

MARK RIFKIN



# The Politics of Kinship

RACE, FAMILY, GOVERNANCE

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*Race, Family, Governance*

MARK RIFKIN

DUKE

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## CONTENTS

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vii

### *Acknowledgments*

i

### Introduction: Enfamlyment, Political Orders, and the Racializing Work of Scale

43

### ONE. Kinship's Past, Queer Interventions, and Indigenous Futures

93

### TWO. Indian Domesticity, Settler Regulation, and the Limits of the Race/Politics Distinction

145

### THREE. Marriage, Privacy, Sovereignty

199

### FOUR. Blackness, Criminality, Governance

257

### Coda: Inside/Outside State Forms

271

### *Notes*

343

### *Bibliography*

379

### *Index*

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# Introduction

## *Enfamilyment, Political Orders, and the Racializing Work of Scale*

CHILD-STEALING HAS been a historical staple of racialization in the United States. In perhaps the most spectacularly egregious example of this pattern in recent memory, the Trump administration adopted the policy (often denied as such but still enforced) of rending migrant families at the border, leading to the detention of at least 4,500 children over a three-year period and possibly thousands more. This horrifying, unspeakably cruel, and deeply traumatizing denial of migrant humanity, though, came into view as part of mass-mediated discourse in ways other routine modes of institutionalized child-stealing do not. Every year Black and Indigenous children are taken into government custody, separated from their parents by the state at rates that are, respectively, approaching two and over three times their presence in the US population. These numbers represent almost 6,000 Native children and over 53,000 African American children annually.<sup>1</sup> Such state intervention may appear as, in Elizabeth Povinelli's terms, a "quasi-event," one that does not appear as a crisis per se while being part of an extended state-sanctioned project of wearing down racialized populations;<sup>2</sup> it illustrates a sustained set of dynamics in which the government's terrifying and sickening actions on the border can be seen less as exception than as a particularly concentrated example of the status quo of how whiteness operates through structural violence. In

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understanding these patterns, commentators often have emphasized the horror of dividing families on the basis of race. Justice, then, lies in refusing to use racist distinctions, demeanings, and discriminations, such that families can remain intact.

Appeals to the affective units and densities of feeling associated with *family* aim to endow a sense of shared humanness that can serve as a basis for repudiating institutionalized racial distinctions. Yet, in doing so, a range of structuring assumptions about what constitutes personhood, privacy, and political authority are employed that de facto can normalize the racializing dynamics of liberal governance. What if the issue lies less in the nonrecognition of family than forced incorporation into the category of “family”? What if such inclusion helps drive the very ideological and institutional processes of race-making that result in diminished possibilities and life chances for those belonging to populations constituted as non-white? What if “the family” serves as a principal vehicle through which to draw the line between those who count as persons and those who don’t, not because they can’t access the rights of “family” but because they are subject to this category through which the racializing construction of (non)personhood occurs? A naturalized vision of what might be called kinship acts as an ostensibly neutral frame of reference that effaces not only the politics of how kinship is defined and deployed (i.e., who is included and excluded), but also the ways kinship itself serves as an ideological matrix through which the content, contours, and character of “politics” is constituted. If we think of kinship less as a means of remediating racialization than as a discursive and institutional mode through which processes of racialization are (re)produced and regulated, antiracist and anticolonial intellectual work might turn away from affirming the capacity of people of color to be what we might describe as *enfamilied* and turn toward an analysis of how family/kinship serves as a mechanism for producing depoliticizing narratives of ingrained deviancy around which racial population-making takes shape. Since the late nineteenth century, the concept of kinship largely has functioned as a way of translating non-liberal social formations into the categories, differences, and scale structures of liberalism.<sup>3</sup> “Kinship” allows social units and networks that do not fit liberal mappings of the public-private distinction and that exceed the nuclear family unit to be cast as excessive, backward, and/or socially dysfunctional versions of liberal home and family, albeit ones that do not seem to know their proper place and character. The specific contours and content of such supposed failures have served as ways

of delineating and typifying kinds of racialized persons, of constituting racialized populations. Particular racial groups appear as such in being targeted for state intervention and management due to their ostensibly characteristic inability to live out liberal forms of privacy, intimacy, and care, as those dynamics categorically are contradistinguished from the work of governance.

What would happen, though, if we were to understand the very forms cast as racialized aberrance, due to their supposed failure to enact liberal norms of enfamilymment, as, instead, *political orders*? What might such an act of *redescription* make possible? The construction of racial nonpersonhood through presenting non-white populations as constitutively incapable of performing proper forms of family and homemaking is less an expression of the secure dominance of liberal governance than its anxieties, contingencies, and instabilities in the face of what might be characterized as alternative political orders. In “The State Is a Man,” Audra Simpson addresses the ways that the murder of Indigenous women on lands claimed by Canada and the United States can be understood as part of a broader assault on Indigenous governance. She observes, “An Indian woman’s body in settler regimes such as the US, in Canada is loaded with meaning—signifying other political orders, land itself, of the dangerous possibility of reproducing Indian life and most dangerously, other political orders.”<sup>4</sup> When Simpson speaks of “other political orders,” more than referring to the jurisdiction of Indigenous polities over their territories, unbound from settler legal and administrative oversight/intervention, she is invoking other conceptions of what constitutes the shape and stuff of governance, such that the gendered, heteronormative, and privatizing frameworks at play in the liberal state do not provide the paradigm for governance (in terms of its modes of operation, its normative principles, or its scalar structure). Leanne Simpson (no relation) further develops the notion that Indigenous bodies signify or point toward the existence of other political orders into the idea that Indigenous bodies *are* such political orders. She argues that “Indigenous bodies, particularly the bodies of 2SQ people, children, and women, represented the lived alternative to heteronormative constructions of gender, political systems, and rules of descent. They are political orders,” later adding that “within Nishnaabeg thought, every body is a political order and every body houses individual self-determination.”<sup>5</sup> This (re)framing radically reimagines political scale by understanding intimate life and everyday connections as immanently bearing within them the structuring dynamics of governance, as shaping collective processes

of decision-making, resource distribution, placemaking, belonging, etc., that *are* the substance of self-determination (in both an individual and a political sense). While these analyses speak specifically to Indigenous peoplehood and modes of life,<sup>6</sup> the conception of *political order* that they articulate might serve as a means of thinking about the kinds of collective practices that become racialized as expressions of failed/aberrant kinship. More than solely pointing to the failure of the settler-state fully to acknowledge the sovereignty of Native governments, the attention to Indigenous political orders seeks to open up possibilities for expanding the kinds of processes, networks, regularities of practice, and webs of interdependence that can be seen *as governance*. The ideologies of enfamilymen that historically have been central to liberal governance, and that remain so, cannot accommodate these formations *as politics*. Or rather, liberal governance may be said to depend on recoding such politics as *kinship*—as properly belonging to a private sphere in which such forms appear as racialized deviance.

While articulated within Native studies as a means of characterizing Indigenous peoplehood, the notion of political orders might be drawn on as a way of rethinking, of redescribing, the dynamics of racialization in the United States more broadly. A familiar strategy within Native intellectual and political discourses is to insist that Indigenous peoples are political orders rather than the population constructed through racializing figurations of *Indianness*. Doing so seeks to leverage the ways racialization recasts Native politics as collections of non-white persons who can then be treated as *domestic* subjects of the settler-state's jurisdiction, rather than as their own autonomous, self-determining political entities with rightful governance over their lands and waters.<sup>7</sup> However, if that insistence often serves as a way of separating politics from race as a definitional frame for understanding Native peoplehood, the imbrication to which that very confusion points can operate as a lens through which to characterize the ideological work of racialization itself. To cast modes of governance as, instead, a function of racial genealogy not only denies that these matrices of collective self-ordering can count *as a politics* but presents them as a function of racial inclinations, as expressive of a pathologically deformed private sphere—as emanating from aberrant, excessive, and disordered kinds of kinship and homemaking. In this way, forms of governance that do not fit liberal frameworks historically get presented as evidence of privatized racial incapacity, as symptomatic of an ingrained inability to be a proper subject. This dynamic, though, might be seen not only as

pertaining to Indigenous peoples but as also at play with regard to other kinds of racialization enacted within the US (settler-)state, recognizing that the contours of those racializations may differ as well as the kinds of political orders to which they point. More than defining groups as outside enfamilied personhood, the dynamics of racialization recode patterns of collective life that do not fit liberal geographies and scalar dynamics as if they were immanent tendencies that testify to inherent racial difference.

*The Politics of Kinship* argues that the institutionalized matrix of family/kinship serves a central function in organizing and normalizing forms of racial distinction that themselves provide a principal means through which the contours of politics and governance are defined. Sociopolitical formations that contest the terms of the liberal state are recast as expressions of an ingrained, privatized, corporealized deviance. This approach might be seen less as a strong argumental or exclusionary claim (“it’s really this and definitely not that . . .”) than as an experiment with how characterizing something in other terms constellates it with concepts, frames, and analyses other than those that previously have been used, thereby reconfiguring the problem-space in which whatever so considered takes intellectual shape. David Scott defines a problem-space as “an ensemble of questions and answers around which a horizon of identifiable stakes (conceptual as well as ideological-political stakes) hangs,” further suggesting that distinctions among problem-spaces include their “tropes, modes, and rhetoric” and the “horizon in relation to which [they are] constructed.”<sup>8</sup> In drawing on Indigenous formulations of “other political orders,” the book aims to reconfigure the problem-space for analyzing racialization in the United States, which tends to cluster around how bodies are interpellated as nonpersons (and how populations are made through such interpellations), rather than foregrounding what kinds of collective forms are disavowed through those interpellations. I want to suggest that highlighting the question of governance in other-than-liberal terms—attending to social formations that conventionally would not be understood as enacting governance and conceptualizing them *as political orders*—shifts extant ways of understanding how racialization operates by attending to the conversion of modes of collective life and self-organization into the terms of (wrong) enfamilymen, thereby making those other modes (which denaturalize and potentially upset the terms and structure of liberal governance) a legitimate target for state interventions of various kinds. I characterize this process of reframing as *redescription*; as a method it aims to reorient how we conceptualize phenomena and relations among them, in this case

the terms of the title—race, family, and governance. This taking up of Indigenous formulations to think Native and racialized non-native modes of collective life seems particularly pressing in light of both the tendency within Indigenous studies, often implicitly, to circulate a narrative of Indigenous exceptionality (as not defined by race, as other than national minorities), which can be diminishing of other social struggles, *and* the tendency in other areas of critical ethnic studies and progressive/broadly leftist scholarship to treat Indigenous intellectual frames as parochial and thus largely irrelevant for thinking about anything not specifically focused on Native people(s). I center Indigenous analytical coordinates and priorities while, in the process, immanently shifting them so as to articulate with non-Indigenous struggles and freedom dreams, thereby also redescribing those collective formations in ways that seek to emphasize the immanent potentials of governance within them and the ways racializing discourses of enfamilament work to forestall and foreclose those potentials by casting other forms of life and political will through their narration as perversion in family/kinship—as an ingrained inability to sustain the private sphere in proper, natural ways.

### **Race-Making as Family-Making**

Liberal modes of rule depend upon a particular scalar imaginary in which the personal is fundamentally distinguished from the political. Scale is less an indicator of size than about how entities, institutions, spaces, and processes are conceived and function in relation to each other, particularly the extent to which one is understood as “inside” (subordinated, coordinated, or regulated) by the other. Scale, then, expresses the kinds of connections between such entities, institutions, spaces, or processes.<sup>9</sup> In addition to not serving as the site for generating public policy or for collective decision-making and resource distribution beyond the “family,” the sphere of the personal/domestic/intimate is envisioned as organized around natural principles that lie beyond and before those of governance but that should animate governance as its legitimating core and ethical horizon. In this frame, government exists to protect and capacitate forms of family/domesticity/privacy that themselves are decidedly not scenes of governance and are not conceptualized as having meaningful lateral relations outside the political institutions to which they have ceded limited kinds of authority. The scale of the personal nestles within that of political

institutions, which extend over a number of aggregated households/families, and that unit of political authority itself is nestled within a larger one, expanding in scope until the unit encompasses the entire nation. In the United States, that political scale goes from the municipal, to the county, to the state, to the federal government, with each level having its own set of powers and superintendence over the level(s) below—with each level also largely understood as lacking lateral relations with other units at that level unmediated by the level above. However, as Elizabeth Maddock Dillon suggests, the personal sphere that appears as outside and prior to political institutions arises as a back-formation within those very institutions through “state of nature” fictions that normalize the form of the private sphere. She argues that there is “a recursive loop between privacy and publicity in which the intimate sphere ‘prequalifies’ certain subjects for participation in the political public sphere,” and marriage (and, by extension, the modes of privatized family organized around it) “plays a pivotal role in defining the private subjects of the liberal state who will thenceforth have the capacity to emerge from privacy into public recognition, and to defend the sanctity of ‘privacy’ against a seemingly exterior public sphere.”<sup>10</sup> Within this liberal dialectics, defining family and belonging to one—being the subject of kinship—situates persons within the political architecture of liberal governance while also serving as evidence of the extent to which someone can be a proper political subject, whether they emerge from the *kind* of home, family, and matrix of intimate bonds that “prequalifies” one to be a rights-holding citizen.

