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The Technology of Race and the Logics of Exclusion

The Unruly, Naturalization, and Violence

The essence of [race] is by no means anything [racial]. Thus we shall never experience our relationship to the essence of [race] so long as we merely conceive and push forward the [racial], put up with it, evade it. Everywhere we remain unfree and chained to [race], whether we passionately affirm or deny it. But we are delivered over to it in the worst possible way when we regard it as something neutral; for this conception of it, to which today we particularly like to do homage, makes us utterly blind to the essence of [race].¹

Introduction

The last century has found us entangled in an unending debate over the “reality” of race: scientists, academics, and policy makers argue whether race has a biological foundation or whether its reality is contrived, constructed, or otherwise humanly created. Can DNA offer us true answers, ask social scientists, or are geneticists begging the question? Do physical distinctions between persons tell us something noteworthy about their racial genealogy? If race is “socially constructed,” as the phrase is now lobbed around tritely, then how do we account for physical differences?

Another question: Why *must* we search for a “satisfactory” description of one’s racial identity? Approaches that take seriously the question of whether race is biological or socially constructed appear to be vulnerable to the snare cited by Martin Heidegger in my paraphrase of his quote above: they regard race as something given or neutral, and thus render us

blind to its essence. Heidegger's 1950 lectures on technology are notable for distinguishing between technology and the essence of technology. Our attempts to find the "essence" of a thing by looking at it directly often lead to its obfuscation; instead, by looking to the "Gestell," or the enframing of an epoch, the truth of a particular thing might be more readily revealed to us. We might have a similar success in finding the essence of race by not looking for it directly, but rather by using our peripheral vision, as we might in order to search for something in the dark.

What if, instead of searching for the objective ground of race, we explored the function of race and racial distinctions in society? Political philosophers have long pointed to the organization of political power and the fair acquisition of resources as among the biggest problems in creating a functional society. If we accept this point, then another role for race emerges: race becomes a way of organizing and managing populations in order to attain certain societal goals, such as political coherence, social unity, and a well-functioning economy.² These goals require the collective awareness of the political status, social role, and the purported relationship between each member of society. As such, race becomes a way not only by which to distinguish populations, but to use these distinctions to maintain social and political harmony³ among them. Understanding race in this light requires a consideration of how political and legal institutions such as sovereign authority, law, and the judiciary collaborate in cohering societies. In this picture, race is no longer descriptive, but causal: it facilitates and produces certain relationships between individuals, between groups, and between political subjects and sovereign power. The function of race, then, is similar to the function of technology: Technology, commonly considered as equipment, facilitates the production of certain "goods." It requires the input of certain raw material which, mediated through a device, is transformed into a "new" product. In turn, this product is thought to meet certain needs that we might have. Similarly, within a juridico-political context, race becomes an instrument that produces certain political and social outcomes that are needed to cohere society.

At this point, it might make sense to return to Heidegger and take our lead from him by understanding race as a technology. I will sketch this position briefly here and develop it further in this and ensuing chapters. I want to suggest that race functions as a technology in three dimensions: first, it is a vehicle deployed by law to channel certain elements in order to produce a set of classifications that constrain us to think about human beings as belonging to races. The elements in question are perceived as unpredictable, undependable, or threatening to a political order; I will refer to them as "unruly."⁴ The second dimension by which

race can be considered technologically is through the juridical capacity to conceal the first function behind a more “official” or “procedural” one. Once the unruly elements are transformed into new categories, the process of this transformation is buried behind a set of “naturalized” criteria⁵ upon which race is “grounded,” such that the categories in use appear unshakably solid or ontologically rooted. Viewing race in this way reveals something “lofty and ambiguous” about its essence that is concealed from us when we attempt to view it head on.⁶ The third way in which race functions as a technology is that it conceals our relationship to law and sovereign power behind seemingly objective moral and political judgments. And so, in liberal societies,⁷ this relationship appears to be grounded securely on the rule of law and principles of fairness, equality, and protection rather than on vulnerability and violence,⁸ in other words, as one where populations are susceptible to being thrust outside of the gates of the city, beyond the aura of law’s protection, to abandonment by the law.⁹

To return to Heidegger: to understand the *Gestell*, or the enframing, of an epoch—that is, the cultural, legal, political, existential apparatus that characterizes a mode of existence—might “reveal” the implications of race as a technology, especially in its second and third dimensions.¹⁰ Thus, at least part of the apparatus, which “drives-forth” race in its deployment as a technology, emerges from a basic tension between the ethos of sovereignty and the context of liberalism: the fundamental purpose of sovereign power is to maintain order and discipline, and otherwise to manage its populace while promoting the ideology of equal protection and universal freedom. If this is the case, then we might understand how race is deployed effectively in liberal societies, namely as a way to create political order by using such “naturalized” categories as objective grounds by which to identify populations who are immoral, inferior, or evil. The primary function of such characterizations, I maintain, is to identify and justify “outcastes” or “exceptions” to the promise of universal protection so as to retain a focus on the value of liberalism’s freedoms and thus to facilitate a collective social interest in managing its populace.¹¹ The tendencies that exemplify such a social interest—through the use of race as a technology—are what I refer to as the “political metaphysics of race.”

