²⁰ Nevertheless, the great majority of Mexicans did not enjoy the social and legal benefits of whiteness and instead suffered from the systematic erosion of all rights, including property rights, originally drawn in Mexican law, as well as political and linguistic rights. Some

Mexican elites, however, were able to exploit the legal descriptor of whiteness and became incorporated into the process of colonization, acting as mediators between U.S. white interests and the rest of the newly annexed residents, which included poor Mexicans, Native Americans (who were a large part of the population in such as places as New Mexico), and African Americans (Glenn 2002, 146; Gómez 2007, 81–115; see also Montejano 1987). More recently, the majority of Latinas/os have benefited from the expansion of citizenship rights that happened as a result of civil rights struggles and that include a legacy of vibrant egalitarian legal and policy frameworks. Significant outcomes of this era include the Bilingual Education Act of 1968, the Voting Rights Act of 1965, and the 1982 Supreme Court ruling in *Plyler v. Doe*, which guaranteed the right of undocumented children to attend public schools.

The benefits to Latinas/os because of citizenship are, however, dwarfed by the significant damages this technology of power has brought to Latinas/os. For instance, citizenship law has been part of the imperial arsenal used to subject Latinas/os, and the two clearest examples of this are the subjection of Puerto Ricans and of Mexicans in the Southwest. Colonized in 1898, Puerto Rico became a territory of the United States with different types of official designations such as U.S. territory, protectorate, and, from 1950, commonwealth. From 1898 to 1917, the legal status of Puerto Ricans vis-à-vis the United States was extremely ambiguous. After much deliberation and internal conflict, partly due to racist views about the islanders, the U.S. federal government agreed to give citizenship to Puerto Ricans through the Jones Act in 1917, passed on the eve of World War I. Twenty thousand Puerto Ricans were quickly drafted, and sixty thousand eventually served in the war (Nieto-Phillips 1999, 58–64; De Genova and Ramos-Zayas 2003, 8).²¹ In addition to this example of abusive use of citizenship law, Ediberto Román (2006, 58–66) and Rogers Smith (1997) have noted that the U.S. federal government created specific citizenship legal provisions for Puerto Ricans, which included a citizenship without self-determination and one that provided only a limited set of legal, political, and social rights. As Smith writes, Puerto Rican citizenship “carried no implications of political” or legal “equality” (1997, 437).²² The reasons for this were the profound racisms of Washington politicians who typically characterized Puerto Ricans as unfit for self-government, worth a second-rate citizenship but no more. Puerto Ricans in Puerto Rico, for instance, did not have the right to a trial by jury (*ibid.*, 439) (Cabranes 1979, 29; Pérez 2004, 16; Valdivia 2010, 9).

Prior to Puerto Rico's colonization, the annexation of the Southwest, including Texas, brought with it a racist legal system and political cultures that were used to taking away citizenship rights, thereby creating legally sedimented lower and laborer classes that could be systematically exploited. This began with the Treaty of Guadalupe Hidalgo, a document mostly drafted by U.S. legislators that included the one provision the Mexican legislature was able to negotiate, the granting of U.S. citizenship to Mexican residents. What the Mexican legislature did not know was that in the United States, state law was more powerful than federal law and federal citizenship did not grant political rights. These were granted by states, and when states were formed out of the former Mexican territories, state laws were written to legally disenfranchise Mexicans (Acuña 1988; Glenn 2002, 149; Gómez 2007, 43; Montejano 1987). When paired with immigration law and labor practices, citizenship has been a tool of ethno-racial oppression against all immigrants who had to endure legally structured underclass status because of racist laws and periodic hate, violence, and en masse deportation (Haney-López 1996). Examples abound, but two have been extremely damaging to Latinas/os of Mexican origin. During the Great Depression of the 1930s, after decades of using Mexican immigrants to remedy labor shortages and to support nascent industries, the United States turned the political and immigration system against Mexican workers, deporting them en masse regardless of legal status. Roughly 415,000 immigrants, including citizens, were deported, and another 85,000 were "voluntarily" repatriated (Acuña 1988; De Genova and Ramos-Zayas 2003, 5; Navarro 2005, 185). Later, during World War II, the U.S. federal government used the initiative known as the Bracero Program to address labor shortages, a program that produced a huge upswing in undocumented migrants, lured by employers' invitation. In 1954–1955, when the labor shortage ended, the United States used militarized tactics, often referred to as "Operation Wetback," to expel 2.9 million undocumented Mexican/migrant workers (Acuña 1988; García 1980; Navarro 2005, 254; Ngai 2004, 156). In these and other cases, mainstream political and legal cultures secured the economic and political power of ethno-racial whites over Chinese, Mexicans, Filipinos, Japanese, and other immigrants whose ability to accumulate social, political, and economic capital was weakened by labor and property laws and who had to endure the loss of valuable members of their communities to deportation because of nativist upsurges.