This recursive dynamic, through which the naturalized realm of family illustrates the capacity to participate in political life while also normalizing the scale structure of state jurisdiction, further depends upon processes of racialization. The forms of bourgeois homemaking that lie at the heart of liberal ideologies of governance were never free from accompanying sets of discourses and institutional practices that disqualified from enfamilymen those deemed to be too backward and brutal to enact liberal subjectivity and sentiment. As Imani Perry argues, Euro-patriarchy entailed the production of racialized populations who were legally subordinated as propertyless nonpersons: “the economic liberalism of which [John] Locke was a foundational thinker—and, specifically the doctrine of personhood—entails a system whereby the subject before the state or the law was made into either a patriarch, his liege (woman) [and, one might add, his children], or someone outside legal recognition, whether slaves or what in that time were termed ‘savages’ but whom we can also term ‘nonpersons’



in the juridical sense.” Those racialized beings/groups stood outside the boundaries of civilized homemaking, or at least could not be included as family members but only as the subjects/objects of state-sanctioned discipline. Their collective inability to participate in liberal life was marked by “deviant forms of gendering and sexuality” that symptomatized both their “exclusion from the rights and recognitions of legal personhood” and the particularity of the racial status that made them thus ineligible for inclusion.<sup>11</sup> Simply expanding the concept of family, such as through appeals to supposedly more flexible and less nuclear notions of kinship, does not undo the distinction between personhood and nonpersonhood, as it turns on racially saturated understandings of depoliticized property, privacy, and intimacy.

The concept/category of family serves as a principal vehicle for ongoing race-making due to its unique capacity as an ideological and institutional template to naturalize the sociopolitical architecture of liberalism as integral to human reproduction itself and to contain nonliberal formations and modes of life within the scale structure of liberalism as deformations of the private sphere, potentially dangerous but not fundamentally challenging the validity of the political infrastructures of liberal governance.<sup>12</sup> Put another way, the ideological matrix of “family” cannot readily be severed from the work it has done and continues to do in providing the material of which racial distinctions are made and through which racial hierarchies are articulated, explicitly and implicitly. Family and its privatizing norms, including kinship as its ostensibly more porous and malleable supplement, serve as vital parts of the “assemblages,” in Alexander Weheliye’s terms, through which race continually is (re)produced. Notions of enfamilymen provide much of the conceptual infrastructure through which various forms of non-whiteness are marked as socially aberrant and dangerous in ways that treat nonliberal modes of collectivity and self-governance as expressions of deformed and dangerous private tendencies—as kinds of wrong personhood that arise due to ingrained racial tendencies.<sup>13</sup>

More than simply differentiating between classes of persons who can be seen as enfamilied (as bearing liberal intimacy) and those who constitutively cannot, the racial making of the terms and boundaries of kinship illustrates the insecurities that surround that process as well as the roles kinship is called on to perform in redressing forms of political crisis—in containing, regulating, effacing, and dismantling alternative political orders. In this vein, Ann Laura Stoler’s work provides a powerful model for tracing the ways middle-class norms, liberal frameworks of gover-

nance, and distinctions between citizens and nonpersons arise out of and in response to dynamics of political instability and disarray, rather than being brought to processes of racialization as preformed paradigms. Stoler argues that Michel Foucault's *History of Sexuality* not only does not engage with the forms of racialization and colonialism that were occurring during the period in which he suggests "sexuality" emerged as a coherent biopolitical formation in Europe, but that the very kinds of normative articulations among bodies, sensations, home, family, health, gender, and reproduction that discourses of sexuality make possible were occurring earlier in the colonies in ways inseparable from the making of forms of racial identification and distinction.<sup>14</sup> She suggests that turning to the colonies reveals the importance of "focus[ing] not on the *affirmation* of bourgeois bodies . . . but on the uncertainties and porous boundaries that surrounded them," which she terms "their precarious vulnerabilities." Such a shift in scholarly attention away from the metropole highlights the production of the kinds of racial distinctions necessary for both justifying and enacting colonial rule: "Much of the anthropology of colonialism . . . has taken the categories of 'colonized' and 'colonizer' as givens, rather than as constructions that need to be explained." Attending to that construction means that the production of such difference is "not about the importation of middle-class sensibilities to the colonies, but about the *making* of them." Understandings of the distinctions between the normal/healthful and the perverse/savage, then, were not brought *to* sites of colonial governance but were generated *within* them as part of seeking to regulate varied populations (whose difference from each other is not an *a priori* given), shore up forms of institutional authority, pursue particular political and economic agendas, and map out who would have access to what forms of political subjectivity. As Stoler argues, "who would be a 'subject' and who a 'citizen' converged on the sexual politics of race"; thus, "colonial discourses of sexuality were productive of class and racial power, not mere reflections of them," earlier noting that "an implicit racial grammar underwrote the sexual regimes of bourgeois culture."<sup>15</sup> Following Stoler's argument, "sexuality"—including modes of and relations among household-making, erotic relationships, everyday care, reproduction, and childrearing—provided a means for producing and defining racial difference as part of seeking to control forms of association, exchange, alliance, cohabitation, and political status/belonging.

Such enfamilied differences between viable political subjects and racialized nonpersons, then, arise out of existing policy quagmires and knotted



difficulties of governance as a continually vexed and incomplete effort to stabilize imperial order. Viewed from this perspective, racial identities remain always in process, made and remade largely through recourse to “middle-class sensibilities” and the “sexual regimes of bourgeois culture” that themselves take shape around the frustrations, failures, and incoherencies of rule that racialization aims to redress/manage. In the context of the United States, we might consider how whiteness and various categories of non-whiteness such as blackness, Indianness, Asianness, and Latinness function as ways of addressing shifting political and economic difficulties/crises within US governance.<sup>16</sup> The biopolitical production of racial populations crucially animates and secures the sovereignty of the state by ideologically transposing challenges to its jurisdictional frameworks into an account of pathological bodies and families. This way of approaching the matter of population draws on Foucauldian frames while directing attention more explicitly back to questions of collective self-governance and how alternatives to the state are managed through modes of racialization.

Race marks the distinction between those seen as able to participate in life-affirming projects of state regulation and those seen as pathologically unable to do so, as posing problems for the health and well-being of citizen-subjects—who illustrate their aptitude, competence, and deservingness by embodying the norms that undergird policy. As Foucault observes, “the death of the other, the death of the bad race, of the inferior race (or the degenerate, or the abnormal) is something that will make life in general healthier: healthier and purer,” and in this sense, the “bad race” are “enemies who have to be done away with,” less in the sense of being “adversaries in the political sense of the term” than as “threats . . . to the population.”<sup>17</sup> In being defined as separate from the national population/public and as threats to that collective’s well-being, this race (or set of races—presented as representing varied kinds of threat due to varied kinds of normative failure) itself is a distinct population, a designation/identity that does not count as “political.” To be a population is to be a biologized aggregate *rather than* a collective subject engaged in struggle over what can constitute legitimate forms, frameworks, and principles of governance.<sup>18</sup>

Not simply envisioned as biologically transmitted, race marks immanent aberrance with regard to norms of enfamilyment, ingrained tendencies that make racialized subjects a collective problem that needs to be regulated/contained/eliminated for the good of the “general population.”<sup>19</sup> Those norms serve as the vehicle for transposing modes of collectivity into failures of racialized flesh.<sup>20</sup> We might suggest that, as a mode of rule, gov-

ernmentality sustains state sovereignty through the ideological conversion of alternative political orders into aggregations of pathological bodies. In this way, discourses of race perform a (re)scaling of bodies, in which such bodies signify synecdochically as part of a (biological) population rather than as actors in alternative networks and processes of governance.<sup>21</sup> The very activities that could be understood as participation in other political orders—arrangements of decision-making, resource distribution, place-making that do not fit the terms of enfamilied social organization (and that often are collated under the concept of kinship)—are seen as expressive of ingrained, pathological tendencies toward disorder within what should be the private sphere.

Turning back to Stoler's account of the ways processes of racial (re)definition operate as means of managing running "uncertainties," what problems arise in the operation of institutions of governance and in the determination of both policy objectives and means of achieving them? How do racializing discourses of sexuality seek (and often fail) to manage such tensions and incoherencies? And what other social and political possibilities emerge and need to be regulated, denigrated, and disavowed through such racializing discourses of sexuality (including charges of failed, aberrant, and antisocial family/kinship)? Foregrounding the always-in-process character of racial categorizations draws attention to the ways liberal articulations of family and the private sphere, particularly within law and policy, are dynamically responsive to perceived challenges to the form of state governance. In this sense, race serves as a flexible and multifaceted discursive technology for recasting threats to the structures, scales, and regularities of liberal political economy as deformations of proper kinship, (re)constituting the contours of normative family in the process. Seen in this way, ideologies of family/kinship operate as a malleable translational and regulatory matrix through which to manage ongoing challenges to state grids of political intelligibility: *family* is never separate from the metapolitical process of struggling over what constitutes *politics*, or the principles and scope of governance. Attending to the ongoing imbrication of race-making in efforts to differentiate normative from pathological family formation and domesticity underlines the roles played by shifting notions of family in the (re)making of the sovereignty of the liberal state, not just as the ostensibly private sphere around which such governance is organized but as pointing toward the presence of other social networks and formations—other political orders—that are contained and disciplined through their racialization as expressive of failed/deviant/backward/excessive family.

The concept of kinship, though, often implicitly reinforces such racializing enfamilymen by presenting patterns of collectivity as expressive of personal relations and modes of intimate life, de facto reinscribing a liberal paradigm of governance even in the process of seeking to denaturalize it. Since the late nineteenth century, the concept of kinship has functioned as a way of indexing the existence of kinds of human sociality that do not necessarily fit the form of the nuclear family. Yet, as discussed further in chapter 1, it does so in ways that largely reinstate that social form in the process of noting divergences from it, using the nuclear family as the frame of reference through which to categorize and characterize other configurations of care, provision, affection, and everyday life. The linkage of kinship with *family*, *intimacy*, and the *personal* in recent historiographic efforts to address race and patterns of social life that precede the state's claims to what currently is US territory (or that occur in spaces that were at the time on the national periphery) illustrates this dynamic. In her excellent award-winning study *Empires, Nations, and Families*, Anne F. Hyde addresses how relationships among persons and groups in the trans-Mississippi West in the late eighteenth and early nineteenth centuries defied the terms of European imperial policy and incipient forms of US national jurisdiction. She observes, "Family connections across national and ethnic lines allowed business and diplomacy to flourish in these places," later adding, "This flexible and stable system, based in families who had the ability and desire to make powerful kinship links to other families, solidified over the entire period, protecting people against change and insulating them for a very long time against the rigid demands of American conquest."<sup>22</sup> Hyde casts *kinship* and *family* as interchangeable terms, understanding both as a function of "personal connections."<sup>23</sup> What seems to bind this mosaic of relationships is familial connection, juxtaposed with the formal realm—the "demands"—of law and policy. Yet, those bonds themselves generate a "stable system," which leaves one wondering as to the character of that formation. This portrayal presents the networks of trade discussed and the immanent patterns and normative principles that shaped those networks as a function of de facto private relations, distinguished from the inefficacious claims to jurisdiction by various national and imperial powers. The usage of "kinship" in this way speaks to a conceptual aporia in the argument. Hyde characterizes these overlapping matrices of interaction as both an ungoverned borderland and as largely Native in character.<sup>24</sup> She at points references Indigenous peoples as offering "an alternative vision of political space" to that at play in official Euro-American frameworks of

governance,<sup>25</sup> but in much of the study the concept of kinship does the work of marking differences from liberal social forms, including networks that did not conform to (Anglo) racial divisions, while also deferring discussion of the kind of political order in which those relationships were enmeshed and for which they helped provide an infrastructure. Moreover, these social formations are not dependent on whiteness as a mode of securing the social organization (and political scale structure) of liberal governance; or, perhaps more accurately, whiteness as a means of installing and defending liberal political economy gains shape and force through its articulation as against these competing formations. When combined with its continued conjunction with “family,” the characterization of such matrices and their attendant political economies as organized around “kinship” underplays the ways the absence of meaningful authority by Euro-American powers speaks to the existence of other political orders not dependent on the privatizing and racializing matrix of “family.”

Such invocations of kinship implicitly enact a scalar imaginary in which particular kinds of proximity, engagement, and/or interdependence appear as a function of the personal/private—de facto defined as against the public/political. Certain sorts of interaction, say sexual or with regard to childcare, are presumed to exist in an *intimate* realm (even when the writer seeks to understand the connections between such scenes and phenomena deemed more macrologically political or economic).<sup>26</sup> In her magnificent study *Wicked Flesh*, Jessica Marie Johnson explores Black women’s efforts to forge livable worlds and networks of relation for themselves and their children across a range of sites in the eighteenth and early nineteenth centuries within the networks of transatlantic enslavement—primarily on the islands off of what is now Senegal, in the Antilles, and across the Gulf Coast of what is now the United States. In telling this story of socialities made under the shadow—or perhaps in the maw—of the political economies and ordinary brutalities of enslavement, Johnson consistently uses versions of the phrase “intimacy and kinship” to name the kinds of connections Black women made in order to carve out spaces of freedom (whether legally recognized as such or not): “Understanding the role intimacy and kinship played in black women’s lives highlights black women’s everyday understanding of freedom as centered around safety and security for themselves and their progeny”; they were “determined to build community and make generations, imagining futures that were, if not beyond bondage, at least buttressed against harm, they cultivated, protected, and defended kinship networks.”<sup>27</sup> What, though, does

*intimacy* do in figuring the construction of modes of community that, as Johnson later notes, “form[ed] maps of kin between towns and countryside” in defiance of imperial policy imperatives and census tabulations?<sup>28</sup> As in Hyde’s account, the juxtaposition of the “networks” in question with the terms and priorities of imperial institutions of governance creates the sense of alternative modes of sociality operating through their own immanent principles that do not comport with those of official law and policy. Yet, the running conjunction of intimacy and kinship seems to position the latter term as expressive of ordinary scenes of interaction and care that qualitatively differ from the work of governance. In this way, the figure of kinship can have topological effects, positioning the phenomenon described within the realm of *family* in ways that potentially underdescribe the challenges such modes of collectivity pose to dominant paradigms of governance. To break out of this cycle, what is needed is a richer and more textured conception of what constitutes a political order.