While I take my lead from Heidegger’s “Technology” essay, my understanding of how race functions technologically—especially in its second and third dimensions—draws on Michel Foucault’s understanding of technology as well. As mentioned earlier, I understand technology in an instrumental sense, to be “productive,” that is, to produce certain kinds of outcomes (qua racial classifications). In this sense, I draw on Foucault’s discussion of technology as he alludes to it in *Discipline and Punish*,

that is, as a way of breaking down the body and rearranging it,¹² and as well—“conquering it . . . [and] rendering it more useful and docile.”¹³ However, in this argument, it is not the body that is rearranged and rendered docile, but human beings as part of collective populations that are to be managed and maintained through sovereign power.¹⁴ In this regard, race as an instrument of production can be linked and understood in connection to its second and third technological dimensions, namely through the naturalization of “racial” or “racialized” classifications,¹⁵ and as the concealment of the expression of the violent and vulnerable relationship that subjects have with sovereign power.¹⁶ The third dimension of technology takes its lead from Foucault’s understanding of the “regulatory technology of life”¹⁷ as that expression of “disciplinary coercions that actually guarantees [sic] the cohesion of that social body.”¹⁸ However, I depart from Foucault’s discussion of race in connection to bio-power, by suggesting that the regulatory technology in question is one of the ever-present, ominous, and yet concealed violence that underlies the relationship among subjects, collective populations, and sovereign power. This violence is expressed through the “taming of the unruly,”¹⁹ as it leads to the production of races. Race, then, can be understood as a technology as well as an existential mode of sovereign power, which threatens and coheres simultaneously. Race, as I construe it, is that which lies between the “right of sovereign power and the mechanics of discipline,” and is distinct from the exercise of disciplinary and regulatory power.²⁰ This violence is hidden behind a moral discourse of inferiority, criminality, and evil, and encourages the deployment of racial divisions by different populations in attempts to become less vulnerable to the law.²¹

I offer this argument as a way to bridge what appear to be two fundamentally distinct discourses. One discourse, which I call “Biological Race” (BR), emerges from contemporary American philosophical conversations about race, and *utilizes or challenges* biology, genetics, phenotype, and genealogy to ground its arguments.²² An important implication of BR is that regardless of the position one takes in this debate, the givenness of race constrains its terms, and thus inhibits the possibility of understanding the meaning of race within a different framework altogether. The second discourse, which I will call “Political Othering” (PO), refers to political structures and worldviews such as colonialism, orientalism, and imperialism to discuss the methods by which certain populations have been construed as “foreign,” “Others,” “aliens,” on grounds such as culture, political structures, status, or territory.²³ The latter discussion appears to be fundamentally distinguished—even excluded—as “not really” about race, *because of the nonbiological grounds* by which “Othering” occurs. One of

the more important contemporary implications of this distinction is that discussions of exclusion that pertain to populations such as refugees, political prisoners, immigrants, or the participants/victims of a civil war, are seen as fundamentally “not about race” and instead about their political, cultural, ethnic, national, caste, or religious affiliations. Another implication is that the discussions of BR preclude us from recognizing conflicts among the “same” populations as being about racial identity and division.²⁴

These discourses, BR and PO, while based on different criteria, are nevertheless both forms of understanding populations as different or “other” through race, their foundations derive from similar impulses. The similarities between these discourses can be located through a “political metaphysics” of race, or a generalizable systematic analytic by which races are understood and distinguished, and would allow us to understand a range of social divisions and racism as part of the same political phenomenon. Identifying the tendencies and implications of such a metaphysics of race would enable us to understand certain excluded populations as the focus of a racialization that does not conventionally resort to eighteenth- and nineteenth-century European classifications of race.²⁵ Through an exploration of race as a technology, I want to explore how a population can be divided and produced as a “breed” or “species” extremely or completely dissimilar in fundamental ways from the population against which it is juxtaposed. By extreme dissimilarity, I wish to invoke the idea that “they” could never be part of “us,” because “they” don’t embody the fundamental traits required to be “human like us.”

As I have indicated, I draw on both Heidegger’s and Foucault’s writings to consider the meaning and implications of race within the context of sovereign power. While the frameworks of these two philosophers are not necessarily consistent, I believe their mutual interlocution through the medium of race creates a productive tension.²⁶ Read together, their works facilitate an illumination of the metaphysical terrain upon which race—as a mode of existence, a technology, a vehicle of division, and an engine of political power—operates. This chapter does not extensively engage with Foucault’s discussion of bio-power.²⁷ I should note that his prescient lectures on racism and sovereign power, as well as his other writings, have influenced my argument powerfully. His insights about the function of race as a political mechanism of sovereign power, expressed as a metaphysical division, are crucial to the formulation of this argument. Through my disagreements with his arguments in the 1976 lectures, I hope to acknowledge as well as redirect some of his powerful insights on race and sovereignty in order to contribute to the contemporary philosophical literature on race and racism.