Without a doubt, from a Latino standpoint, the technology of power

that is citizenship has produced more negative outcomes than positive benefits. This is why a theory of citizenship excess is necessary. Citizenship's proclivity to produce negative outcomes relates to the key political practices of citizenship mentioned earlier. Citizenship legitimizes and functions within political markets that tend to concentrate political capital in the same groups. While citizenship excess references endemic political inequality, the term *citizenship* by itself implies some intrinsic positive political outcomes such as the possibility of equality, the powerful feelings of national membership and togetherness, the wonderful sense of duty and responsibility that is part of civics, and the optimistic view that we can change citizenship, expand it to include the have-nots, and open our borders as if they were the open arms of a welcoming nation. When we simply theorize citizenship as a neutral technology of power, we are being generous to a concept that citizenship excess defines as intrinsically polluted. Citizenship excess acknowledges that citizenship is a technology of power, but it also theorizes that excess has always been part of citizenship and that citizenship also means the willingness to coerce and to remain ethically pure while coercing. Citizenship excess reframes citizenship as inclusive of the desire to conquer, to build empire, and to profess ethical cleanliness by clinging to the notion of legality. In sum, I believe citizenship excess is more useful to Latinas/os who need a more robust theoretical framework to explain why 160 years after joining the Union they continue to be unwelcome. And yet the practices just listed are not the only reasons for theorizing citizenship excess. I believe that excess has always been part of citizenship, and the sooner we come to terms with this, the sooner we can imagine radical transformations.

The Nation-State and Citizenship Excess

We can see how excess and injustice are built into the category of citizenship by tracing the genesis and development of citizenship through three significant stages, all of which are part of today's legal systems and political cultures and all of which are central to the shape of the political market. The first stage is the political/legal move of equating citizenship to political currency, an equivalence that links today's citizenship with quite old political practices including those found in Athens and Rome (see also chapter 3). This stage explains who gets to participate in the political market. The second stage coincides with the development of modern nation-states, which harness increasingly complex legal systems in

the project of governing quite large territories that are multiracial and multiethnic (see also chapter 2). In this stage, we speak of citizenship as a portfolio of rights and duties, and citizenship becomes textured and multiple. It is at this point that the sciences of race, which were originally ethno-territorial legal and political frameworks for imperial conquest, become embedded in the complex practices of government, which will use ideas of race, ethnicity, and sex to texture citizenship and to produce its multiplicity. In this stage, slavery becomes legal and women can be labeled citizens but cannot vote. This stage explains how ascription becomes the base for political capital accumulation. We are now in the third stage, where racial language is increasingly falling out of favor and the portfolio of rights and duties is morphing into a highly abstracted set of rules and prescriptions. In this stage, racism is differentiated from nativism and ethnonationalism, which continues to be accepted in political and legal frameworks (see also chapter 4). I use this stage to explain how rates of trade between political goods are established. Citizenship excess in contemporary liberal democracy is the result of the convergence of these three stages into a political moment in which both the texture of citizenship and political practices are made possible through myriad laws and policies that secure differentiated forms of citizenship and accepted forms of political excommunication.

The following subsections expand on these stages. The first two subsections provide arguments that speak to institutional effects of citizenship excess based on arguments about how citizenship became political and legal capital. These subsections help explain how political capital accumulation is the result of the structuring of the political market. The third subsection deepens the analysis of the political market by examining a central mechanism for establishing rates of trade. That is, some cultural and political currencies are worth more than others, and this worth is dependent on the elevation of the value of these currencies at the expense of others. In this subsection, I analyze how processes of symbolic erasure facilitate the devaluation of Latino political and cultural capital to the benefit of ethno-racially white majorities.

Citizenship as Political Currency

Citizenship became political currency when it became a symbol of, and a legal trope for, political agency. The French Constitution of 1791, for instance, grants upon the citizen all natural and civil rights, including the

right of assembly, juridical equality, and freedom of expression. Similarly, the U.S. Constitution reserves for citizens the rights to vote and to be elected. From the Greeks to the Enlightenment, the communities that put forward these definitions of citizenship always defined themselves as citizens and hence proper political agents. In a sort of circular form, citizens constituted the state, and the state, through its legal apparatus, built the political worth of citizenship. Closing the circle, the legal system, in deciding who can vote and be elected, structured the field of power from which the state, as a community of elected officials and appointed legal voices, emanated. This characteristic of citizenship is not new, but in this section I argue that the citizen–political agent equivalence has taken new meanings and forms in modernity. In the era of the nation-state, the equivalence of citizenship with political agency meant constructing the citizen as a legal and administrative category proper to an age of legal compliance and precise administration: however, many of the modern juridical and administrative structures, from the economy to education, relied on the legal racial paradigms of empire. If in the previous section I showed that citizenship excess has been used in the U.S. project of securing the marginalization and control of Latinas/os and other ethno-racial others, this section shows that citizenship excess is a constant feature of the nation-state in modernity and that historicizing Latinas/os in the United States should mean facing up to the almost constant coercive force of citizenship excess on Latino experience.

The equivalence of citizenship and political agency is old. Some elements of this political system have been at play since the Greeks, who began the tradition of granting the citizen “the right to being political” (Isin 2002, 1). Since the Greeks, an almost constant flurry of political systems, including republics, empires, and city-states, have used the equivalence of citizen with political agency as the most basic political equation. Because it helps distinguish between political actors and nonactors, members of the polity and nonmembers, this equivalence is the basic structure of politics and most political systems. From the origins of citizenship to the present, Isin (2002) argues, the citizen has been created in relation to others: those who do not belong to the city, such as foreigners, slaves, and travelers; those who live outside the city walls, which in Athens included workers and craftspeople whom the city depended on but who were not protected by the city’s infrastructure; and those who do not have the personal characteristics, regardless of ancestry, to be citizens, a large group that in Athens included women and the offspring of slaves (slaves

themselves were often imagined as foreigners). Most people in the social world we now know as Ancient Greece were not citizens. Yet, by and large, citizens wrote the political history of Athens; as Isin notes,

While our received view of the origins of citizenship comes from how dominant groups defined themselves against distant others, aliens, and barbarians, the dominant groups have never been inclined to give an account of their dominance. Rather, the dominant groups have always been inclined to naturalize their “superiority” and the “inferiority” of the dominated, interpreting the struggles that resulted in their domination as epic struggles against transitive and distant aliens and barbarians. As a result, their dominated others appear as the distant and transitive (barbarians), rather than the near and immanent (strangers, outsiders, and aliens) (2002, 5).