### Political Order as Analytic

If liberal frameworks presume that governance necessarily takes a particular form, the idea of alternative *political orders* not only can help draw attention to interwoven liberal ideologies of scale, personhood, and social reproduction but can refigure what constitutes political form and processes of governance, refusing the narration of collective being and becoming as inherently subordinate to state categories/mappings, expressive of unreasonable/deviant inclinations, or a kind of confusion about the proper boundaries of intimate life. Audra Simpson suggests that anti-Indigenous gendered violence is an extension of an institutionalized “death drive [by the settler-state] to eliminate, contain, hide, and in other ways ‘disappear’ what fundamentally challenges its legitimacy,” “polities” that “serve as alternative forms of legitimacy and sovereignties to that of the settler state.” The imposition of heteropatriarchal principles and geographies is an integral part of this effort to displace, deny, and dismantle Indigenous polities that maintain “other life forms, other sovereignties, other forms of political will” to those of the liberal (settler-)state.<sup>29</sup> Building off of this analysis, Leanne Simpson argues, “we must understand that colonizers saw Indigenous bodies—our physical bodies and our constructions of gender, sexuality, and intimate relationships— . . . as a symbol of Indigenous orders of government and a direct threat to their sovereignty

and governmentality.”<sup>30</sup> The racialization of Indigenous bodies through their portrayal as expressing a backward, degraded, and deviant Indianness works to efface Indigenous governance as such, recasting it as failed gender, sexuality, family-making, and homemaking. In doing so, this routine and pervasive translation of political orders as race indicates the ways Indigenous sovereignties actively challenge the terms, mappings, and legitimacy of the state that claims them and their lands. The force of such translation further suggests the limits and insecurities of settler governance, the need for the ongoing management and attempted foreclosure of competing formations. These kinds of Indigenous feminist (re)formulations illustrate how the concept of political orders can do the following: point toward kinds of collectivity whose existence is not organized by the state or around its terms; indicate the presence of “orders of government” not structured around a rigid public/private distinction, particularly the heteropatriarchal norm of the nuclear family; and illustrate how everyday bodily experience—enmeshed in webs of relation with other persons, places, and nonhuman entities—immanently bears modes of governance, which, again, is not inherently distinct/disjunct from “intimate relations.” Although articulated in ways that are about the specificity of Indigenous sociopolitical forms, particularly as against settler insistence that Native peoples be recognized through institutionalized state discourses, this (re) framing of *the political*, I want to argue, can serve as a vehicle through which to rethink the broader work of racialization within liberal governance. While not seeking to diminish Indigenous articulations of sovereignty or necessarily to equate them with other kinds of collective processes, the use of the concept of political order in this way—to index and conceptually displace the scale/jurisdictional structure of liberal governance and its racializing mobilization of ideologies of enfamilymen—might direct attention toward “the possibility of other possibilities” for non-Indigenous (or mixed Indigenous and non-native) modes of collectivity.<sup>31</sup>

The concept of alternative political orders primarily has been developed by Indigenous intellectuals as a way of addressing modes of Native sovereignty and self-determination that exceed or defy interpellation into state jurisdictional grids and modes of racialized (non)personhood. As Audra Simpson notes with regard to the work of settler conceptions of *Indianness*, “Here we see the biopolitical project of recognition, which sees governable populations based on bodily attributes rendered as ‘races,’ trumping a prior and ongoing, if not strangulated, political order of sovereignty.”<sup>32</sup> Racialization operates as a means of translating Indigenous



governance into a non-“political” idiom that enables its strangulation—through which peoples are recast as “populations” in order to insert them into existing settler legal and administrative templates. In marking and tracing that dynamic, though, Simpson points toward the presence of political formations that do not fit into the terms of liberal governance. She characterizes such Indigenous collective self-understandings as “feeling citizenships”: “These are alternative citizenships to the state that are structured in the present space of intracommunity recognition, affection, and care, outside the logics of colonial and imperial rule.” Simpson further notes that they “may not be institutionally recognized, but are socially and politically recognized in the everyday life of the community” and emerge from emplaced “web[s] of relations.”<sup>33</sup> In addition to obeying their own principles separate from those institutionalized by the state, these modes of belonging emerge out of and are sustained through everyday relations, lived webs of connection. More than merely an aggregate of interpersonal networks or semipublic associations, such citizenships bespeak the existence of non-state political orders—matrices of collective decision-making, resource distribution, placemaking, and care in which there is not a bright-line distinction between private and political domains and in which governance does not necessarily attach to institutional apparatuses that are disjunct from the domestic sphere.

The use of “feeling” as a way of characterizing belonging and processes of political meaning-making itself indicates the central role of affective connections in the ongoing remaking of these formations, in contrast to liberal notions of disinterested distance and generic, serialized personhood. As Laura Harjo suggests with regard to Mvskoke (Creek) collective life, “prevailing governance structures, as well as the resources that a community may assume are necessary to build communities intentionally, can become entrenched with formality,” adding, “formality can reproduce normative settler colonial governance structures that shift power from the collective of everyday folks to the elites, putting decision-making in the hands of a few.” Liberal conceptions of the political as a distinct sphere, and of other political orders as expressions of illiberal forms of racial/cultural particularity, enact governance-as-formality, separating it from networks of everyday interaction through which “a network of relationality” is built. Juxtaposing “the politics of normative governance systems” with “the poetics of Mvskoke community,” Harjo understands Indigenous polities as potentially enacting governance through processes of decision-making and collective practices of engagement that do not operate at a



differentiated scale from those kinds of routine relationships that would be understood from a liberal perspective as private.<sup>34</sup> Or, more pointedly, from within the perspective of liberal institutions such networks would appear as excessive distensions of bourgeois privacy, producing aberrant (racialized) subjects unable to embody the ideals of proper personhood.

Understanding these forms of collectivity as political orders underlines principles of governance organized around sites and kinds of ordinary interaction, as opposed to a differentiated and formalized sphere with its own distinct rules and processes, and that conception of governance, or the potential for those relations/networks to count *as governance*, entails revising notions of scale implicit in liberal ideas of “the political.” Harjo notes that “scale requires us to examine the processes that created the geopolitical units,” indicating that lived Indigenous experiences of political form have more to do with “relational processes” than territorial grids.<sup>35</sup> From this perspective, clearly demarcated spheres of privatized domesticity do not sit next to each other as semi-isolated units encompassed within the delimited area over which a given government exerts jurisdiction (operating on a separate set of principles than those at play in the serialized domestic units). The idea of a political order, then, opens up possibilities for considering the kinds of relational processes that might enact modes of collective self-ordering, in ways divorced from the scale structure of dominant conceptions of governance in which there are a limited number of kinds of “geopolitical units” pegged to the nation-state form and the relations among states.<sup>36</sup>

This (re)framing of what governance can be calls for an account of political decision-making not restricted to an institutionalized structure, suggesting it can occur in a range of spaces that do not necessarily have constitution-like, impersonal procedural rules that are meant to guide the process. Historically, among the forms that Indigenous governance has taken on the lands currently claimed by the United States, there are many peoples who have a clan system of one kind or another in which decisions about leadership and the distribution of resources occur through these genealogically inflected ensembles, and while those social entities sometimes are also residential in character, clans (or other genealogically inflected kinds of collectivity) often extend beyond residence, such that there are ties among different residential groups (town/village/band/camp) and, reciprocally, residential connections that tie together members of disparate clans.<sup>37</sup> These connections can create overlapping kinds of association, identification, and interdependence that produce complex, layered processes of

decision-making that cannot easily be broken into modular and hierarchized units of jurisdiction, nor can the dynamics of deliberation, debate, negotiation, and consensus within and across these processes be narrated in ways divorced from the situated imbrications in which they are enmeshed. This is not to say that Native peoples do not have constitutional modes of governance, especially given the history of Indigenous entanglement within colonial systems and the need both to signify their political autonomy to settler-states and to enact their sovereignties in ways that effectively can defend that landed autonomy.<sup>38</sup> Rather, it is to say that Indigenous theorizations of political form—of the existence of political orders that differ from the organizational structures and normative principles of the (liberal) state—seek to counter the dismissal of other modes of governance as excessive, backward, and/or dangerous deformations of liberal privacy.<sup>39</sup>

Such other political orders appear as deviant personhood when viewed against the background of liberal ideologies of justice and public order, which employ a series of implicit conceptions of the contours and character of the sphere of (privatized) social reproduction in ways that shape the terms of the supposedly irreducible personhood at the heart of citizens' *political* interaction with each other. In *Liberalism and Empire*, Uday Mehta argues that "the exclusionary basis of liberalism . . . derive[s] from its theoretical core, . . . not because the ideals are theoretically disingenuous or concretely impractical, but rather because behind the capacities ascribed to all human beings exists a thicker set of social credentials that constitute the real bases of political inclusion." Mehta further characterizes such credentials as what is taken to be an "anthropological common denominator."<sup>40</sup> This point might be reframed as the idea that liberal governance presumes the existence of certain ostensibly extrapolitical modes that create and sustain the conditions for being a viable social/political subject, modes that provide the unstated but necessary infrastructure for the operation of political institutions and the kinds of personhood whose recognition legitimizes such institutions (the kind of recursive preauthorization Elizabeth Maddock Dillon discusses, as noted earlier).

For example, John Rawls, perhaps the premier theorist of liberalism as a necessary normative frame for good governance, indicates that a just form of political order requires "a basic structure," which refers to the "main political and social institutions and how they fit together as one system of cooperation." These institutions ensure that the processes of "care, nurture, and education" that produce "free and equal citizens" are themselves secured; in doing so, they "shape citizens' character and aims, the kinds of

persons they are and aspire to be.” The dynamics of social reproduction, then, are not ancillary to the shaping of the subjectivity of citizenship and what equality and freedom mean. Rawls insists that “the political” is “distinct from the personal and the familial, which are affectional . . . in ways the political is not,” but he also observes that “the political constitution, the legally recognized forms of property, and the organization of the economy, and the nature of the family all belong to the basic structure.”<sup>41</sup> The *family*, therefore, is not simply a site of social reproduction having nothing to do with the shape of political institutions and subjectivity; rather, its form is part of the “basic structure,” enabling the training of citizens who can understand themselves as serially segmented, politically equivalent, and self-possessed.<sup>42</sup> In this way, these personhood-generating and personhood-sustaining familial spaces testify to an unacknowledged yet crucial scale structure within political liberalism. The extrapolitical needs to be organized in a particular segmented, subordinate—enfamilied—way in order to produce the free, equal citizens who can recognize each other as such within/as the political sphere. The normative model of ideal liberalism, then, takes shape around a political/private distinction and an attendant scalar imaginary that are embedded in conceptions of citizen-personhood, which are de facto essential both to liberalism as a political order and to understanding liberalism as the model of a just political order. International movements to mark and contest the relation between enfamilymen and capitalist political economy (particularly in terms of the unwaged work of social reproduction), such as Wages for Housework, also challenge the privatizing scalar logic of liberal personhood, and my discussion here resonates with such critique and movement work.<sup>43</sup> However, my argument seeks to view “the family” less as a central site of extraction (in which social reproduction produces necessary value without being compensated) than as a means of transposing alternative configurations of sociality (in which social reproduction and governance may not be understood as contradistinguished) into a normative frame in which such configurations can be cast as (racially) excessive, deviant, and dangerous.

Within the dominant liberal framing of what governance should be, what happens to modes of social reproduction—and their associated kinds of personhood—that do not fit this paradigm? How does this normative model engage forms of collectivity, identification, and relation that exceed or contest the terms of the “basic structure”? Since they do not conform to the parameters of liberal public reason, such social dynamics do not themselves count as political formations but, instead, are either

dangerous deformations of the “background culture” or distinct “cultures,” necessarily contained within the scope of public institutions and, therefore, subordinate in scale and character to the jurisdiction of liberal legal and political processes. Rawls notes that political power should not be used to “repress comprehensive views [extrapolitical belief systems] that are not unreasonable.”<sup>44</sup> Modes of collective worldmaking not organized around enfamilyment and the scale structure it naturalizes, though, contradict the “basic structure” of liberalism and, as such, constitute a challenge to the social geography that provides the infrastructure for ideals of equality, freedom, and the domain of the political. In this way, they are “unreasonable” and justifiably can be targeted for state restriction.<sup>45</sup> The *unreasonable* within normative liberal theory—not exactly equivalent to but resonant with figurations of savagery, backwardness, and animality—serves as an implicitly racializing way of repudiating the political character of social forms that do not conform to enfamilyed notions of personhood and proper political subjectivity.