First Dimension: Taming the Unruly

The technological deployment of race is exemplified through attempts to understand “what race is”—biological or social. The focus on this question is influenced by, among other things, eighteenth-century writings²⁸ that turn to race as a way of systematically classifying and justifying the intuited or perceived differences between populations. Even recent discussions in philosophy often focus on the “received view” of race as biological in the attempt to confirm or shed doubt on it.²⁹ In these debates, race is deployed as a scientific instrument, producing a certain set of results, constraining us to think about race as either biological or socially constructed, and to look for evidence to confirm one position or the other. Even beyond this binary debate, within the context of juridico-political management, the instrument of race is used to seek out uncategorized (raw) material and transform it to produce certain categories of identification. These categories can be biological,³⁰ political, or legal.

Race locates something that is real, the identification of which is always shifting.³¹ Within the dimension of the real, the important character of what is being picked up is what I call the “unruly.”³² This is the element that is intuited as threatening to a political order, to a collectively disciplined society. As this term suggests, this element threatens to disrupt because it signifies some immediate fact of difference that must be harnessed and located or categorized or classified in such a way so as not to challenge the ongoing political order. The “unruly” is marked out within some dimension of the “real” that should not be interpreted merely at the visual level (as in the case of persons who appear White but are recorded as Black, or of some segment of an otherwise “homogenous” population that becomes marked as being “different than us” or of a different “race” or an “Other”). That which is unruly can be evasive enough to be “intuited” or “felt” rather than seen or perceived—because the intuition is one of “danger.”³³ It is this intuition—together with an awareness, memory, or collective narrative about a certain history, culture, or politics with which the “unruly” is associated—that facilitates the acceptance of a certain classification. This element, as located in the dimension of the “real,” can be “represented” by something as tangible as skin tone or headdress or as intangible as a bodily comportment, a gesture, or an accent. However, it signifies something even more subtle, such as a religious affiliation, an unusual behavior or practice, a hint of another’s migratory or ancestral past (having once been chattel) or the social history of another’s tribe, caste (having once been “untouchable”), or kin. We could even say that the “unruly” denotes the real *in association* with its perceived degree of threat.

The context of the “real” is what I take to “be responsible” for the occasion of the deployment of race as a technology. For example, did someone’s ancestors come to this country in chains or to another locale as conquerors that are now vanquished? This fact may not be expressly recorded on one’s body, but in a public, or official narrative, such as a birth certificate, or an oral genealogical history. And it is such a fact, which can be identified as the ground of the real in which the unruly signals as that which is dangerous, and in need of being tamed or regulated. This taming occurs through something like a legal classification of blackness in the U.S. or—until Indian independence—something like the legally sanctioned outcasting of the Shudra caste in India—*because they were understood as polluted and thus considered untouchable*, and consequently, restricted to menial labor, sanitation jobs, and even specific clothing restrictions.³⁴

The element that becomes identified as the “unruly” can vary according to the moment in which it is found. In this regard, it is a floating signifier, pointing to something that insinuates a threat to the political order.³⁵ If we look at the treatment of race in American legal history, then we find the unruly instantiated and then tamed through the constant deployment of certain rules or hermeneutic devices. One common example is the one-drop rule in the United States, which legally distinguished those who were deemed “Black,” from those who were not, until the latter part of the twentieth century and is still in informal use today.³⁶ At one level, the one-drop rule, which did not have a uniform definition across various states until the twentieth century, facilitated a way by which to *circumscribe the essence of blackness, or nonwhiteness*, as denoted by genealogy or blood. Thus, a woman who was blonde and blue-eyed and whose lineage could be traced to an enslaved African-American ancestor—understood in terms of fractions, which decreased as the relation to said ancestor diminished—might be designated as Black or a “Creole of Color” in Louisiana but White in South Carolina at the same moment in the nineteenth century.³⁷ The paradox of being distinguished as White in one state and Black in another might be correlated to the different degrees of threat that same person presented in each state on any number of issues: miscegenation, ascending social class, aspiring to be legally free, or accumulating capital.³⁸

Such a potential threat illustrates the other dimension of the one-drop rule, namely its formal memorialization of one’s ancestral history, as this has been recorded: for example, as the evidence/offspring of a forbidden sexual interaction, a sanctioned rape, or the caste-doors or legal and economic avenues through which *some of* one’s ancestors entered this country. It is the collective social awareness and judgment of a person’s past that is being crystallized through the one-drop rule. At another level, the one-drop rule might mark a specific comportment or mode of behavior that needs to

correspond to it, that is, presenting oneself as “Black.” A departure from this mandate will also signify an “unruly” comportment, one that defies the political and social place that is to be inhabited.

The “unruly” is the perspicuous element that is picked up on by sovereign power, but it is one of several stages that mark a group’s transition from merely “different” to “racialized.” I discuss this process in more detail in chapter 3. In chapter 4, I apply the framework to the case of “Muslims” in recent political history.