Isin’s way of interrogating the origins of citizenship helps us see the political pursuits of nativists and ethnonationalists as continuations of quite old political traditions, rather than a purely modern phenomenon.

Indeed, those wonderful Athenians were firm believers in what today we recognize as nativist principles espoused by figures such as Tom Tancredo, the former Republican representative from Colorado and notorious anti-Latino bigot. Like Plato before him, Tancredo believes that the right to govern should be given to the educated elites as long as they are citizens by birth. Tancredo argued the point, stating that “President Obama was elected because we do not have civics, literacy tests before people can vote in this country. . . . People who could not spell the word vote or say it in English put a committed socialist ideology in the White House—name is Barack Hussein Obama” (interview, *CBS News*, February 5, 2010). Perhaps Plato would not have remarked negatively about socialism, but in *The Republic*, Plato is committed to the idea of rule by privileged elites, the citizens also known as “the Guardians,” who are burdened with governing and forced to embody civic virtues as part of their task as rulers. Tancredo, like many other extreme right-wing nativists, is convinced that the character of America is at stake when undeserving individuals are allowed to participate and shape politics. He is a republican not because of party affiliation but because, like Plato, he stresses specific definitions of civic virtue as necessary for government. The virtues that Tancredo has stressed over his political career include being law-abiding, speaking English, having American values, and, in general,

conforming to ethno-racially white socio-cultural parameters. Always a conservative, Tancredo's views on foreigners were exacerbated after 9/11, and since then, he has been on record many times linking immigration to terrorism. In 2003, he introduced a House initiative called the Mass Immigration Reduction Act (H.T. 946), in which he proposed drastic reductions in immigration and refugee admissions. In 2008, he ran in the presidential Republican primary on basically an anti-immigration and antiterrorism platform. He dropped out once he realized he was going to lose and was invited by then-governor Mitt Romney to support his candidacy. Only Senator John McCain got in-between Romney and the Republican nomination. Tancredo is not your typical conservative. Moderate conservatives and financial conservatives dislike him. But Tancredo is a voice that continues to have resonance. The speech I referenced was given at the 2010 Tea Party convention, and Tancredo has since been part of the political arsenal of the Tea Party, consistently using the nativist card to rally support for it.²³

Similarities between Tancredo and Plato are important reminders of unflattering political equivalences that can help us demystify the past and recontextualize the present, but the similarities are also a bit misleading. Citizenship in modernity has become much more than what the Greeks envisioned or required. In the Classical period, Athens was a city-state with 40,000 citizens ruling over roughly 120,000 resident aliens and slaves. The legal and social separation between citizens and noncitizens was rigid. Plato did not have to reflect extensively on the morality of this rigid separation, and his writings on ethics were always already centered on the citizen. The privilege of citizenship made citizenship somewhat invisible. Contemporary politicians such as Tancredo do not enjoy that privilege. Although citizenship in Athens was necessary to participate in politics, the modern state has expanded the uses of citizenship at a rate similar to the rate that the nation-state has expanded the political technologies of government. Practically every contemporary nation-state is larger than Athens, and with regard to population, ethno-racial variety, and geographical size, most nation-states are more similar to old empires, which were ruled by a combination of brutal coercion and judicial systems often organized around the principle that monarchies were divinely ordained (Anderson 1991). If one is to leave aside systematic brutal coercion or political-religious principles, the problem of legitimizing the state becomes a central political problem (Foucault 2007, 116; Burchell, Gordon, and Miller 1991; Bennett 1998; Gordon 1991, 3).

Citizenship Excess in the Nation-State

Historians and theorists of the nation-state have provided several explanations as to how modern nation-states manage to appear legitimate to majorities. Benedict Anderson (1991) notes that monarchic and religious ways of organizing the political were substituted by new sets of secular ideas about politics and kinship and new ways of experiencing the social. Some of these secular ideas about politics we now recognize as nationalism, and some of the new ways of experiencing the social included new kinship structures, which Anderson calls “imagined communities,” made possible by modern ways of experiencing time and space that were the result of new media technologies and capitalism. Anderson is great at explaining how the political technologies central to the nation-state have grown in complexity due to Enlightenment ideas of liberalism, capitalism, and the need to reimagine government as democratic. His arguments can be productively used to explain how nation-states today, in spite of their complexity and size, are perceived as legitimate. They provide a way of understanding how common liberal ideas of equality and justice become affective structures that may lead to self-sacrifice, as in war times, and how national histories are told as worthwhile teleological projects that seek to produce the most just and equal society, as when we use the phrase “a perfect union.” However, Anderson fails to reconcile the horizontal camaraderie that nations seem to engender with the hierarchical organization of life and systems of inequality inherent to all nations. Others are better at explaining de facto national vertical arrangements.