As opposed to this dismissive orientation, one might see efforts to recognize cultural plurality within the liberal state as more promising. However, the category of the *cultural* itself does a good deal of work in normalizing the privatizing scalar imaginary at play in liberal notions of equality and the attendant (racializing) delimitation of what can count as a *political* claim or a mode of governance. Developing a deliberative approach that seeks to value voices and concerns outside the political sphere as such, Seyla Benhabib presents culture as providing a means of naming collective articulations, experiences, and social forms whose significance for/within governance and broader public debate would be sidelined within a stricter conception of political liberalism.<sup>46</sup> Such an approach, though, raises the question of why particular movements or assertions of collectivity would be understood as “cultural”? How does that categorization position them in relation to liberal notions of the state? Benhabib argues that such recognition of culture occurs within political institutions themselves, organized around forms of “constitutional and legal universalism”: “at the end of the day, the ideal of government based upon the consensual agreement of equals prevails as a foundation for all democratic theory and practice.”<sup>47</sup> Cultures exist within the state and, thus, not only remain subordinated to the laws of the state but cannot themselves contravene those modes of personhood—and, therefore, also social reproduction—privileged as the basis for liberal governance. Moreover, the welfare of the citizenry as a whole functions as the background for assessing the value of

such cultural claims. When discussing the decision of a Canadian court to allow oral testimony from the Gitksan people about their traditional territories, Benhabib observes, “What lent legitimacy to the Canadian court’s decision was precisely their recognition of a specific group’s claims to be in the *best* interests of *all* Canadian citizens.”<sup>48</sup> The delimitation between the political and the cultural, then, enacts a double foreclosure with regard to scale and the question of what can count as a political order: the cultural cannot contravene modes of privatized social reproduction that produce the citizen as such; and cultural principles, authority, ethics, and relations are necessarily contingent on the naturalized jurisdictional structure of the state. These *a priori* conditions, viewed as normative necessities, disavow the potential for a political order that is not the (liberal) state. In the process, the cultural works to cast all modes of collectivity other than the state as potentially immanently bearing unreasonableness.<sup>49</sup> The understanding of extrapolitical identity as potentially a danger to the liberal polity due to ingrained collective tendencies toward uncivilized or regressive behavior—here cast as “culture”—provides one of the most common historical trajectories in mobilizing discourses of race. The absence of the term race does not save or exempt such formulations from that dynamic (a point addressed more extensively in chapter 2, with regard to the invocations of “culture” in US federal Indian policy).<sup>50</sup>

The reformulation of political scale at play in conceptualizations of Indigenous political orders reorients ideologies of personhood at play in liberal governance, refusing the racializing effects of narratives of deviant enfamilymen. Within many Indigenous theorizations of political form, personhood is neither generic nor serialized, but instead is conceptualized as enmeshed within flexible and shifting networks that are the substance of governance. As noted earlier, Leanne Simpson characterizes Indigenous bodies as political orders, but rather than suggesting the kinds of privatizing atomization at play in liberal form(ul)ations, including the separation between the political sphere and social reproduction, this vision of personhood presents political matters as at play in ordinary experiences of embodied connection. Moreover, it speaks to the ways that state interventions into Indigenous sovereignties have sought to break forms of everyday engagement as part of installing settler ideologies, mappings, and administrative systems as the *de facto* norm. Simpson observes, “The removal of Michi Saagiig Nishnaabeg bodies from the land, from the present, and from all of the relationships that are meaningful to us, politically and otherwise, is the meta relationship my Ancestors and I have with

Canada.” She adds, “A great deal of the colonizer’s energy has gone into breaking the intimate connection of Nishnaabeg bodies (and minds and spirits) to each other and to the practices and associated knowledges that connect us to land, because this is the base of our power.”<sup>51</sup> Focusing on bodies in this way allows for an attention to how Indigenous forms of collective placemaking and processes of negotiation over the shape and direction of collective life are enacted through intimate relations. Additionally, it brings into relief the role of heteronormativity in naturalizing settler frameworks—how interwoven understandings of gender, home, couplehood, family, and desire produce a vision of domesticity that itself works to break up Native social networks by inserting an atomizing and privatizing unit of propertyholding as the supposedly necessary form of social reproduction and extrapolitical life. If political orders dwell within and emerge from ordinary phenomenological and corporeal experience, then there is no normatively scripted private realm that provides the implicit infrastructure for specialized institutions of governance or that produces a kind of person out of that realm who therefore can serve as the normative subject of such political institutions. Without that implicit scalar distinction, bodies can be viewed as always already immersed within networks of governance in ordinary interactions. That immersion means that persons are less easily typed as belonging to groups (call that categorization race or culture) whose groupness is thought to entail them immanently bearing ingrained extrapolitical tendencies: tendencies that lead to failures of liberal social reproduction and that therefore disqualify one from being a proper (serialized) citizen-subject.

One of the running concerns within Indigenous studies, though, has been to distinguish between Indigenous peoples and national minorities in order to avoid the collapse of the former into national citizenship and the attendant normalization of the domestic space and jurisdiction of the nation-state. Insisting on Indigenous peoples’ status as political entities that exceed the terms and contest the legitimacy of the settler-states that assert authority over them, this scholarship has sought to mark the boundary between kinds of political claims and imaginaries that take the existence of the nation-state as their *de facto* frame of reference and those that challenge its right to exist based on the presence of prior and ongoing Native sovereignties. As Jodi Byrd argues with respect to the idea that full citizenship can serve as a horizon of Indigenous reparation, “remediation of the colonization of American Indians is framed through discourses of racialization that can be redressed by further inclusion into the nation-



state,” and this (set of) maneuver(s) enacts a “conflation” that “masks the territoriality of conquest by assigning colonization to the racialized body,” such that “American Indian national assertions of sovereignty, self-determination, and land rights disappear into U.S. territoriality as indigenous identity becomes a racial identity.” Racialization, then, transposes matters of governance—sovereignty and self-determination—into qualities of bodies, thereby positioning the problem as exclusion from national belonging and national resources rather than as the seizure of Indigenous territories for/as the nation-state and the associated disavowal of Native politics. Thus, as Robert Nichols suggests, “A distinction is required then between a politics of antidiscrimination and a politics of antiusurpation,” since the framing of antidiscrimination “construes the normatively favored solution to the problem of racism as a more expansive, universalist re-description of personhood or humanity, realized through a deeper integration of racialized subjects under the legal protection of (unproblematized) colonial sovereignty.”<sup>52</sup> These analyses mark the ways that race works as an ideological framework through which to convert questions of jurisdiction, dispossession, and colonial occupation into issues with regard to the status of non-white bodies/populations *within* the nation-state.

While broadly affirming this line of argument, we might approach it as itself potentially conflating two distinct points, and we might endorse one of those points and reframe the other. Those two points might be stated as follows: as a conceptual and discursive framework, race can translate social formations as if they were the immanent qualities of bodies/populations in ways that allow political orders to be cast as wrong kinds of corporeal tendencies and policed as such; and, therefore, Indigenous peoples need to be distinguished from other racialized groups in order to counter that colonial translation—to recognize them as politics rather than a race (Indians). I want to suggest that the first point facilitates a reorientation of the second. If racialization effaces matters of sovereignty, enacting a “process of minoritization” that “mak[es] racial what is international,”<sup>53</sup> that dynamic might be rethought as one in which other racialized groups also are caught. Part of the point of this kind of argument is to underline that Indigenous peoplehood precedes and is irreducible to racializing ideologies of Indianness, such that antidiscrimination efforts under US law do not so much counter as extend forms of structural violence.<sup>54</sup> Even as other racialized groups may not appeal to modes of peoplehood that predate racialization (and themselves need to consider the dynamics of settlement that produce the space of the nation they inhabit), racialization



can be seen as imposing models of normative personhood that work to break up networks of collective self-organization that exceed the privatizing parameters of liberal governance. In this sense, processes of minoritization render the social formations of communities of color—which themselves arise within conditions of institutionalized racism yet are not reducible to those conditions (explored more fully in chapter 4)—as aggregate expressions of individualized deviance emerging from ingrained racial inclinations. In other words, rather than turning away from other racialized groups, understanding antiracism as generically reinforcing the legitimacy of state structures, Indigenous refusals of minoritization might open toward such other struggles: by foregrounding the ways race serves as an ideological matrix through which to disavow the character of political orders as governance; and by opening the potential for seeing social formations among other racialized populations *as* political orders (albeit ones whose relationships to Indigenous peoples and territories may be complex and not always politically aligned).

In this way, the concept of a political order as I use it here, drawing on and extending Indigenous studies theorizations, is itself less a rigorously defined normative category than something of a conceptual placeholder through which to refuse the normalized terms of liberal governance and to draw attention to modes of collective self-ordering that do not fit those terms. The argument is largely a negative one that seeks to mark the political violence of the racializing dynamics through which social forms are denied the status of governance and subordinated, effaced, assaulted, and/or dismantled on that basis. In calling these formations *political orders*, I am less making a claim about desirable modes of collectivity per se than seeking to explore what becomes visible and thinkable once one marks the liberal state's racializing vision of what constitutes legitimate governance, including the role of ideologies of enfamilyment in that process of racialization. The anonymous readers for this project—to whom I am very grateful for their time, care, and insight—asked me versions of the following, though: if I'm suggesting that Indigenous studies intellectual frames and strategies are useful in thinking about non-Indigenous modes of sociality, collectivity, and placemaking, including what I might term in this vein Black political orders, why not indicate how Black studies framings and strategies, for example, could be useful in engaging Indigenous social formations and governance? In response, I would say that part of what I'm seeking to suggest is that ways of approaching the scale, character, and dynamics of governance developed within Indigenous studies open up rich

intellectual and political possibilities (in ways not usually substantively taken up outside of Indigenous studies' contexts), while, reciprocally, I'm seeking to develop within Indigenous studies more capacity for engaging racialization and modes of landed collectivity by non-native people(s). Engaging Indigenous studies formulations, then, opens toward a reconceptualization of what kinds of relations can constitute sites and processes of governance, refusing an axiomatic public/private distinction (and the use of *culture* as a way of supplementing liberal imaginaries by distinguishing modes of collectivity from *politics* as such) in ways that also reimagine scale—the spatial domains and mappings of governance (and how within liberal ideologies those ostensibly distinct domains nest within each other as part of the extension and exertion of national/state jurisdiction).

### Racialization as Primitive Accumulation

What I've been suggesting is the importance of addressing how ideologies of familial normality and deviance provide powerful forms through which to translate nonliberal political orders as expressions of racial pathology. Reciprocally, I've been suggesting that the ongoing remaking of racial categorization in the United States is animated by such translations, giving shape to how concepts like blackness and Indianness are mobilized by dominant institutions as part of a continuing process of seeking to manage the running legitimacy crises of the state. In doing so, I've largely been drawing on formulations from Indigenous studies, while suggesting their wider applicability in understanding the work performed by processes of racialization—the conversion of political orders into population types. That strategy, as I've suggested, though, runs counter to some of the tactics employed within Indigenous studies to refuse domestication within the settler-state (including within my own earlier work).<sup>55</sup> Such analyses seek to distinguish discussion of the dispossession of Indigenous peoples, and the erasure or subordination of their existence as polities, from an antiracist vision of full inclusion into citizenship as the trajectory of remediation. However, if one recalibrates a sense of the work that race does—not simply differentiating and hierarchizing kinds of bodies but recasting processes of collective self-organization as expressive of failed/aberrant personhood (incubated in failed modes of enfamiliment)—then the theorization of dispossession with regard to Indigenous peoples might be expanded to address the state disavowal, management, and disciplining

of forms of governance by other racialized groups.<sup>56</sup> Further, attention within Indigenous studies to the translation of Native geographies and political systems into the terms of the liberal state in order to facilitate expropriation—what has at times been discussed under the rubric of “primitive accumulation”—can open toward an understanding of racialization as doing similar kinds of work with reference to the social formations of non-Indigenous collectivities. In this way, continuing processes of racial population-making, including racial governmentality and racial capitalism, can be seen as dependent on translating political orders as signs of biopolitical deviance.