Second Dimension: Naturalizing the Unruly

The originary ground of a certain racial category—the “unruly” element—is classified and channeled through certain legal and social practices, such that these become the basis of distinguishing one population from another.³⁹ However, there is a simultaneous move that occurs, which involves the “naturalizing” of this classification. After the initial “processing” of the unruly through the production of certain categories, the process—the political context—of classifying becomes forgotten, concealed, or reified. Thus, it appears as a “natural foundation” for racial categories. So, to return to the example of the “one-drop” rule, the awareness of one’s past is transformed into the metonymy of blood, but this transformation is concealed behind its “facticity.” Blood is construed *as the factual ground of biological ancestry*, while simultaneously understood as the measure of blackness. *Blood(lines)*—the symbol of neutrality and objectivity—locate a person whose “known” background conforms to this definition—as Black despite all other contrary visible signifiers. Blackness or nonwhiteness—as this is expressed *not* through the fact of biology or blood, but through a “*known*” and *selectively interpreted genealogical history*—is what is “naturalized” through the one-drop rule. Thus, according to the statute in effect in late nineteenth-century Louisiana, judging a person as Black requires having any traceable “Black ancestry.” For example, then, to determine a person as having “one-eighth (1/8) Black blood” requires reading her as having one great-grandparent as “Black,” and another great-grandparent, two grandparents, and two parents as “not Black,” or at least not traceably so. It goes without saying—although not without consideration—that these are “blood” relatives, that is, related to her by dint of the series of sexual acts that produced her.

The act of singling out one person as “responsible” for her public recognition via state law as “Black,” raises the question of which end this identification, and selective, stylized, form of identification serves. Clearly, if her genealogical history had not been known, or surveyed under the

state regulation, the question of having a “Black great-grandparent” would have not have been publicly acknowledged, and indeed, short of the one-drop rule, might very well have been irrelevant in terms of her public “racial” identification. Among other reasons, the insistent naming of a person as Black under such specific conditions is designed to relocate or “demote” her status on a legal, social, or political scale. Moreover, if this blonde, blue-eyed, person wishes to be registered as “White,” the fact of her great-grandparents’ interactions—construed as miscegenation—is explored in legal terms, and raised as a way of disciplining her for desiring to ascend to the more dominant status of “whiteness.”⁴⁰ A moment of unruliness—a history of miscegenation, a whisper that one is not as one appears—is hypostatized and reified through the means of a rule understood as a “definition” and “demarcation” of race.⁴¹

Then, the one-drop rule *depends on the concept of blood as a “natural” category—as the ground of race—which blinds us to the essence of race.* But rather than seeing “blood” as the device that it is—a “trope” by which to remember and judge the singular process of one’s ancestral, social, and political past, it is reconstituted as a biological—objective, ontological—proof of race, and hence, drives forth the quest to understand the origins of race as “natural.”⁴² By then taking up the question, as Robin Andreason does, of whether races could ever be distinguished biologically, one receives the product of such a technology (one-drop rule) as a neutral, *prima facie*, fact about the ground of race (biology qua common ancestry).⁴³ In so doing, one is blinded by the technology, and thus participates in reifying the unruly, that is, in its concealment and transformation as a “natural” basis of race.⁴⁴

I have explored the first two dimensions of how race can be deployed as a technology by taking up the question of the “one-drop” rule and its manifestation as an “objective” mode of understanding different racial groups. But one need not depend on—what are maintained to be—objective, scientific, or racial criteria in order to deploy the technology of race to create new racial groups. In later chapters I explore other examples by which race can be deployed to “racialize” populations, using more nebulous criteria. These criteria are consistent in being perceived as “unruly” elements that threaten a given political order.

Race as a Tool for Sovereign Power: Dividing Populations

In this section I offer a schematic overview of the third technological aspect of race, namely that which conceals our relationship to sovereign

power as one of violence.⁴⁵ First, I begin with the premise that race is instantiated through sovereign power. In so saying, I explore several fundamental insights of Michel Foucault who, in the late twentieth century, offers a new narrative of sovereign power in modernity. He claims that the modern state is, at bottom, a racist one, in that it is the agenda of any given sovereign to distinguish and compel one population to live from another population's mandate to death.⁴⁶ Foucault links his analysis to bio-power, in other words, that authority of the sovereign to make decisions concerning life and death through certain biological priorities. Then, for Foucault, racism is the tendency or the drive to fragment, divide, or create breaks in the "biological continuum of the human race."⁴⁷ The racism of the sovereign lies in the ability to *create races* of subjects, using any number and quality of characteristics within the domain of life—over which it has control⁴⁸—by which to demarcate them, in order to create divisions between the living and the dying. Races, and racism, are predicated on the "biological continuum" of life, and the mandate of sovereign power is to divide that continuum through the various policies, technologies, and circumstances by which the health and life of populations is regulated and managed. This is true, according to Foucault, even for modern and contemporary sovereign authority. As he suggests, the only characteristic that changes is the *telos* of that authority: whereas in the Hobbesian model of the state, the *Leviathan* decided who it would "make die and let live," the contemporary state uses a power of "regularization" or "normalization" to decide who it will "make live and let die."⁴⁹ Thus, says Foucault, race wars underlie the peace and order of a society, dividing a single population into two—through the treatment of human beings in their physical dimension as living beings.⁵⁰