Prior to Anderson, Etienne Balibar and Immanuel Wallerstein (1991) had proposed similar links between the rise of the nation-state, capitalism, and culture. But they went beyond these links to argue that the emergence of the nation-state is linked not simply to the rise of the bourgeois class, central in capitalist societies, but to the fact that capitalism is rooted in what Wallerstein has been calling—since 1974—the “world-economy.” Balibar and Wallerstein believe that this world-economy “is always already hierarchically organized into a ‘core’ and a ‘periphery,’ each of which have different methods of accumulation and exploitation of labour power, and between which relations of unequal exchange and domination are established. . . . Beginning from the core, national unities form out of the overall structure of the world-economy, as a function of the role they play in the structure of a given period. More exactly, they form against one another as competing instruments in the service of the core’s domination of

the periphery.” This means that “every modern nation is a product of colonization: it has always been to some degree colonized or colonizing, and sometimes both at the same time” (Balibar 1991, 89). The core-periphery basis of capitalism helps Balibar and Wallerstein place racial and ethnic difference as seminal to nation-states, for it is the core-periphery ethno-territorial hierarchies that culturally legitimize and give legal form to racial and ethnic hierarchies (ibid., 95). Others such as Enrique Dussel (1995, 2002), Anibal Quijano (2000, 2007), and Walter Mignolo (2000, 2005) have expanded on the role the Wallersteinian “world-economy” has had on the Americas and have used the term “coloniality” to reference the way colonial domination between the European core and the American periphery was concretized through law and administrative processes. As relevant, these Latin American thinkers also argue that racialized colonial law and administrative processes survived independence movements and became part of the legal and policy frameworks of nation-states.²⁴ Hence, according to scholars of coloniality, racialized law has been as important a legal base for the U.S. nation-state as had, for instance, Jeffersonian liberal ideals of equality or Madisonian republican ideas of civics.

Giving credence to theories of coloniality, critical legal scholars such as Ian Haney-López (2006), Cheryl Harris (1997), Grace Hong (2006), George Martinez (1994, 2000), Michael Olivas (2006), Rogers Smith (1997), and Patricia Williams (1991), among others, have shown that U.S. law and policy are partly built on hierarchical ideas about race and ethnicity. Prior to independence, the political relevance of citizenship was minimal, and the American colonies organized themselves around the more ambiguous categories of whiteness, masculinity, and property, which complemented the notion of the British subject and helped allocate judicial privileges (Hong 2006, 4). As predicted by theories of coloniality, with independence came the need to construct a new location of legal privilege—citizenship—and this new location largely reconstructed colonial legal traditions of privilege minus the subjection to the British monarchy. For instance, U.S. prohibitions against miscegenation were preceded by laws such as the 1667 law of the House of Burgesses, which set rules regarding the inheritance of slave status in Virginia. This law stipulated that a newborn would be held “bond or free only according to the condition of the mother” (qtd. in Hickman 2003, 105). The logic here was threefold: to protect white men from legal issues when having a child with an enslaved black woman, to assure the racial deficit of blackness, and to protect the racial solidity of the economy of slavery in which “pure”

whites could hold property rights over slaves. Laws against miscegenation after independence basically followed this 1667 primer. I use this example to illustrate the following: after independence, citizenship did become a dominant political/legal construct, but the ability of this juridical location of privilege to dominate, for instance, the slave economy is a continuation of old, colonial, racist, legal traditions of adjudicating legal privileges to white propertied males (K. Johnson 2003; G. Martinez 2000, 42; Nelson 1998; R. Smith 1997, 40–69). Arguably, what allowed citizenship to become dominant in law and all legally regulated social fields (education, the military, the economy) is partly the continuation of colonial racist and classist rules of political and legal privilege. This is not to deny that the U.S. independence movement was partly rooted in egalitarian Enlightenment ideas, but it never was a full departure from the legal and social principles that allowed the British monarchy to expand its empire in the Americas. Citizenship had to be codified in law in such way as to simultaneously acknowledge the promise of legal equality and the justification for inequality. These very principles of juridical ambivalence and juridical indeterminacy were later used in the colonization of the Southwest and determined the complex ways in which Latinas/os came to the Union and have remained since (Dudziak and Volpp 2005).

Citizenship excess is indebted to theories of coloniality and critical legal scholarship that acknowledge the ethno-racial roots of the U.S. political system (Carbado 2005, 651). Rogers Smith (1997), in the latter tradition, argues that ascription is the third column of the U.S. legal and political system and is as important as egalitarian ideas of liberalism and republican ideas of civics. Ascription, the sense that individuals' hierarchical location in society corresponds to birth characteristics such as race, sex, and nationality, is taken on in law by providing the basis for legal inequality. That is, while liberal understandings of law assume that all subjects of law occupy similar locations in relationship to the law, ascriptivism in law constructs different legal locations on the basis of birth characteristics and assures different legal treatment of different peoples. Some are closer to the law; some are farther. Smith presents hundreds of legal cases that have secured the legal deficit of propertyless individuals in early U.S. history, African Americans all throughout history, Latinas/os after the imperial annexation of the Southwest and Puerto Rico, and women of all races all throughout U.S. history. The organizing principle of Smith's argument is the notion of citizenship, which marks legal membership. In his bleak argument about American legal and political history,

citizenship refers to multiple legal locations from which individuals' ascriptive identities have been used to constitute legal and political deficits and privileges. Examples abound. Written law was subject to interpretation, and it was often through interpretation that privileged communities of citizens constructed hierarchical legal scaffoldings. The Constitution did not mention women but used male pronouns dozens of times, and these pronouns were "used to argue on the floor of Congress and in state courts that the Constitution denied federal office-holding to women" (Smith 1997, 131). Either as written law or as interpretive practices, the juridical world became a nexus where citizenship as political agency would be transformed into the basic legal embroidery that would regulate most spheres of life. The economic and the political became complexly linked and ascription became ambiguous, but, regardless of ambiguity, ascriptivism rarely became the ground for political egalitarianism. Some Native Americans were considered part of the political community and some were not, and the difference often rested on their role in the economy. Broadly, Native Americans were not counted for political representation, nor did they pay taxes. However, many Native Americans worked under conditions of indentured servitude, and as such they paid taxes but could not vote, hence benefiting state coffers and securing the economic privileges of their masters.²⁵