Indigenous critiques of race as a mode of colonial ascription/inscription can enable a broader engagement with how the biopolitics of racialization in the United States (and, arguably, other Anglophone settler-states) depends on and enacts a metapolitical constriction of what can count as governance, a dynamic that productively might be theorized as primitive accumulation. In Marxian analysis, that concept conventionally refers to the breaking up of *the commons*—land available to all in usufruct ways—into privately owned units. This segmentation and expropriation helps launch capitalism by leaving those who relied on the commons for sustenance with no means of providing for themselves, thus precipitating them into systems of wage labor, exploitation, the extraction of profit from their work, and the privatization of social reproduction. Scholars in Indigenous studies, though, have sought to recast the concept such that it refers less to a particular period in capitalism’s emergence than to processes of colonial interpellation and seizure that are crucial to settlement and that remain ongoing. In *Red Skin, White Masks*, Glen Coulthard observes that “Marx’s historical excavation of the birth of the capitalist mode of production identifies a host of colonial-like state practices that served to violently strip . . . noncapitalist producers, communities, and societies from their means of production and subsistence,” thereby “set[ting] the stage for the emergence of capitalist accumulation and the reproduction of capitalist relations of production by tearing Indigenous societies, peasants, and other small-scale, self-sufficient agricultural producers from the source of their livelihood—*the land*.” However, that process of accumulation has not ended, since settler governments such as Canada and the United States continue to pursue “state access to the land and resources that contradictorily provide the material and spiritual sustenance of Indigenous societies on the one hand, and the foundation of colonial state-formation, settlement, and capitalist development on the other.” The ongoing role

of such expropriation and displacement requires shifting the critical lens from a focus “on the *capital relation* to the *colonial relation*.” Doing so foregrounds the dispossession of particular peoples from their territories and refuses the notion that colonialism can be remediated by inclusion into a national frame, by envisioning Native people(s) as citizen-subjects who should receive more of the resources of the state and/or by casting the land of the nation-state as a “commons” that should equally be shared by all citizens. Theorizing primitive accumulation as a persistent part of settler colonial governance, then, “interrogate[s] practices of settler-state dispossession justified under otherwise egalitarian principles and espoused with so-called ‘progressive’ political agendas in mind,” including recognizing that “the ‘commons’ not only belong to somebody—the *First Peoples of this land*—they also deeply inform and sustain Indigenous modes of thought and behavior that harbor profound insights into the maintenance of relationships within and between human beings and the natural world built on principles of reciprocity, nonexploitation and respectful coexistence.”<sup>57</sup> Primitive accumulation, therefore, does not simply prepare the way for capitalism: it remakes the meaning of the land and people’s (and peoples’) relation to it such that the “modes of thought and behavior” in “Indigenous societies”—Indigenous political orders—are replaced by state jurisdiction, the legalities of property ownership, the privatization of social reproduction, and the atomization of peoples into an aggregate of state citizen-subjects.

The “colonial relation” refers not only to the seizure of the land and the effects of that occupation on the materiality of Indigenous modes of life, but also to the recoding of the meaning of collective territoriality in terms of the political economy of the settler-state. In this way, primitive accumulation might be thought of as having two parts to it that are related to each other although not identical: divorcing Indigenous peoples from land-based modes of life such that the state can claim and exploit their territories as part of the nation and incorporate Native persons as subjects of the state; and translating existing Indigenous sociopolitical forms into the terms of state legal and administrative frameworks such that the only mode of legitimate governance, the only political order, is that of the state itself. As Robert Nichols argues, colonial dispossession, especially as enacted by the settler-state, “combines two processes typically thought distinct: it transforms nonproprietary relations into proprietary ones while, at the same time, systematically transferring control and title of this (newly formed) property. It is thus not (only) about the *transfer of*

property but the *transformation into* property. In this way, dispossession creates an object in the very act of appropriating it.” The system of meanings and relations in which the land was inscribed before are not the same as the ones afterwards; or, put another way, as far as the state is concerned, the nonproprietary relations that may still actively be present can only be engaged through the prism of proprietary ones. The problem with conventional figurations of primitive accumulation, then, is that “the framing of the problem of expropriation and exploitation . . . proceeds as though the movement into a capitalist system of private property and markets arises out of a zero point in time, that is, as though no previously existing normative order exists,” rather than reckoning with, for example, Indigenous modes of collectivity and landedness—including the force of their erasure/disavowal/translation by the liberal state and the implications of this translation/transposition for Indigenous peoples when seeking to stage normative political claims (which then appear as if they were assertions of property within the ideologies of the liberal state).<sup>58</sup>

Yet, as Coulthard and Nichols insist, this transposition is not singular, a moment in time now past, but is continuous and is a central feature of the colonial relation as it structures political institutions, possibilities, debates, and ideologies in the present. The assertion of Native peoples’ *prior*ness is a major part of Indigenous struggles to contest the legitimacy of the settler-states that assert authority over them.<sup>59</sup> With respect to this discussion of primitive accumulation, though, before and after less index a strictly temporal phenomenon (chronologically earlier and later) than mark a logical relation: the ongoing transposition of one formation into another. Approached in this way, the issue is less priorness as such than the non-acknowledgment of Indigenous modes of social organization on their own terms, including collective governance and placemaking, in ways that work to naturalize the paradigms, parameters, and geographies of the state. While there certainly is the matter of Indigenous priorness and the construction of states over top of peoples who did not consent to their existence, to have this *before* be the sole underpinning to Indigenous normative assertions can result in the following: denying the legitimacy of Native peoples who emerged after contact with Europeans or after the construction/independence of the states that now claim Indigenous lands; locking Indigenous legitimacy/authenticity into an historically static image (what is truly “Indigenous” is what is taken to have been present before significant contact with settlers); and, perhaps most importantly

for my argument, obscuring the potential for understanding the political formations of other racialized groups as just that—political orders.<sup>60</sup>

If priorness is what makes possible the existence of modes of political collectivity irreducible to the state, then non-Indigenous people of color can only be envisioned as, ultimately, subjects of the state or participants in supranational or transnational movements/formations. Such an approach leaves little room for considering how other situated communities might be engaged in forms of self-governance distinct from state processes (whether using the idioms of nationhood or not) and how the racialization of those groups/communities/collectivities might be shaped by efforts to demonize and dismantle those networks (as discussed in chapters 3 and 4). I am not so much endorsing a model of *internal colonialism* as seeking to suggest that following principles of critique in Indigenous studies might enable attention to how the sociopolitical formations of non-native people of color also may contest the jurisdictional structures and legitimacy of the US state (the “internal” of domestic space), including drawing attention to the ways interwoven liberal discourses of racialization and enfamilyment position other modes of governance as indications of racial deviance.<sup>61</sup> In his study of the ongoing history of Black community in Tulsa (a topic to which I’ll return in the coda), Jovan Scott Lewis suggests the importance of engaging with “sovereignty” as a central concept within understandings of Black geographies and collectivity. Attending to “the meaning that land has for Black people,” Lewis indicates the importance of “pursu[ing] a deeper sense of placemaking” than he suggests has been the case in contemporary theorizations of blackness (especially in relation to questions of settlement), what he describes as “*sovereign belonging*”: “the exercising of nonfreedom, of violence, has occurred primarily through rending Black people’s relationship to place.”<sup>62</sup> Such emplacement and the quotidian networks of governance through which it is produced, maintained, and lived—as well as efforts to rupture the relationship to place through atomizing and racializing narratives of failed home and family—are precisely the dynamics capaciously foregrounded by the Indigenous studies frames on which I draw. This mobilization of the notion of a political order to rethink what constitutes governance, and to draw attention to the racializing translation of such governance as enfamilyed deviance, also has significant implications for understandings of scale: if the modes of collectivity of non-native racialized groups need not be routed through the nation-state, then the kinds of nationalisms



that have tended to position themselves as applicable to all members of a particular racialized population within the boundaries of the nation-state (such as Chicano nationalism or Black nationalism) need not be the implicit referent when discussing, for example, Black, Chicanx, Latinx, Asian, or other political orders.

Without equating Indigenous peoples and other variously racialized groups, or implying that they cannot take part in forms of oppression against each other, I want to emphasize that race may be conceived less as that which differentiates them (Native nations are political entities and other racialized populations are . . . something else) than as, at least in part, a shared modality of primitive accumulation through which modes of collective life—call them political orders—are positioned definitively as not governance and as an obstruction to the proper ordering of liberal life, space, and progress in ways that facilitate continuing dynamics of subjugation, occupation, dispossession, exploitation, and extraction. Again, this is primitive accumulation less as proletarianization or insertion into capitalist systems of production and reproduction than as a metapolitical denial of the legitimacy, or even existence, of other political orders. The translation of forms of collective governance as racialized bodies/populations does facilitate capitalist extraction and economies of dispossession.<sup>63</sup> However, employing the notion of primitive accumulation also draws attention to the normative order(s) such translation seeks to supplant, highlighting the presence of other political formations and the active role of race in disavowing and disciplining them—in rendering them as collective failures or incapacities in performing proper enfamilyment. That continuing process is crucial in addressing the running legitimacy crises of the liberal state—part of managing, in Stoler's terms quoted earlier, the “uncertainties,” “porous boundaries,” and “precarious vulnerabilities” of state categories, practices, and mappings. In this way, the critical orientation I'm articulating is politically aligned with but differs from the concept of racial capitalism. The latter offers greater attention to processes of production, financialization, and the management of capitalist systems of labor and exchange, the ways capital accumulation depends on “producing and moving through relations of severe inequality among human groups”; yet this highlighting of dynamics of valuation, accumulation, and circulation can deemphasize the “terms of relationality” and modes of “collective-making” that need to be broken up in order to enable such fungibility and extraction.<sup>64</sup> The two framings give rise to differently configured problem-spaces, and instead of arguing for the adoption of one over the other as an explanatory framework, my aim



is to increase the critical tools available for conceptualizing racialized social formations as political orders—as enactments of governance—while marking the ways institutionalized and interlocking liberal ideologies of politics, scale, and family have worked to deny their existence as such.

Opposition to the dynamics of racial governmentality, though, would seem to involve liberating racialized persons from populational aggregation. From this perspective, a formulation like “bodies are political orders” can sound like another project of governmentality, and the idea of “political orders” itself can appear as just another conscription, normalizing in its own ways. This kind of analysis of oppositional nationalisms often has been offered within women of color feminisms and in queer of color critique. One of the principal charges against what have been termed *minority nationalisms* is that they produce conceptions of collective unity that depend on a heteronormative vision of generational inheritance and a notion of shared culture in which women are positioned as the ones responsible for transmitting it through domestic relations, and thus of maintaining forms of purity in terms of both reproduction and cultural life.<sup>65</sup> As Grace Kyungwon Hong suggests in her reading of Audre Lorde, we need “to reckon with the ways in which the ‘institutionalized rejection of difference’ happens *within* African American communities [and other minority nationalisms] through the very strategies of race-based collectivity that were instituted to protect these communities from the privations of being ‘surplus people.’”<sup>66</sup> While contesting the terms of state exclusion and economic exploitation, these stagings of collectivity can draw on forms of biopolitical affirmation that aim to present racialized populations as undeserving of being rendered as surplus or social enemies. If “access (or lack thereof) to gendered and sexual respectability becomes the dividing line between those who are rendered deviant, immoral, and thus precarious and those whose value to capital has been secured through a variety of norms,” then the mobilization of such signs of respectability serves as part of a collective antiracist project that is also deeply normalizing, pointing toward “revolutionary nationalism’s investments in heteropatriarchy” as well as underlining how the articulation of collective history and identity in those nationalisms “suppresses knowledge of the gender and sexual heterogeneity that composes social formations.”<sup>67</sup> This kind of intersectional analysis raises questions about the presumption of inherent unity within the racial collective, instead drawing attention to the ways these forms of racialized peoplehood and movements “are themselves made up of diverse and heterogeneous entities” such that “they are themselves always already coalitional” in ways

that contest the sense of political singularity that they may seek to project, a sense that also potentially haunts the figure of the political order.<sup>68</sup>

Moreover, to the extent that the political order is envisioned as territorial in character, as extending over a determinate space that provides a significant part of the character of the collective as such, it can overlook both the significance of movement and migrancy for racialized persons/groups in the United States as well as the heteropatriarchal ideologies that structure legal processes of immigration and that, therefore, can play a large role in shaping the dynamics in immigrant families and communities. The Immigration and Nationality Act of 1965 ended the previous country-quota limits, creating a system organized around skilled workers and family reunification. As Chandan Reddy observes, “Federal immigration policies such as family reunification extend and institute heteronormative community structures as a requirement for accessing welfare provisions for new immigrants by attaching those provisions to the family unit.”<sup>69</sup> In addition to often facilitating forms of heteropatriarchal coercion (such as the need to work for relatives or stay in an abusive relationship for fear of losing access to legal residence), this emphasis on nuclear family relations of generationality contributes to a normative reproductive understanding of immigrant cultures and communities as diasporic offshoots of the national culture of the country-of-origin (itself seen in relatively homogenizing terms), also creating the kind of pressures on women to be the bearers of purity just discussed. In contrast to this doubly inflected vision of a true home (household and nation), Gayatri Gopinath offers a queer diasporic imaginary through which “the dispossessed powerfully contest these forms of regulation through alternative imaginings of emplacement, dwelling, housing” that speak to “how all spaces of ‘home’ and dwelling are shot through with contradictions and fissures”—a critical geography organized not around “homecoming” but “dwelling in those off-center spaces and of staying lost, and thereby perhaps even stumbling into new worlds of possibility.”<sup>70</sup> These moves toward a deterritorialized sense of identity, relation, solidarity, and coalition can seem targeted toward the apparent enclosure of something like a political order and the effort to present emplaced collectivities as comprising networks of governance. In the recent collection “Left of Queer,” David Eng and Jasbir Puar argue for “an antinational, nonnational, and no-state queer theory oriented to the art, to borrow a concept from James C. Scott, ‘of not being governed.’”<sup>71</sup>

However, if racialization enacts a disciplining and terrorizing biopolitics of (failed) family and group identity from which people of color

would seek escape, what forms of collective worldmaking lie beyond such state projects of policy, management, and legitimation? Turning briefly to Scott's analysis can offer a sense of why a concept of political orders is important in struggles to live otherwise. In *The Art of Not Being Governed*, Scott argues that the "tribal" entities that historically have lived in Zomia, the hill regions of Southeast Asia, need to be understood less as residual formations representing pre-state societies than as the result of efforts over the longue durée to escape the power of centralizing states. He contends that "this pattern of state-making and state-unmaking produced, over time, a periphery that was composed as much of refugees as of peoples [who] had never been state subjects. Much of the periphery of states became a zone of refuge or 'shatter zone,' where the human shards of state formation and rivalry accumulated willy nilly." What historically largely have been taken to be autonomous modes of social life existing outside the jurisdictional field of state formations, Scott argues, instead should be seen as expressive of efforts to evade the reach of such administrative networks, which "means that all those who had reason to flee state power, for whatever reason, were, in a sense, tribalizing themselves. Ethnicity and tribe began, by definition, where sovereignty and taxes ended." The "patchwork of identities, ethnicities, and cultural amalgams that are bewilderingly complex" across the hill regions—what Scott later refers to as a "crazy-quilt pattern of constantly reformulated identities and locations"—was itself the result of "a 'state effect,' or, more precisely, an effect of state-making and state expansion."<sup>72</sup> He further compares these dynamics to those among Indigenous peoples on lands claimed by the United States and suggests that "indigenism" as a category of international discourse and law represents a state-based formulation on which populations such as those in Zomia draw in order to create distance from states that would enclose them.<sup>73</sup> Within this framework, all political formations ultimately are a function of states, and what may seem like other political orders exist merely to create distance from the exercise of direct state authority. Thus, this vision of what it is to be "ungoverned," on which Eng and Puar draw, implicitly defines governance entirely in terms of states and the effort to evade their power, such that there are no other normative frameworks or principles at play in those modes of sociality that reject state rule but simply a reconstellated series of maneuvers derived from the states they seek to evade. In some sense, only states matter here, and the only substantive political project "lies in the daunting task of taming Leviathan, not evading it."<sup>74</sup> The state foundationally orients collective life from this perspective, since what may appear like non-statist

forms are really just negations of the state whose existence provides the terms of their self-articulation.