For this argument, it is important to emphasize that according to Foucault, bio-power is a "technology of regulation," which is implemented as the *unique and modern expression of the intrinsic racism that lies at the heart of sovereign power*. It is implemented to manage, control, and regulate its population through these distinctions, and this function is "normalized" as an intrinsic practice of sovereign power. In other words, for Foucault, as it was for Hobbes, it is life that is being held as leverage against populations in order to secure the cohesion of a polity.⁵¹

Foucault's observation that the state is fundamentally racist, and takes as part of its mission the creation of hierarchies and divisions between groups within a population, seems correct—to an extent.⁵² I want to delve briefly into the relationship between this mandate of the state and its treatment of race in its agenda; I will develop the contrasts between Foucault's account of sovereign power and my revisions of it more extensively in chapter 2. It seems correct to say, along with [Hobbes and] Foucault,

that at least one, if not the, primary purpose of sovereign power is to enable a certain control and management of its population. For Foucault, this purpose is coextensive with the deployment of biopolitics. And yet it is hard to subscribe to Foucault's position that the racism of the state is expressed through the sheer, and mere, expression of divisions between populations, as exemplified through biopolitics. It is also somewhat difficult to reconcile Foucault's insistence on the inherent racist character of the state with his explicit acknowledgment that, "It is . . . *between these two limits* [namely, a right of sovereignty and a mechanics of discipline] *that power is exercised*."⁵³ It would seem that the essence of race lies somewhere *between* Foucault's position and one side of the discourse of BR,⁵⁴ namely that it is fundamentally grounded on something physical, phenotypical, or biological.

It is possible to consider the mission of the sovereign power as that of cohering its populace through the control and management of its populace. It is also one method of management—conquest—to divide its populace through any number and combination of criteria. These criteria could include the physical or biological, or they could be expressed in the division in the biological continuum of human life, as Foucault argues, as manifested through health policies, pension plans, etc.⁵⁵ Yet, it seems to be insufficient to point to the biological, to life, to man-as-species,⁵⁶ as the ground of division, and thus as the essence of the "new racism" of modern sovereign power. Two questions still remain: first, what determines the criteria by which populations are divided? The expression of racism—as manifested through biopolitics, still seems to require some prior element that drives any particular regulation of biological processes. Second, is it not possible that the biological—as this represents the domain of life—is not the only mode of division? Foucault's analysis does not appear to account for other, fundamentally existential (or ontological), vehicles by which race is expressed. These vehicles may draw on bio-power,⁵⁷ or they may not, but they can still account for divisions and breaks in the population.

We could, as Carl Schmitt does in his incisive critique of the liberal state, understand the same mission to divide as the expression of the secularized divine omnipotence of the state. "The juridic formulas of the omnipotence of the state are, in fact, only superficial secularizations of theological formulas of the omnipotence of God."⁵⁸ In this secular role then, the state is driven to maintain its power and its coherence by making and shaping its men, that is, its populace, by rendering itself forcefully "political." In other words, the coherence and strength of the state requires a prior element, namely something that *already* renders it unified politically. For Schmitt, writing in the wake of World War II, this

mission was satisfied through the identification of an external enemy, which would enable a people to understand itself as allied, coherent, and wholly united. This external enemy could not simply be identified as an economic competitor or private antagonist, but rather as one who was fundamentally opposed to the state in a “concrete and existential” sense.⁵⁹ And so, how is an enemy identified? Schmitt’s response: “. . . the context of a concrete antagonism is still expressed in everyday language, even where the awareness of the extreme case has been entirely lost”⁶⁰ He explains that seemingly mundane terms can be polemized only when they are articulated in close connection to a concrete situation and a specific conflict. “Words such as state, republic, society, class . . . are incomprehensible when one does not know exactly *who is to be affected, combated, refuted, or negated by such a term.*”⁶¹ In other words, the polity must already know or have an idea of who the enemy is.

I would augment Schmitt’s description of how an enemy is identified: not only in terms of a concrete situation, but one that is based on a threat. That threat is perceived *even as it is something barely perceptible*. At the beginning of this article, I identified the target of race, namely the taming of that which I call the “unruly.” The unruly is the element—often intangible, but possibly represented as physical or biological—which constitutes a threat to the coherence of a polity, and needs to be domesticated or at least managed in order for the state to maintain control of its population. It is the “unruly” that is picked up as the ground of classifying, distinguishing, separating, dividing. To return to Foucault’s formulation of the state as fundamentally racist, where race is the biopolitical expression of division, I would modify his understanding of race as follows: The state is fundamentally racist, where bio-power is *one* expression of that division; there can be other expressions of racial division. But in any case of racial division, biopolitical or otherwise, there must be some element that “drives” the *character* and the *criteria*, and the *lines* by which the division is instantiated.