Smith shows how complex views of political and legal membership affected most state and federal institutions, including immigration, education, the armed forces, the economy, gender, and the broad field of crime and punishment. He provides extensive evidence that law and administrative policies in citizenship law, immigration law, educational law and policies, judicial procedures, imperial law and administration, policies in the armed forces, and labor law were systematically used to construct a citizenship deficit among ethno-racial communities and women and that these same legal and administrative policies created citizenship excess among white, propertied communities of men.

In the nation-state, law and policy are the most relevant political technologies because they inscribe and legitimate, on a semipermanent basis, the social and political values of those who write them. Critical legal scholars show that the U.S. legal and administrative framework has been organized from its national beginnings to produce and reproduce citizenship excess, legal inequality based on ascriptivism, the judicial deficit of nonwhites and women, and the legal privileges of white, propertied men. This is consistent with theories of coloniality, which are useful for placing

these very facts into the longer history of colonialism and the administrative and legal practices that were colonialism's political ground. Finally, world-system theories help us see ascriptivism as a transnational political strategy that was meant to legitimate unethical behavior and to govern those unfortunate others caught in the middle. Hence, citizenship excess recasts the genesis of the nation-state in terms of the political and legal processes that gave credibility to nations and that simultaneously concretized imperialism and the domination of ethnic and racial others.

Citizenship Excess and Ethno-Territoriality

In this third stage, which began after the Civil War and accelerated after the 1960s, racial language falls out of favor and law becomes more abstracted. This movement away from ascriptivism is the result of political and civic movements (from the suffragettes to the civil rights movements) that targeted law and juridical practices. Although racial stratification does not disappear—on the contrary, several markers of racial stratification have been exacerbated since the 1960s—stratification is achieved through law and policies that are more difficult to track, such as bank lending practices that on paper look “color-blind” but are carried on in racially differentiated ways, hiring practices that seem fair but always result in ethno-racially white leadership and power, or legal and police systems that are set to increase everybody's security but treat racialized populations radically differently than white ones (Oliver and Shapiro 2006, 144–145; Inda 2006, 52–58). This is the era of the new racism, mentioned earlier. Yet not all ascriptivism is gone; ethno-territorial ascriptivism based on national and ethnic origin remains central to political and legal systems. The worst examples are nativist laws, such as Arizona's. But more common than nativism are myriad ethno-territorial ascriptivist laws and policies that marginalize languages, histories, and political traditions important to ethno-racial minorities in general and Latinas/os in particular. Altogether, these laws, policies, and political practices produce the political capital accumulation of ethno-racially white majorities by symbolically erasing Latinas/os from the U.S. national consciousness. These laws, policies, and political practices are the basis of U.S. ethno-nationalism, a common political view that proposes that the United States has been and should remain ethno-racially white. By devaluing Spanish, Latina/o history, or markers of Latino cultural prestige, the white ethnic majority increases the political capital of English, Eurocentric history and

values. Citizenship excess proposes that in this stage of citizenship, political capital accumulation depends on the systematic erasure of the cultural and political capital of ethno-racial minorities. Erasure works alongside the new racism and the mainstreaming of color-blindness to normalize the hegemony of the ethno-racial majority (Roque Ramirez 2008, 167; Valdivia 2010, 81–83; Viego 2007, 7, 105). These symbolic erasures are more patent in the tendentious ways in which preferred memories and histories become the basis for educational curricula, mediated forms of nationalistic imagery, and commonsense notions of belonging.

Historically, education has been part of processes of erasure, either because curricula disregard histories important to ethnic and racial minorities or because curricula are understood as tools for the assimilation of immigrants and marginal peoples. Let me introduce two brief examples. George Sanchez (1993) narrates how in the California of the 1920s, the progressive movement translated its goals of using K–12 school curricula to make better citizens into the goal of Americanizing immigrants. In these cases, Americanizing meant the systematic disregard for Mexican and Mexican American culture and the embrace of civic, historical, and political lessons that gave credence to the second-class citizenship status of Mexican Americans (104–107). Although full erasure never succeeded and Mexican and Mexican American aspects of culture and history continued being taught in many California schools, the progressive movement did succeed at further establishing the racialized and ethnicized meaning of being American (their term), at fostering the political value of education, and at using educational policy and law to further the racialized goals of the nation-state.

Erasure is present in contemporary educational settings. For instance, in postsecondary educational curricula, as Frances Aparicio (1994) has argued, a soft multiculturalism has become a way of defanging the critical potential of Latina/o critical theory. This soft multiculturalism is the result of critical efforts by scholars of all ethnicities and races trying to reshape universities into egalitarian cultural and epistemological spaces, but the way multiculturalism has been institutionalized is quite imperfect and the imperfections reconstruct old marginalizations. Examples of new erasures common in university settings are curricular segregation and a type of racial ventriloquism by which white scholars speak on behalf of racial and ethnic others (and are given more credence than the very Latina/o or African American scholars they are meant to represent). Curricular segregation categorizes work such as Aparicio's in the subfield of "Ethnic

Studies,” while work engaged with whiteness is always already central to disciplinary concerns. Through these neocolonial practices, as Aparicio terms them, white privilege is repositioned at the center of academic curricula, and Latinas/os are gently erased from the canonical bibliographies that define academic disciplines and from the structures of racial power that these disciplines embody.