As against such an ontologizing of the state, the notion of political orders offers a way of addressing modes of collectivity without reducing them to an epiphenomenon of state-ness, providing a means of thinking possibilities for situated governance effaced and disavowed through racialization while also decentering the (liberal) state as the commonsensical background against which to conceptualize what governance is/might be. Bearing in mind feminist and queer refusals of the potentially heteronormalizing and homogenizing dynamics of oppositional nationalisms, the concept of political orders (drawn from formulations in Indigenous studies in ways discussed earlier) need not be understood in genealogical-reproductive terms, as a generationally enduring entity with a rigorously defined geographic scope or foundationalizing narrative of an original, proper, collective home-space. Rather, as an analytic, political order draws attention to the ways everyday matrices of relation contribute to and constitute processes of collective decision-making, resource distribution, placemaking, and belonging in ways that remain irreducible to state imperatives. Separateness from the principles, categories, and privileged geographies of liberal governance is not a matter of purity (figured in cultural and/or reproductive terms) or unbroken lineage/transmission, but of foregrounding the immanent integrity of ordinary networks that enact alternatives to enfamilied personhood and liberalism's privatizing scalar imaginary. In discussing the ways racially marginalized populations are seen as inimical to the promotion of (liberal, biopolitical) life, Hong asks with regard to the social formations cast as "social (non)existence" in dominant discourses: "Is it (im)possible to build a politics around them?"<sup>75</sup> I want to suggest that the notion of political orders, Indigenous and otherwise, offers a way of tracking the work of racialization in deeming such socialities and modes of worldmaking pathological and deviant—the work of racialization as primitive accumulation—and a way of marking how those so dismissed, disciplined, targeted, and assaulted take part, in Roderick Ferguson's terms (discussing the forms of collective life that "urban development" has sought to dismantle), in "non-normative and insurgent forms of creativity" that "produce alternative and in some cases radicalized households and communities."<sup>76</sup> Why not understand—*resdescribe*—such creativity *as governance*? Or, put another way, what possibilities for attending to the importance of minoritarian, marginalized, racialized, and effaced forms of everyday collective self-organization might be opened in doing so? How

might characterizing and theorizing such formations *as political orders* offer potentials for contesting the terms, mappings, and normalizations at play in racial population-making—whether or not such a formulation is explicitly articulated by those participating in such formations?

In presenting this argument, I aim to challenge the *de facto* self-evidence of liberal ideologies of family (including their normalization in common uses of the concept of kinship), the dynamics of racialization that sustain such ideologies, and the scalar geographies of political form for which such racializing ideologies provide a vital infrastructure, as well as to open additional possibilities for thinking the contours and character of governance absent its fusion to the state. In seeking to expand Indigenous studies frames in order to address non-Indigenous political orders and to rethink how we conceptualize processes of racialization, though, I want to be clear that any engagement with such political orders and modes of placemaking and collective self-determination needs to grapple with Indigenous peoples, territories, and sovereignties. My approach does not offer a *substitute* for attending to Indigenous landedness and projects of reclamation, resurgence, and land and water protection. Rather, I seek to generate additional intellectual tools and strategies for recognizing, negotiating, and further capacitating the array of political orders on the lands claimed by the United States. Some are genealogical and generationally expansive, and some are not; some contain persons from a range of racialized groups, some do not; many have rich and complex overlaps; many have contested boundaries and fraught relations; and persons may belong to different ones simultaneously, sequentially, or recursively, over the course of a life.<sup>77</sup> Instead of approaching these networks as an ungoverned/ungovernable negation of dominant state forms, as evasion/escape (a point to which I'll return in chapter 4), this book is an exploration of how to consider them as projects and experiments in the making of governance—a *bewilderingly complex* profusion of political formations and processes of collective self-organization irreducible to the liberal frame of family.

## Organization and Chapters

The organization of this book is less a progression than a refraction, an effort to illuminate these questions, relations, and potentials from a range of intellectual and methodological perspectives. While my approach is broadly historical, in the sense that I both tend to understand patterns in

genealogical terms (their being is shaped in many ways by their processes of becoming) and seek to illustrate how patterns emerge and consolidate (but also change) over long stretches of time, I do not offer a history *per se* of family, race, or governance. Instead, each chapter takes up the presence of nonliberal political orders and the ways they are managed through racializing ideologies and discourses of enfamilyment; each is less a case study than an elaboration of how the ideas sketched thus far play out within a particular domain or set of concerns. Together, the chapters provide an accounting from varied angles of how discourses of family/kinship translate what might be (re)described as nonliberal modes of governance into racialized deviance in ways that legitimize and naturalize the privatizing geographies, jurisdictional scale structure, and overriding “domestic” sovereignty of the United States. Reciprocally, the chapters illustrate how the concept of political orders offers possibilities in marking the presence of forms of collective self-organization that do not obey and need not inherently be understood through liberal frameworks. The first two chapters address how the concept of *kinship* emerges through (mis)translations of Indigenous peoples’ ways of enacting self-determination, the continuing force of such racializing translations and notions of enfamilyment in contemporary Indian policy, and how Native intellectuals have refigured kinship as a means of attending to Indigenous political orders whose contours and character do not fit settler templates. The final two chapters more explicitly move beyond indigeneity to consider how the notion of political orders most explicitly developed within Indigenous studies productively can redescribe the dynamics and stakes of other processes of racialization in the United States. This concept provides a means of rethinking the significance of legal debates over marriage and privacy (particularly their relation to ideas about and insecurities within the staging of national sovereignty) and of reframing understandings of institutionalized narratives of Black pathology and criminality, seeing them as a means of regulating and/or foreclosing Black political orders. The coda takes up the case of *Oklahoma v. Castro-Huerta* (2022) as a way of thinking through issues of recognition and multiple, intersecting regimes of racialization as they play out in Black and Indigenous political orders in Tulsa.

Chapter 1 offers a genealogy of the kinship concept that traces the work it does in translating social formations into liberal terms. *Kinship* often is invoked, critiqued, and praised, as if we inherently know what it means—its contours, character, and relation to other domains of life. However, by what means do we know that the relations, dynamics, or formations we’re



talking about are “kinship”? Or, put another way, what kinds of heteronormative and colonial presumptions are at play in such commonsensical attributions? The architecture of liberal political economy—in its constitution of a private sphere understood as qualitatively distinct from and outside the sphere of proper governance—provides the frame of reference for the modes of relation named as kinship, and in this way, invocations of kinship remain haunted and shaped by this privatizing imaginary, even when they seek to contest liberal norms and envision alternatives. We can see this dynamic quite clearly by turning back to the work of Lewis Henry Morgan, whose writings in the latter half of the nineteenth century launched the anthropological discourse of kinship around which the uses noted above largely continue to orbit in unacknowledged and politically constraining ways. More than positioning the nuclear family as the self-evident frame through which to define kinship, Morgan’s texts illustrate how the characterization of varied kinds of sociopolitical relations *as kinship* depoliticizes them: they appear as expansively extended “personal” relations rather than modes of “political” organization. While seeking to challenge normative notions of enfamilymment, queer intellectual and activist citations of kinship tend to carve out spaces of exception without necessarily challenging the broader infrastructure of liberal governance in its sealing away of alternative lifeways and political orders into the private sphere. In order for the concept of kinship not to reinforce those privatizing and racializing dynamics, it explicitly needs to engage the metapolitical question of what constitutes governance and to refuse the ideological architecture of the liberal state, which requires the differentiation of a sphere of privacy/family/property that stands outside the workings of politics as such. In this vein, Indigenous intellectuals’ deployments of kinship have worked not simply to expand the scope of its reference (to include other forms of “family”) but to break down the distinction between scales that characterize liberal notions of politics. Such Indigenous analyses refigure kinship in ways that shift the social imaginaries at play in dominant and most oppositional invocations of it, challenging the concept’s depoliticizing, privatizing, and insulating tendencies in ways that open toward models of radical relational governance and the potential for recognizing other extant political orders.

Chapter 2 addresses contemporary Indian policy, specifically its reliance on a conception of indigeneity as racialized enfamilymment. Within federal Indian law, Indianness is presented as a *political* status rather than a *racial* one, as tied to belonging to the sovereign collective of the tribal nation as opposed to an individual quality separate from matters of governance.



This kind of distinction also has been important within Native studies arguments that Indigenous peoples are polities, not racial/ethnic minorities within the (settler-)state. However, federal policy also consistently represents Indians as a racial population, with tribes as collections of enfamilied persons whose identity arises through the “special” status accorded them under US law. Through this ideological transposition, the US government inserts Native peoples into the matrix of federal jurisdiction, translating Indigenous governance as de facto a “cultural” collective passed intergenerationally through racial genealogies in ways that enable sovereignty to be cast as quasi-political. The understanding of Indianness as the transmission of racial substance and of Native kinship systems as unique, culturally specific forms of family (the logic at play in Morgan’s framework) take part within an understanding of indigeneity as a form of inheritance, which is intrinsically distinct from anything that could constitute true political sovereignty. Within this policy imaginary, Indianness represents the innate/ingrained characteristics of a racialized population, even in the absence of an explicit discourse of racial difference in situations where the United States seems to acknowledge the distinctness and political autonomy of Indian tribes. Indigenous governance is made to pivot around some version of the privatized family, delimiting the scope of Native peoplehood through its repeated linkage to the scene of (racial) procreation and liberal conceptions of political scale. These dynamics can be seen at play in three of the watershed changes in Indian policy adopted in the same year (1978), judicial and legislative determinations that seem in many ways rather disparate yet that all remain cornerstone parts of federal Indian law. Attending to the Supreme Court decisions in *Oliphant v. Suquamish* and *Santa Clara Pueblo v. Martinez* and the enactment of the Indian Child Welfare Act (ICWA) illustrates the ways racializing discourses of family are central to the current administrative architecture through which the United States acknowledges continuing Native collective presence while seeking to accommodate it to, and to validate the persistence of, the geopolitics and jurisdiction of settlement. By contrast, Native feminist work has addressed the ways Indigenous governance and peoplehood emerge through everyday matrices of interdependent relation that cannot be conceptualized as merely an extension of the private sphere. Building on the reorientation of kinship discussed in chapter 1, we can see how such work provides analytical frameworks for conceptualizing Indigenous governance in ways not routed through a liberal imaginary or scale structure and distinct from the matrix of Indianizing enfamiliment.

Turning from indigeneity *per se* but retaining the critique of state frames at play in the articulation of Indigenous political orders, chapter 3 focuses on the ways legal discourses of marriage and family in the United States position the family unit as an always already racialized entity that anchors national sovereignty against deviant and dangerous alternative collectivities. I chart a twofold pattern at play across the history of US law: the simultaneous citation of the private/domestic/familial sphere as defining the condition of possibility for and the character of state sovereignty and as itself beyond political contestation; and the characterization of alternative formulations of collective life—other political orders—as racial tendencies, for which the inability to sustain a properly contoured private sphere serves as evidence of a racial incapacity that threatens the integrity of national life. Legal articulations of family and privacy provide sites for tracing dominant formulations of liberal sovereignty and for tracking how various kinds of racialization are crucial to the (re)making of bourgeois domesticity. This chapter addresses three different sets of legal negotiations stretching from the late nineteenth century through the early twenty-first century—three kinds of legal conflict that illustrate this matrix of privacy, sovereignty, and racialization. These three controversies are with regard to Mormon polygamy prior to Utah statehood, the emergence of the right to privacy in the late 1960s and early 1970s, and the evolving legal status of queer sex and relationships from the 1980s through the 2010s. Centering discussion on relevant Supreme Court cases, I aim to show how US law defines the terms and boundaries of the private sphere in ways that naturalize the jurisdictional architecture of liberal governance by positioning the principles of enfamilymment as separate from the work of political institutions and presenting countervailing social forms as expressive of racialized aberrance. These examples also further illustrate how the reconfiguration of the private in the name of equity and inclusion does not itself displace the work of the personal sphere in the making of liberal sovereignty, instead often reaffirming and reanimating the modes of racialization through which alternative matrices of governance are disavowed as perverse forms of failure and threat.