As such, I would again like to suggest that race is the transformation of the “unruly” into a set of categories by which to divide populations against themselves—biopolitically, culturally, socially, etc. It is one method by which sovereign power can fulfill its mandate to control and manage its populace, maintain its hold over them. Then to return to Foucault, it seems that the state’s mission to divide is not dictated by random biological or material characteristics, but rather by locating that which is potentially pernicious to sovereign power and managing it through the technology of race: the production of a classification in which the unruly is embedded; its subsequent naturalization or reification as an objective category; and finally, its concealment as the expres-

sion of the relationship between sovereign power and its populace as one of potential violence.⁶² Any or all of these technological dimensions may be augmented or informed through biopolitics; however, there must be an “unruly” threat that drives the Foucauldian manifestation of race.

To return to an earlier example, here is a definition of race from 1923 that acknowledges and challenges the definition of race as exemplified in the one-drop rule that was cemented in 1896. Compare the weight of ancestry as it supposedly demarcates race in the one-drop rule upheld in the earlier *Plessy v. Ferguson* (1896) to the weight of ancestry in *U.S. v. Bhagat Singh Thind* (1923):

They imply, as we have said, a racial test; but the term “race” is one which, for the practical purposes of the statute, must be applied to a group of living persons now possessing in common the requisite characteristics, not to groups of persons who are supposed to be or really are descended from some remote, common ancestor, but who, whether they both resemble him to a greater or less extent, have, at any rate, ceased altogether to resemble one another. *It may be true that the blond Scandinavian and the brown Hindu have a common ancestor in the dim reaches of antiquity, but the average man knows perfectly well that there are unmistakable and profound differences between them today; and it is not impossible, if that common ancestor could be materialized in the flesh, we should discover that he was himself sufficiently differentiated from both of his descendants to preclude his racial classification with either. The question for determination is not, therefore, whether by the speculative processes of ethnological reasoning we may present a probability to the scientific mind that they have the same origin, but whether we can satisfy the common understanding that they are now the same or sufficiently the same to justify the interpreters of a statute—written in the words of common speech, for common understanding, by unscientific men—in classifying them together in the statutory category as White persons.* In 1790 the Adamite theory of creation—which gave a common ancestor to all mankind—was generally accepted, and it is not at all probable that it was intended by the legislators of that day to submit the question of the application of the words “White persons” to the mere test of an indefinitely remote common ancestry, without regard to the extent of the subsequent divergence of the various branches from such common ancestry or from one another.⁶³

The Supreme Court’s opinion states that it cannot acknowledge the brown Hindu and the blond Scandinavian as both being “Caucasian,” and

thus as White. Here, the same burden of evidence—blood and genealogical history—which is used to distinguish those passing for White from “real White persons,” (in *Plessy*) is discarded in favor of using visible phenotypic differences to distinguish ethnic Indians from free White persons for the purpose of barring them from becoming naturalized citizens.

In *Plessy*, common ancestry qua blood is reconstituted to deny one’s past. In *Thind*, one’s past is reconstituted in order to deny common ancestry. The unruly becomes a floating signifier for any particular element that leads to the unexpected, unpredictable behavior of a population, which threatens to overthrow an existing power relationship—a regime—in some way. The status of being “Caucasian” is now threatened by an Indian national who, by most acknowledgments of the day, could claim an originary title to this status, just as the status of “being White” was threatened by the deceptive appearance of Homer Plessy. The court utilizes the unruliness—in this case, translated as the demand to be recognized as White, to be equal—as the ground by which to classify, relocate, and transform an individual or population who appears to threaten the state’s ability to order and manage. If we see both cases through the lens of race as a technology, then the unruly in each case is real, but not necessarily physical.

Further, by institutionalizing the classification, the source of the “unruly” becomes hypostatized as a “natural” entity—one that demonstrates the proof of the existence of a certain race, or the absence of eligibility to be located in a superior race. By locating the classification of “Aryanness” or “Caucasian” under the guise of a neutral definition that acknowledges the history of a term, but narrows its scope, the second dimension of race as a technology occurs. That is, by purporting to resort to the “rule of law” to make its objective ruling that Indians cannot possibly be entitled to the same political status as Whites, the court “naturalizes” the exception, and not only reinforces a certain political status for Indians, but links this status to a certain re-racialization of the same group.⁶⁴

To illustrate this point, let me offer a parallel to the one-drop rule: it is that of the caste-system in India. The ground of the caste-system is that status into which one is born. It depends neither on phenotype nor on physical features, but it does enforce distinctions between populations on an ontological ground, namely whether one is Brahmin, Kshatriya, Vaishya, or Shudra, and ties these ontologies to vocation, occupation, marriage, and pollution. It is not a system of classification endorsed by the modern secular Indian state, but its initial instantiation remains as a powerful force that divides populations even in the face of aggressive attempts by the state to undermine those divisions in favor of other attempts *to reclassify, redivide, and manage its populations*.⁶⁵ And so while legally the modern Indian state has attempted to challenge pervasive cultural caste-

based discrimination through affirmative action for Shudras, Dalits, and Adivasis, there is no such protection for Muslims. Moreover, there have been other statutes, akin to and following from the American PATRIOT Act, which allow for the indefinite detention, interrogation, and incarceration of Muslims without writs of habeas corpus—on the grounds that as Muslims, they are *potential terrorists*. This phenomenon has had the unlikely effect of unifying Hindus across caste against Muslims—although it has not altered their status with regard to each other.⁶⁶