Mediated forms of nationalistic imagery are constructed through racial paradigms that erase Latina/o participation in the building of the United States. Traditionally represented as economically marginal, educationally challenged, politically troubled, and ruled by emotion and not reason, Latinas/os are erased from nationalistic media narratives such as the war genre film or the historical film. As far as film and television, the only historical event in which Latinas/os are central is, ironically, the Alamo. This event, typically depicted in a truly distorted and racist fashion, has been represented in film and television dozens of times, starting with D. W. Griffith’s *The Martyrs of the Alamo* (1915) and ending with John Lee Hancock’s *The Alamo* (2004) (R. Flores 2000). Outside the Alamo, Latinas/os are often absent from war or military narratives of nation, as when Ken Burns presented a finished seven-part documentary (fifteen hours) about World War II without mentioning Latino participation (*The War*, 2007). Due to protests about the lack of Latino and Native American recognition, Burns had to scrap parts of his film and dedicate some twenty-five minutes of extra interviews and footage to these groups. He was able to do this thanks to the quick and expert work of documentarian Hector Galan. However, Burns refused to reedit the film, leaving this new material as addendums at the end of the central narrative. Considering that Burns is the main documentarian engaged in producing official PBS histories of the United States, his lack of historical knowledge and sensitivity becomes a significant example of institutional disavowal and marginalization, one enabled by PBS’s acquiescence.

Given Latina/o lack of representation in educational curricula and media narratives, it is not surprising that Latinas/os fail to appear in commonsense narratives of citizenship belonging. All too often, Latinas/os do not figure in descriptions of the national community. Although Latino belonging can be traced back to the origins of the United States as a nation, Latinas/os continue to be coded as immigrants, foreign populations whose arrival either enriches the cultural diversity of the nation or, more commonly, threatens to undermine the values of the national community. Because of their supposed foreign status, Latinas/os are the common

target of nativist ideology today, but also throughout our history. Consider this: already in 1855, only six years after California had become part of the United States, English was made the official language of instruction, and the systematic marginalization of Spanish began full force (see chapter 3). Erasure is a general process of symbolic discrimination found in citizenship excess and is one of the preferred ways in which to generate value in political markets for ethno-racial majorities. Hence, as I show throughout this book, erasure is central to ethnonationalism and, its most extreme variant, nativism. Beyond this, in the following chapters, I show that Latina/o erasure is so common in mainstream ways of imagining the nation, the state, and the national community that it is possible to argue that ethnonationalism is the basis of most U.S. ways of imagining politics and citizenship.

I began this section noting that citizenship is becoming an increasingly abstract category, partly because ascriptivism is out of favor (Hong 2006, 11). The racial effects of law, I also noted, are achieved through legal and administrative mechanisms that are harder to pinpoint (e.g., lending practices) and in harmony with the new racism. Instead of racial language, current political cultures value color-blindness and race-neutral language. Ironically, this movement away from racial language gives credibility to processes of erasure. This is so because, as Wendy Brown (1993) has noted, identity politics, a modern form of political consciousness that includes Latina/o politics and history, necessitates an emphasis on particulars, but this emphasis cannot be delivered within the increasingly abstract logic of liberal political membership. Liberal regimes, she continues, rely on abstracting one's life and depoliticizing one's particulars. In the process of becoming "we," the "I" is effaced (391–392). Identity politics, hence, invariably leads to a perception of injury, to a self-definition that marks identity through symbolic wounds. Identity politics is always about erasure of particulars and stands in contrast to the liberal tendency to construct a universal "we." Although Brown's argument stands as a classical nonhegemonic theorization of liberalism and identity politics, it has intractable weaknesses worth mentioning. The worst is Brown's failure to recognize that liberal regimes do not equally erase the particulars of all. Erasure, as Brown would note, signals a state of injury, but the reason for this injury is not the impossibility of liberalism to behave as a utopian system of government but the very reality of the political and discursive practices that characterize liberalism as a way of government with definite historical and social roots. Liberalism does not erase the particulars of

ethno-racial majorities. Through law and institutions, liberal regimes record, embrace, and sediment the particulars of a small number of people, and these particulars become the natural, normal ground for governance. Contrarily, ethno-racial neutral language and color-blindness simply recenter ethno-racially white political and cultural values and erase the particulars of ethno-racial others. In citizenship excess, this aspect of liberalism is the ground for excess because it positions some people to easily take advantage of a universalism that in practical terms embraces white ethnonationalism.

Erasure links to political capital accumulation because erasure always signals a political capital deficit. So the problems with erasure are multiple. They include the very injustice of constructing a discriminating political, legal, and cultural world that is inattentive to the particular histories and experiences of sexual, racial, and national minorities. But this injustice is compounded by the fact that erasure from memory, history, and narratives of belonging weaken the political ground from which these minorities can issue claims for justice and equality. Lastly, the weakening of minorities' political ground occurs while the political and legal capital of the hegemonic community strengthens, making citizenship excess its predictable outcome. In sum, there is net political capital accumulation for hegemonic communities when they normalize Latino erasure.