In chapter 4, I address how the ongoing construction of the contours and meaning of racial blackness through association with criminality takes shape around attributions of a collective, ingrained inability on the part of Black people to fulfill normative conceptions of home and family. Black persons and households are cast as bearing within them immanent inclinations toward excessive publicness that engender social disorder, and

historically, discourses of Black criminality have been bound to depictions of Black people as unable to form and maintain proper families. As a number of scholars have shown, Black people may be seen as *heterosexual* while still falling outside the boundaries of the *heteronormative*. Regardless of the matter of object-choice, African Americans' formations of desire, care, association, procreation, childcare, and residency have been presented as aberrant, degraded, and menacing. However, what if those patterns taken to be deviant and dysfunctional, such as the movement of persons and resources within networks that exceed the nuclear household, were instead understood as expressive of modes of governance? If we rethink those matrices of collective worldmaking as governance, then the racialization of such social formations as evidence of ingrained, destabilizing tendencies toward deviance (and the attendant criminalization of blackness as a danger to private property, the family, and legal structure) comes to look more like an effort to crush competing political orders so as to legitimize liberal economies, mappings, and modes of state violence. This approach, though, runs against the grain of Black intellectual formations that emphasize the importance of turning toward ungovernability—that understand governance as always already a form of capture and an extension of a fundamentally antiblack regime of property. More than providing information on specific Black social networks/matrices that can be understood as enactments of governance, the intellectual gambit of this chapter is to address the stakes of characterizing Black social forms as political orders. Doing so involves staging the current intellectual blockages to doing so (the ways they often are figured as “kinship” and/or as prepolitical, such that they need to be given proper institutional form in order to constitute a politics) and addressing how redescribing them in this way shifts existing accounts of the character and contours of antiblack racialization and policy. For this reason, I return to what may seem like familiar historical scenes—the first years of Reconstruction and the Freedmen’s Bureau, the Moynihan moment of the 1960s, and the emergence of Black Lives Matter in the 2010s—in order to read them differently, highlighting how discourses of criminalization transpose alternative Black political orders into racialized narratives of failed enfamilyment.

\* \* \*

Returning to the scenes with which I began—the long history and urgent presentness of the seizure of immigrant, Black, and Indian children—such

DUKE

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PRESS

40 • INTRODUCTION

state action is unquestionably racist and denies the feelings, intimacies, and legitimate autonomy of people of color, understanding them as threat, disorder, and pathology that in various ways endangers the well-being of the nation. Parents of color are seen as incapable of raising persons who can participate as proper subjects, and those very a priori assumptions of deficit with regard to home and family help illustrate the inextricable enmeshment of enfamilymen in the ongoing (re)making of race in the United States. For this reason, we should question *family* as a horizon of humanization for those deemed non-white. Toward what relations do we implicitly point in such bids for recognition? How are those social matrices misrecognized through their interpellation in liberal ideologies and mappings? How might we see supposed failures of domesticity less as requiring a more capacious vision of family than as enactments of governance otherwise? Reading such formations as *political orders* opens toward a rethinking of what constitutes political life, how we understand matters of scale, and how processes of and contestations over racial identification are bound up in both. In her work on the ungendering dynamics of blackness within institutions of enslavement and their aftermath, Hortense Spillers addresses the “kinlessness” that has shaped African American life, the nonrecognition of Black people as having familial bonds. With regard to normative (white) gender, Spillers remarks, “we are less interested in joining the ranks of gendered femaleness than gaining the *insurgent* ground as female social subject. Actually *claiming* the monstrosity.”<sup>78</sup> The same might be said with regard to recognition of kinship/family, not by ignoring matters of intimacy, affect, and everyday embodiment but by refusing axiomatically to understand governance as existing in a separate sphere from those experiences and networks of relation. Largely drawing on Indigenous studies strategies, I aim to provide a wide-ranging genealogical engagement with the role of race and family as crucial ideological and institutional means through which the state has regulated, disavowed, and sought to dismantle alternative genres of governance within the United States.<sup>79</sup> In doing so, *The Politics of Kinship* seeks to expand intellectual possibilities for engaging with other collective modes of living and projects of self-organized thriving beyond liberal personhood, perceptual frames, privacy, and structures of political scale.

DUKE

UNIVERSITY  
PRESS

ENFAMILIMENT, POLITICAL ORDERS · 41

## NOTES

### Introduction: Enfamilymment, Political Orders, and the Racializing Work of Scale

- 1 National Conference of State Legislatures (NCSL), “Disproportionality and Race Equity in Child Welfare,” January 26, 2021, <https://www.ncsl.org/research/human-services/disproportionality-and-race-equity-in-child-welfare.aspx>; Southern Poverty Law Center (SPLC), “Family Separation under the Trump Administration—a Timeline,” June 17, 2020, <https://www.splcenter.org/news/2020/06/17/family-separation-under-trump-administration-timeline>; US Department of Health and Human Services, Administration for Children and Families, *The AFCARS Report*, 2021, <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport27.pdf>. See also Beardall and Edwards, “Abolition, Settler Colonialism”; Beltrán, *Cruelty as Citizenship*; Brady, *Scales of Captivity*; Briggs, *Taking Children*; Jacobs, *A Generation Removed*; Pierce, “In Good Relations”; Roberts, *Shattered Bonds*; Speed, *Incarcerated Stories*; and Threadcraft, *Intimate Justice*.
- 2 See Povinelli, *Economies of Abandonment*.
- 3 On the politics of scale, see Biolsi, “Imagined Geographies”; Brady, *Scales of Captivity*; Goeman, “Ongoing Storms and Struggles”; Massey, *Space, Place, and Gender*; and McKittrick, *Demonic Grounds*. On genealogies of efforts to define liberalism, see Bell, “What Is Liberalism?”
- 4 See Simpson, “The State Is a Man.” On the imposition of patriarchal forms for defining “Indian” identity and governance in Canada through the Indian Act, see Cannon, *Men, Masculinity*; Lawrence, “*Real*” *Indians and Others*; Million, *Therapeutic Nations*.
- 5 Simpson, *As We Have Always Done*, 41, 112.
- 6 On Indigenous modes of life as an alternative to the liberal state and capitalist political economy, see Coulthard, *Red Skin, White Masks*; Estes, *Our History Is Our Future*; Pasternak, *Grounded Authority*; and Yazzie, “Decolonizing Development.”
- 7 On this dynamic, see Barker, *Native Acts*; Byrd, *The Transit of Empire*; Rifkin, *When Did Indians Become Straight?*; and Simpson, *Mohawk Interruptus*.
- 8 Scott, *Conscripts of Modernity*, 4, 19.
- 9 See Latour, *Reassembling the Social*; Massey, *Space, Place, and Gender*.

DUKE

UNIVERSITY  
PRESS

- 10 Dillon, *The Gender of Freedom*, 24, 35, 127. For discussion of the import of unwaged work for sustaining such supposed privacy, as well as for the scale structure of capitalist political economy, see Federici, *Patriarchy of the Wage*.
- 11 Perry, *Vexy Thing*, 21, 24. See also Lowe, *The Intimacies of Four Continents*.
- 12 Here I build on, but differ from, Amy Kaplan's conception of "manifest domesticity," in that I am interested less in how domesticity serves as a vehicle for conceptualizing and validating forms of imperial intervention than in how ideologies of domesticity translate political orders as (failed/perverse/dangerous) enactments of bourgeois privacy. See Kaplan, *The Anarchy of Empire*.
- 13 See Weheliye, *Habeas Viscus*. In addition to drawing on Perry and Weheliye's arguments, this analysis builds on feminist and queer studies work on the relation between family and racialization. In addition to the scholarly sources in note 1, see Cohen, "Punks, Bulldaggers, and Welfare Queens"; Eng, *The Feeling of Kinship*; Ferguson, *Aberrations in Black*; Franke, *Wedlocked*; Holland, *The Erotic Life*; Macharia, *Frottage*; Stevens, *Reproducing the State*; and Weinbaum, *Wayward Reproduction*. However, where I differ from much of this work is in its understanding of the connection between racialization and "kinship" as indicating that the relations indicated by kinship (meaning privatized modes of social reproduction pinned to the nuclear family) need to be displaced. Instead, my argument is that "kinship" often functions as a way of (mis)translating formations of collective praxis and governance as racialized reproduction in ways that insert them into a privatizing liberal frame, rather than acknowledging them as alternative modes of sociality—ones that contest the terms and scalar structure of liberal political economy.
- 14 Foucault's work has been critiqued for not attending to ongoing dynamics of direct state domination, particularly within colonialism and against racialized persons/groups (inside and outside state boundaries). In addition to Stoler, *Race and the Education of Desire*, see also Mbembe, "Necropolitics"; Weheliye, *Habeas Viscus*.
- 15 Stoler, *Race and the Education of Desire*, 97, 98, 99, 133, 176, 12.
- 16 On the historical complexities of Asianness and Latinness as racial categories in the United States, especially in their shifting relation to whiteness, see Day, *Alien Capital*; Guidotti-Hernández, *Unspeakable Violence*; Haney López, *White by Law*; Martinez, "Mexican Americans and Whiteness"; Rifkin, *Manifesting America*; Saldaña-Portillo, *The Revolutionary Imagination*; and Wong, *Racial Reconstruction*.
- 17 Foucault, "Society Must Be Defended," 255, 256.
- 18 As David Kazanjian suggests in his analysis of racial governmentality in the early US republic, "U.S. citizenship does not demand the assimilation of difference to a homogenous national norm, but rather depends on the active production of a particular kind of difference—the calculable racial



- difference of a population" (*The Colonizing Trick*, 123). Additionally, Michelle Murphy argues that "race is the grammar and ghost of population," and, as she further explains, "to materialize people as the managerial noun of population is to expose them to designations of being living forms of waste available for destruction" (*The Economization of Life*, 135).
- 19 Within the dynamics of governmentality, Foucault suggests, the family is "no longer a model [of the state in miniature] but a segment. Nevertheless, it remains a privileged segment, because whenever information is required concerning the population (sexual behavior, demography, consumption, and so on), it must be obtained through the family. But the family becomes an instrument rather than a model—the privileged instrument for the government of the population and not the chimerical model of good government" ("Governmentality," 216). The norms and forms of normalization that are central to governmentality cluster around notions of proper family formation, or what I have been describing as *enfamlyment*.
  - 20 On racialized "flesh," see Spillers, "Mama's Baby, Papa's Maybe"; Weheliye, *Habeas Viscus*.
  - 21 In this formulation of the relation between biopolitics, racialization, and settlement, I draw on, while differing from, Scott Morgensen's analysis of how "Western law attains universality by containing and eliminating differences in the functional extension of settler colonialism as liberal governmentality" ("The Biopolitics of Settler Colonialism," 58).
  - 22 Hyde, *Empires, Nations, and Families*, 5, 29.
  - 23 Hyde, *Empires, Nations, and Families*, 30, 484.
  - 24 Hyde indicates, "Residents of the West seemed quite ambivalent about nationality, easily claiming new citizenship when it served personal or business needs. During a time when no one knew which nation or empire would finally impose control, effective trade was the sole source of power." But soon thereafter, she notes, "Having kinship ties to many different Indian nations became a business advantage" (*Empires, Nations, and Families*, 30, 39).
  - 25 Hyde, *Empires, Nations, and Families*, 226.
  - 26 My discussion here in many ways takes inspiration from Lauren Berlant's analysis of "intimate publics." See Berlant, *The Female Complaint*. In that case, persons engage with public discourses of personal life as a way of understanding themselves as in a similar, privatized situation as that of others—a shared public mode of fantasy and identification that depends on a sense of mutual privatized seriality.
  - 27 Johnson, *Wicked Flesh*, 3. A similar dynamic can be seen in Jennifer Morgan's recent efforts to trace how persons were made into countable, calculable objects in the early centuries of the African slave trade. She offers wonderful analyses of how enslaved persons, particularly enslaved women, came to understand and negotiate that system of calculation, but in doing so, she often juxtaposes the dehumanizing effects of such