Such traits—cultural, religious, or otherwise complex and intangible become the grounds for classification, but as signifiers they also shift in importance to accord with shifts in perceived threat, which then divides populations against each other in relation to such perception. And so, contra Foucault, the mandate to divide populations against each other, neither deploys race, solely understood as bio-power, nor does this mandate lead to a merely bi-racial war. It is certainly the case that the contrast between two populations nearly always emerges through the assertion of some characteristic or set of characteristics deemed to be present in the first group or population, and their dialectical opposition, stark absence or negation as manifested in the second group. But as what becomes denoted as the “unruly” shifts in relation to the perceived threat by sovereign power and other populations, so do these divisions shift as the perceived threat or interests of other populations *induces coalitions and coalescences*.

I think the important element of division, though, is not the fact of division, but something else. This is what I take to be the identification of something unruly, which is at once the essence of race, but also something that reveals itself to be apprehended in precisely the way that it is thrust forth by the context, the apparatus in which it is located. In other words, race is predicated on something that is always-already-threatening. That which already is the ground of race is that which is taken up, categorized, managed, and treated so as to identify a population as a whole unto itself.

Enframing Race: Vulnerability and Violence

To return once more to Heidegger, “so long as we represent [race] as an instrument, we remain transfixed in the will to master it.” In that spirit, I want to move to Heidegger’s notion of enframing in relation to technology in order to see how race is similarly enframed: it seems that enframing refers to the cultural, political, social, moral, methodological apparatus that both shrouds and infuses our current quest for the meaning of race. Heidegger suggests that enframing conceals, drives, challenges forth a particular understanding of the role and function of technology. He points out that

the parts of the technology in question seem familiar to us, and yet while the activity of assembling these parts “always merely responds to the challenge of enframing, it never comprises enframing itself or brings it about.”⁶⁷ For him modern physics becomes the “herald of enframing [modern technology], a herald whose origin is still unknown.”⁶⁸ We might have a similar success if we understand the relationship between race as a technology and its enframing analogically. Is it possible to think of the current debates on race as challenged forth by the set of parts that have been assembled together in the unique way that leads us to look to DNA or genetics to understand its essence? It appears that the way race is enframed—as a term that reflects the genus, the species, the (biological) genealogy, and more recently, the cultural and sociological and demographic uniqueness of populations that have been taken as distinct from each other—perhaps induces us to take the outcome of the instrument of race at *face value*, rather than looking past the specific configurations of racial identity—towards the *eidōs* of race. By the specific configurations of racial identity, I mean, for example, those now manifested as multiple racial classifications as induced by the U.S. census⁶⁹ or those “politicized identities,” which attempt to resist what has been intuitively understood as attempts to distinguish and divide human beings in a given polity by taking on and reconfiguring those identities instead of interrogating the fact of classification.⁷⁰ Instead, by considering instead the *eidōs* of race, described as (1) that which in everything and in each particular thing endures as “present,” and also (2) that which “precisely is not and never will be perceivable with physical eyes,” we might be able to discern its essence, and if not, then perhaps its meaning.⁷¹

The enframing of race exemplifies not merely division, but a method of using the unruly in connection with a certain mode of political existence, namely one in which our relationship to society must be understood as one of *vulnerability and violence*. If so, what would facilitate the conceptual link between the discourses of BR and PO—as about race and not merely about random division—is the thesis that it is also in the interest of sovereign power to cultivate a vulnerability or the threat of potential violence among its populace. Walter Benjamin suggests that

“lawmaking pursues as its end, with violence as the means, *what* is to be established by law, but at the very moment of instatement, does not dismiss violence. Rather, at this very moment of lawmaking, it establishes as law not an end unalloyed by violence, but one necessarily and intimately tied to it, under the title of power. Lawmaking is power making, and to that end, an immediate manifestation of violence.”⁷²