In a society such as ours, where political cultures and discourse exist largely in and because of media, reflecting on political capital accumulation and erasure means also reflecting on the way media is part of these important processes. Media shape, constitute, and behave as relevant mechanisms for political capital accumulation, and they participate in the erasure of Latinas/os from mainstream life. Media thus present complex issues and problems that require closer examination, particularly in regard to citizenship and citizenship excess. The rest of the book is dedicated to these very issues.

Objectives and Chapters

This book deals with citizenship excess against Latinas/os and the role of media in constituting, reproducing, and challenging this excess. Because of the book's concern with types of social/legal membership that directly affect Latinas/os' social standing (in particular media and citizenship), it situates itself at the intersection of Latino media studies and citizenship studies. Together, the following chapters articulate citizenship

excess in media and conclude with a transnational theory of Latino cultural citizenship.

Exceptions illustrate the rule, and my cases have been selected to help me consider *Latinidad*, citizenship excess, media, and politics through the figure of the undocumented and documented Latino immigrant (Molina-Guzmán 2010, 3). I do not propose that all Latinas/os are immigrants or that Latinas/os are systematically excluded from political or legal cultures. Yet the cases I have selected show that the contemporary treatment of undocumented and documented Latino immigrants belongs to broad and lasting traditions of citizenship excess. Hence, the cultural and legal treatment of these Latinas/os brings to relevance the histories that give shape to Latino social, political, and cultural standing. Moreover, these traditions are constitutive of the way we think and we do citizenship excess. Because citizenship excess is a type of process that legalizes inclusion and exclusion, alienage constitutes citizenship excess (Isin 2002; Honig 2001).

The following chapters are organized in two parts meant to signal two processes involved in the reproduction of citizenship excess. Part 1, “Defending the Walls,” investigates political processes involving Latinas/os that required the participation of the media field and that reinstated nativist or ethnonational political agendas. Each chapter in this part elaborates on one of the stages of citizenship excess presented earlier, albeit in a different order. Chapter 1 engages citizenship excess in the public sphere; chapter 2 engages citizenship excess in the articulation of social movement and nation; chapter 3 explores citizenship excess in the citizen-political agency equivalence; chapter 4 examines citizenship excess and ethno-territoriality.

These chapters use the working assumption that the political health of Latinas/os is related to participation in the public sphere, but in exploring this participation, these chapters force us to reflect on a sort of Catch-22: the Latino public sphere is vital and energetic, but it is also mostly in Spanish; and this linguistic separation from the majoritarian public sphere limits Latinas/os’ mainstream political participation.

Chapter 1 explores linguistic separation in the public sphere. It starts with the observation that the issue of multilinguistic public spheres is not simply a technical one. It is also an issue of political theory and, in the United States, an issue that ought to be evaluated against the egalitarian goals of liberal democratic theory. I carry on this evaluation of liberalism by reference to Foucault’s theory of liberal governmentality, a framework particularly apt to engage with questions of governmental technologies.

This chapter introduces coloniality, a theoretical framework from Latin America that corrects some of Foucault's weaknesses and helps us re-imagine public sphere theory with the colonial subject in mind.

Moving from theory to ground, chapter 2 investigates the implications of having a public sphere in a language different from the majority's. The case is the Latino social advertising campaign that helped organize the 2006 pro-immigration reform rallies. This case illustrates how citizenship, nation, justice, and law are integral parts of the national regime and work as a closed self-referential social and discursive universe. Mediating between people and government is a civil society that has to access media to participate in the formation of consensus. The rallies were a classic example of civil society using the Latino public sphere, mostly SLM, to produce a spectacular set of events that should have worked to make the case for pro-immigration reform. Attesting to coloniality, the results were the opposite.

To further illustrate the limits of liberal governmentality and the benefits of coloniality, chapter 3 analyzes the problem of equating the citizen with the political agent. The case is the T. Don Hutto Detention Center in Taylor, Texas. Starting in 2006, immigration authorities used Hutto to detain undocumented immigrant families, including children. Framing this as part of the post-9/11 state of exception that saw the creation of legal tools such as "enemy combatant" and "extraordinary rendition," this chapter argues that the practice of claiming anything political as part of the universe of the nation is an example of the political capital accumulation that assumes all politics are the purview of the nation. When taken to the extreme, as in Hutto, this political capital accumulation becomes tyranny, a nefarious but common manifestation of citizenship excess. To explain Hutto, however, one must go beyond the political and examine how consent was achieved and explore the relationship of consent to erasure. Hence, the chapter analyzes mainstream news coverage of the issue and finds that the coverage of Hutto was scant and too attentive to a national legal political framework in which the mistreatment of children was balanced against the needs of the nation for security.

Chapter 4 explores ethno-territoriality and erasure in relation to the linguistic marginalization of SLM. This instantiation of erasure, however, is framed by the discourses of media deregulation and technological convergence. Deregulation and convergence have long been predicated on the utopian neoliberal principles of market competition and openness. Given these phenomena and their popular utopian connotations, it is tempting

to imagine that our media industries obey the principle of radical openness. However, a highly restrictive notion of the national is at work when we talk about language. In this chapter, I draw attention to this linguistic marginalization and treat it as a disavowal and as a naturalized violation of Spanish speakers' language rights that is echoed by media regulatory bodies. To make these arguments, I locate the omissions of Spanish in the United States' systems of legal and cultural definitions of American citizenship and argue that the omissions are examples of ethnonationalism. Because of this, the omission of Spanish-language television becomes a political act: the omission naturalizes English as the state language, and it thus supports the claim that white ethnicity and the U.S. state are synonymous. This deceptive political act fits within neoliberalism, which claims that its power is color-blind and ethnically neutral.