I would now like to think about Benjamin's comment in relation to things that I've discussed thus far in this chapter: to the function of race as a technology and in connection to sovereign power. When race is deployed through law to demarcate distinctions between populations, violence per se is not immediately manifested through these categories. But more accurately, and this is what I think Benjamin is suggesting, the sheer capacity to instantiate such distinctions gains its power of enforcement through the potential violence that is inherent in it. Thus, when the U.S. Supreme Court insists, as it does in the case of *Bhagat Singh Thind* that while it may be the case that a long ago common ancestry may indeed find a Hindu Indian National and an American White man to both loosely be understood as Aryan and hence, Caucasian, this inconvenience could not possibly stand as a way to classify two individuals in the same box. The reason is that such a classification threatens to unleash the "unruly"—that which had already been provisionally tamed through the classification and subsequent enfranchisement of Caucasians in contradistinction to non-Caucasians. Such a move would be anticipated to wreak havoc on the political and social order of that moment in society. How so? This question leads us back to the enframing of race in relation to sovereign power: Were there an agreement that an Indian National were indeed Caucasian, and therefore eligible for naturalization—contrary to its prior statutes, the sudden upheaval of the established hierarchy of the moment—the implied potential havoc—would undermine the capacity of sovereign power to retain its hold on its populace. This is because it would have thrown the established norms of that moment into question. But the relationship of this understanding is what gives this judgment its weight: By ruling against the possibility that a Hindu Indian, understood to be the initial bearer of the status of Aryan/Caucasian, could be naturalized as a "free White man," the judgment implies an inherent potential *violence*. Specifically, the Indian national is neither guaranteed nor eligible for the potential protection of American law granted to its citizens. The abandonment of the law's protection implied by this ruling is not merely the specter of violence that looms over the horizon, but also the expression of sovereign power to decide whom it will grant or rescind its protection. In this vein, the success of opposing two populations depends upon a sense of vulnerability of being thrust outside "the gates of the city."⁷³

But there is another step that is missing here: it is that of the fundamental tension of liberal society that facilitates the success of opposing two populations in relation to a third, dominant, group. I will return to this point in chapter 6. The potential violence implied in the judgment of the law can only make its weight fully felt when it strains at the fundamental

tension, which infuses the relationship that a populace has toward sovereign power. The promise of the universal protection of the law can only maintain its value when it is prevented from truly being extended to everyone. But the *sheer value* of the liberal promise is that it cannot shirk its obligation to all who fall within its purview. The only method by which to circumvent this fundamental tension, then, is to create categories of those to whom universal protection of the law will apply—selectively, that is, *in such a way as to justify the exclusion of some while reiterating the importance of the law's protection for "everyone,"—that is, for everyone who counts.*⁷⁴

In order to be part of the “everyone” who counts, then, certain key distinctions must be drawn—based on abstract categories such as individuals, persons, humans, citizens, categories that become infused with meaning—as Carl Schmitt reminds us—only in connection to a concrete situation, *but also through the deployment of race in conjunction with its implied threat of violence.*⁷⁵ At each and every given moment then, the deployment of such categories will also insinuate who is *evil, immoral, inferior, a terrorist*, and therefore not a *person, a human, a citizen*.

And so, as we see through any number of legal judgments, race is never merely about “race.” It is in the drawing of lines between “evil beings” and “moral beings,” between persons and nonpersons, human beings qua citizens and those who cannot be citizens because they are “not human like us,” where we find the salience of race. Understood as a vehicle by which to draw and redraw the boundaries by which select populations are assured the protection of the law, race becomes deployed as a technology. It is when we understand it as a technology that we begin to understand how race locates and domesticates the “unruly,” and in so doing, “reveals” the apparatus by which the normative ground of racial classifications was once naturalized and concealed.

In its function of concealment, the technology of race also becomes the expression of a certain mode of existence, which links certain key classifications with violence in order to enact discipline and order, and to effect a continual sense of vulnerability. It is only in the search for the concrete meaning of abstract terms like “citizen,” “person,” “American,” that the technology of race reveals the violence and vulnerability that inheres in the relations between sovereign power and its populace, a vulnerability that perhaps can only be unconcealed at dusk.

I think it is this sense of vulnerability that facilitates the continual reenactment of race. It is manifested in the tendency of one population to help cement the ostracization of another group. Giorgio Agamben and, in effect, Carl Schmitt both argue that the key to managing populations requires that populations must always find themselves in danger of being “abandoned” by the law, at the same time that they find themselves sub-

ject to it. This fear of abandonment lies at the heart of the effectiveness of race as a technology, in that it draws on the fundamental tension of liberalism by engendering a sense of the “scarcity” of rights (as a kind of resource), and thus helping to induce a fear that facilitates a sense of order and a willingness/complicity to help thrust another population outside the bounds of the law’s protection—on the grounds that already exist: the “unruly” becomes the basis by which to identify enemies, evil others, and those who are “fundamentally not one of us.”

These are what I take to be some of the key moments that constitute the technology and metaphysics of race. Historically, race has to do with how populations are not just distinguished from each other, but divided, separated, and hypostatized into self-cohering wholes who are to be despised, vilified, and if not cast outside the gates of the city, then at least subordinated and exploited, if not physically or psychically managed. Yet these divisions are still predicated upon an impulse to tame the unruly. It is possible to offer a much weaker claim about what race is, but at least methodologically, many of these attempts to identify race appears to be anachronistic reifications, new concepts that are imposed upon some prior vision of the world that never existed, except in imagination. On this weaker reading—to invoke Heidegger once more—we stand in the essential realm of enframing,⁷⁶ and so we still run the risk of blinding ourselves, of obeying the call of this particular technology, rather than listening to what it reveals to us about [race].⁷⁷