"Defending the Walls" showcases examples of political, legal, and media practices that resulted in the exclusion of Latino political goals (pro-immigration rallies), media (SLM), and political value (Hutto). They historicize Bush-era nativism and the legal and media processes that nativists were able to harness to keep Latinas/os at bay. Together the chapters theorize liberal governmentality and criticize this framework for its inability to accommodate transnational populations and media systems, and they suggest that theorizing the liberal state must account for the way legal, political, and administrative frameworks continue to manifest the realities of our colonial past (Valdivia 2010, 14). Hence, theories of nation-states and citizenship must always transcend the nation, for the roots of its discursive and legal organization are as transnational as the nation's present.

Although a significant number of social and discursive processes are used to reconstitute a majoritarian political field that can also be described as a racial patriarchy, there are also a number of social and discursive tactics that allow for the political field to have flexible membership. The egalitarian promises of liberalism and capitalism so allow it. In part 2, "Conditions of Inclusion," I explore two cases that illustrate complementary processes of inclusion. One engages contemporary conditions of inclusion of Latinas/os in mainstream English-language media vis-à-vis political capital accumulation. The other explores conditions of inclusion in national mythologies and in the mainstream institution of the armed forces and their relationship to biographical erasure. Together these chapters illustrate the narrow path that Latinas/os must follow to be part of mainstream cultures of politics as well as political cultures.

Chapter 5 uses the media example of the popular television dramedy *Ugly Betty* to explore how political capital accumulation is manifested under the guise of media corporate ethics and liberal politics of accommodation. I argue that this television show forces us to face political capital accumulation for two key reasons: (1) The show brings to relevance the convention of having the discourse of citizenship produced and disseminated from the subject/legal position of the citizen. Although *Ugly Betty* stands as an exception to this norm (it is the only one-hour show in English-language broadcast television with Latinas/os at its center), the show is authorized to speak about citizenship because, in doing so, it helps to reproduce notions of labor equity that are ultimately harmful to Latinas/os; in particular, the show reproduces dangerous notions of diversity. (2) Most uses of citizenship in media studies leave to the side what De Genova calls “the legal *production* of citizenship” (2005, 2): how law effectively generates the category of the citizen and its companion, the “illegal” noncitizen. Simply put, citizenship and law are mutually constituted. Going further, I see the legal production of citizenship linked to the management of diversity in today’s media structures, which have translated the goals of the civil rights era into managerial techniques and a discourse that lauds diversity because it is marketable.

If Latinas/os must represent profitable diversity in order to participate in our culture of politics, the rules for participating in our political cultures are different. In chapter 6, I explore how some Latinas/os have had the rare honor of being called heroes by our politicians and newscasters and how the actions of these Latinas/os fostered positive change to U.S. immigration laws. In this case, mediation is central. The case centers on some of the first coalition soldiers to die in Iraq in 2003; they were noncitizen Latinas/os who were later given posthumous citizenship, a right that became instituted in our immigration laws. This chapter places the mediation of these events against the backdrop of liberalism, particularly the notions of consent and voluntarism. The central argument is that giving posthumous citizenship to the soldiers was an illiberal practice made possible by mediated ethnocentric fantasies that justified imposing citizenship on these deceased Latinas/os. This mediation relied on the erasure of these Latinas/os’ personal biographies, which were substituted with fantastic narratives of what Lauren Berlant calls the “infantile citizen” (1997, 27). Beyond this disavowal, public mediation of the issues obscured the illiberal ways in which the armed forces in America are staffed. These two types of erasure were supported by ethnocentric discourses of citizenship

and nationalism that assumed the soldiers desired naturalization and that reproduced the idea that the volunteer army equally targets all Americans as potential conscripts.

Political capital accumulation and disavowal happen in processes of both exclusion and inclusion. I conclude the book by reengaging with some of the issues raised in the cases and supported by the findings of these chapters. My goal is to summarize findings and to more formally introduce the need to engage with transnational theories in order to further accommodate Latino reality.

I want to end this introduction with a final remark on the relation of citizenship to history. It is tempting to think that theorizing and historicizing citizenship excess with post-9/11 cases and with political practices carried on by two Bush administrations is itself dealing with a sort of historical exception. Post-9/11 citizenship practices against immigrants, some people may add, were exceptional in the way that they relied on nativism. But I do not share this position, for the bulk of my arguments are constituted through the social reordering of our political world in neoliberal and ethno-territorial terms, and this process is not slowing down. On the contrary, I see a neoliberalism bound to nativism as the most important recent shift in citizenship practices, one which will give shape to the way we do law and politics in the future and which will further affect the rules of social and political membership and stratification. This is true in the United States, but neoliberalism is by now a global phenomenon. In fact, I see the U.S. era of liberal citizenship rights as a historical period that reached its peak somewhere in the 1960s. Since then, the liberalism of rights has been eroded by neoliberalism and nativism, which we love to call Reaganism but we may as well call Clintonism. I fear that if we stay in this trajectory, the U.S. experiment that gave the world the liberalism of rights will come to an end. A neoliberal and nativist future, though not without charms and without freedoms, will be unrecognizable to those who fought (and died) for the expansion of citizenship rights.