- quantification to the affective fullness of family/kinship, in terms that resonate with nineteenth-century conceptions of the private. See Morgan, *Reckoning with Slavery*.
- 28 Johnson, *Wicked Flesh*, 143.
- 29 Simpson, "The State Is a Man."
- 30 Simpson, *As We Have Always Done*, 104.
- 31 Lara, *Queer Freedom*, 12.
- 32 Simpson, *Mohawk Interruptus*, 138.
- 33 Simpson, *Mohawk Interruptus*, 109, 175, 189.
- 34 Harjo, *Spiral to the Stars*, 12, 39.
- 35 Harjo, *Spiral to the Stars*, 42.
- 36 Although using different conceptual coordinates, this understanding of political orders resonates with Kris Sealey's theorization of creolization "as a process that is both resistive and creative" and that "allows . . . communities to invent mechanisms through which their discursive (and sometimes material) liberation becomes possible at the level of the everyday." Sealey explains that "the alternative spatiotemporal orderings of community life and alternative modes of living with difference that emerge in creolization are not simply about generating new lifeworlds; rather, they are about the grounding of that newness in an oppositional, everyday politics that survives alongside and despite those master codes of violence" (*Creolizing the Nation*, 46, 72).
- 37 For discussion of such dynamics, see Brooks, *Our Beloved Kin*; Deloria, *Speaking of Indians*; DeMallie, "Kinship and Biology in Sioux Culture"; Harmon, *The Power of Promises*; Kauanui, *Hawaiian Blood*; McCarthy, *In Divided Unity*; and Perdue, *Cherokee Women*.
- 38 See Carroll, *Roots of Our Renewal*; Deer and Richland, *Introduction to Tribal Legal Studies*; Dennison, *Colonial Entanglement*; Doerfler, *Those Who Belong*; Lyons, *X-marks*; Pasternak, *Grounded Authority*; Richotte, *Claiming Turtle Mountain's Constitution*; and Turner, *This Is Not a Peace Pipe*.
- 39 As Elizabeth Povinelli illustrates, Anglo settler regimes often are willing to recognize forms of Indigenous collectivity, but only on the condition that they are not "repugnant" in some way—that they do not violate liberal conceptions of proper social order, subjectivity, and domesticity. See Povinelli, *The Cunning of Recognition*.
- 40 Mehta, *Liberalism and Empire*, 48–49, 52.
- 41 Rawls, *Political Liberalism*, 43, 68, 137, 258. For an intellectual history of Rawlsian thought, see Forrester, *In the Shadow of Justice*.
- 42 Notably, Rawls also indicates that "legally recognized rules of property" are, along with "the nature of the family," part of the basic structure, and we might understand these two points as informing each other. As Jonathan Quong observes, "Private property rights . . . are perfectly consistent with the idea of fair cooperation amongst free and equal people;

indeed it seems unlikely that this moral ideal could be realized without property rights” (*Liberalism without Perfection*, 308). Rawls’s theory of justice is fundamentally distributive, about how goods and resources might be dispersed in equitable ways not dependent on accrued forms of social advantage or accidents of birth, and Iris Marion Young notes of the distributive paradigm that it “implicitly assumes a social atomism, inasmuch as there is no internal relation among persons in society relevant to considerations of justice”: “In such a possessive model the nature of the possessing subject is prior to and independent of the goods possessed; the self underlies and is unchanged by alternative distributions” (*Justice and the Politics of Difference*, 16–17).

- 43 See Federici, *Patriarchy of the Wage*.
- 44 Rawls, *Political Liberalism*, 60–61.
- 45 As Jonathan Quong indicates, “Unreasonable doctrines are thus doctrines whose beliefs directly contradict the fundamental political values of a liberal democratic regime”: “Views that are unreasonable are not simply non-public doctrines: they have an inescapably political element because they reject the central political values of liberal democracy” (*Liberalism without Perfection*, 291, 303).
- 46 Benhabib suggests a deliberative framework “encourages discourse about the lines separating the public from the private,” “is much more oriented to the ways in which political processes and the ‘background culture’ interact,” and foregrounds “processes of opinion formation in an unrestricted public sphere” (*The Claims of Culture*, 109). In turning to Benhabib, I am building off of the critique Glen Coulthard offers with regard to the implications of this conception of deliberative democracy for Indigenous sovereignties. See Coulthard, *Red Skin, White Masks*, 79–103.
- 47 Benhabib, *The Claims of Culture*, 47.
- 48 Benhabib, *The Claims of Culture*, 53, 141. On the understanding of Indigenous peoplehood in “cultural” terms by settler-states, see Barker, *Native Acts*; Coulthard, *Red Skin, White Masks*; Engle, *Elusive Promise of Indigenous Development*; Moreton-Robinson, *The White Possessive*; Povinelli, *The Cunning of Recognition*; Simpson, *Mohawk Interruptus*; and Yazzie, “US Imperialism.” On the problems of “culture” as an appropriative and depoliticizing rubric for other racialized groups in the United States, see Ferguson, *The Reorder of Things*; Hong, *Death beyond Disavowal*; Lee, *Urban Triage*; and Melamed, *Represent and Destroy*.
- 49 A similar dynamic can be seen even when “multicultural” minorities are presented as having (limited) rights to governance. See Kymlicka, *Multicultural Odysseys*.
- 50 On the interdependence of “race” and “culture” as categories, see Baker, *Anthropology and the Racial Politics of Culture*; Balibar, “Is There a ‘Neo-Racism’?”; Barker, *Native Acts*; Chow, *The Protestant Ethnic*; Visweswaran, *Un/common Cultures*; and Weheliye, *Habeas Viscus*. Liberal

theory often understands race as an accident of birth for which remedial redistributive mechanisms are appropriate. Perhaps the most expansive version of this argument can be found in the work of Charles Mills. See Mills, *Black Rights/White Wrongs*. Mills continues to endorse a liberal framework, which largely leaves intact the dynamics of racializing enfamilyment I discuss.

- 51 Simpson, *As We Have Always Done*, 41.
- 52 Byrd, *The Transit of Empire*, xxiii, xxiv; Nichols, "Contract and Usurpation," 103, 110.
- 53 Byrd, *The Transit of Empire*, 125.
- 54 See Trask, *From a Native Daughter*, 25–40.
- 55 See Rifkin, *Settler Common Sense*; Rifkin, *When Did Indians Become Straight?*
- 56 I am implicitly building on a large body of work that addresses the relation between Indigenous people and other racialized groups, including the complex overlaps among them. On Black-Indigenous relations, see Arvin, *Possessing Polynesians*; Byrd, *The Transit of Empire*; Chang, *The Color of the Land*; Klopotek, *Recognition Odysseys*; Miles and Holland, *Crossing Waters, Crossing World*; Prud'homme-Cranford et al., *Louisiana Creole Peoplehood*; Rifkin, *Fictions of Land and Flesh*; Sharma, *Hawai'i Is My Haven*; Sturm, *Blood Politics*; and Sturm, "Rethinking Blackness and Indigeneity." On Asian American–Indigenous relations, see Day, *Alien Capital*; Kim, *Settler Garrison*; Le, *Unsettled Solidarities*; Pegues, *Space-Time Colonialism*; and Saranillo, *Unsustainable Empire*. On Latinx-Indigenous relations, see Blackwell et al., "Introduction: Critical Latinx Indigeneities"; Guidotti-Hernández, *Unspeakable Violence*; Saldaña-Portillo, *The Revolutionary Imagination*; Speed, *Incarcerated Stories*; and Trujillo, *Land Uprising*.
- 57 Coulthard, *Red Skin, White Masks*, 7, 10, 12.
- 58 Nichols, *Theft Is Property!*, 30–31, 80. As Aileen Moreton-Robinson argues, "Indigenous communal property rights are never accorded equal value because ontologically white possession requires that Indigenous people are not perceived as being out of a state of nature. White possession can only recognize Indigenous people as being out of nature through private property rights via the prism of citizenship. Indigenous people can own property in this sense, but not a different epistemological and ontological embodiment of possession that is outside the logic of capital" (*The White Possessive*, 121–22).
- 59 See Povinelli, "The Governance of the Prior."
- 60 On the potential of centering dispossession as a way of putting the struggles of Indigenous peoples and other racialized groups into a shared frame, see also Bruyneel, *Settler Memory*; Byrd et al., "Predatory Value"; Goldstein, "Finance and Foreclosure"; and Mays, *City of Disposessions*. On the emergence of peoples post-contact and the problem of locking Native peoples into the past, see Andersen, "Métis"; Anderson, *The Indian*

*Southwest*; Barker, *Native Acts*; Lowery, *Lumbee Indians*; O'Brien, *Firsting and Lasting*; Prud'homme-Cranford et al., *Louisiana Creole Peoplehood*; and Shepherd, *We Are an Indian Nation*.

- 61 On the issues at play in notions of "internal colonialism," see Byrd, *The Transit of Empire*; Higashida, *Black Internationalist Feminism*; and Young, *Soul Power*.
- 62 Lewis, *Violent Utopia*, 192, 196, 208.
- 63 See Byrd et al., "Predatory Value."
- 64 Melamed, "Racial Capitalism," 77, 79, 80. On racial capitalism, see also Jenkins and Leroy, *Histories of Racial Capitalism*; Robinson, *Black Marxism*.
- 65 For feminist and queer critiques of such nationalisms, see also Anzaldúa, *Borderlands/La Frontera*; Ferguson, *Aberrations in Black*; Keeling, *The Witch's Flight*; Lorde, *Sister Outsider*; Lowe, *Immigrant Acts*; Lubiano, "Black Nationalism and Black Common Sense"; Moraga, *Loving in the War Years*; and Rodríguez, *Next of Kin*.
- 66 Hong, *Death beyond Disavowal*, 77. For a reading of Lorde as advocating forms of nationalism for racialized groups in the United States, in the context of an international vision of movements for self-determination globally, see Higashida, *Black Internationalist Feminism*, 134–57.
- 67 Hong, *Death beyond Disavowal*, 19–20; Ferguson, *Aberrations in Black*, 113, 140.
- 68 Hong, *Death beyond Disavowal*, 4.
- 69 Reddy, *Freedom with Violence*, 160. See also Beltrán, *Cruelty as Citizenship*; Das Gupta, *Unruly Immigrants*; Luibhéid, *Entry Denied*; Nguyen, *The Gift of Freedom*; and Speed, *Incarcerated Stories*. On the history of immigration policy in the United States, see also Hernández, *City of Inmates*; Kim, *Ends of Empire*; Lew-Williams, *The Chinese Must Go*; Molina, *How Race Is Made in America*; and Ngai, *Impossible Subjects*. On the relation between migration from Latin America and indigeneity, including the ways Indigenous people get classed as Latinx in ways that efface their indigeneity, see Blackwell et al., "Introduction: Critical Latinx Indigeneities"; Speed, *Incarcerated Stories*; and Trujillo, *Land Uprising*.
- 70 Gopinath, *Unruly Visions*, 15, 61. On queer diaspora, see also Eng, *The Feeling of Kinship*; Gopinath, *Impossible Desires*; and Puar, *Terrorist Assemblages*. On Black feminist diasporic imaginaries, see Ellis, *Territories of the Soul*; Hartman, *Lose Your Mother*; Pinto, *Difficult Diasporas*; and Stephens, *Black Empire*.
- 71 Eng and Puar, "Introduction: Left of Queer," 18.
- 72 Scott, *The Art of Not Being Governed*, 7, 30, 132, 326.
- 73 Scott, *The Art of Not Being Governed*, 323.
- 74 Scott, *The Art of Not Being Governed*, 324.
- 75 Hong, *Death beyond Disavowal*, 16.
- 76 Ferguson, *One-Dimensional Queer*, 82–83. In this vein, Gopinath also gestures toward "the ways in which viable modes of dwelling and rootedness

- are created in the wake of dispossession and displacement,” a dynamic that she refers to as “diasporic rootedness” (*Unruly Visions*, 88, 99).
- 77 Here I am also thinking about the ways that the specificity of any given place arises through its complex relations with other places. See Goeman, “Ongoing Storms and Struggles”; and Massey, *Space, Place, and Gender*.
- 78 Spillers, “Mama’s Baby, Papa’s Maybe,” 228–29.
- 79 Here I am refiguring Sylvia Wynter’s conception of “genres of the human.” See McKittrick, *Sylvia Wynter*; Weheliye, *Habeas Viscus*; and Wynter, “Unsettling the Coloniality.”

## One. Kinship’s Past, Queer Interventions, and Indigenous Futures

Parts of chapter 1 previously were published as “Beyond Family: Kinship’s Past, Queer Worldmaking, and the Question of Governance,” in *Queer Kinship: Race, Sex, Belonging, Form*, edited by Elizabeth Freeman and Teagan Bradway.

- 1 Ahmed, *Queer Phenomenology*, 77, 81.
- 2 Rodríguez, *Sexual Futures*, 37, 47.
- 3 Foucault, *The History of Sexuality*, 154.
- 4 Sahlins, *What Kinship Is*, ix, 44.
- 5 Clarke, “Introducing *Making Kin Not Population*,” 2, 33.
- 6 Schneider, *Critique of the Study of Kinship*, 6, 108, 62. See also Franklin, *Biological Relatives*; Franklin and McKinnon, “Introduction”; Yanagisako and Collier, “Toward a Unified Analysis”; and Yanagisako and Delany, “Naturalizing Power.” Richard Feinberg somewhat unreflexively demonstrates this point when he seeks to critique Schneider by suggesting, “Every English-speaking American I know is familiar with such terms as ‘kin,’ ‘kinship,’ ‘kinsmen,’ ‘kinfolk,’ ‘relatives,’ and ‘family,’ and everyone has a fairly clear idea of what those terms mean” (“Introduction,” 12). Some scholars have suggested that kinship provides a culturally specific way of tracing how various peoples/societies themselves mark the distinction “between what is given and what is made” (Carsten, *After Kinship*, 189). However, this claim seems to fall back into the same problem of how we come to know a particular relation/formation is “kinship,” and the potential distinction between the “given” and “made” extends far beyond those relations/formations that have been placed under the rubric of “kinship.” Similarly, Sahlins argues that “relations of procreation are patterned by the kinship order in which they are embedded,” such that “human birth is a semiotic function of a kinship order, rather than kinship as a biological sequitur of birth.” Though if “kinship” is, in Sahlins’s terms, “mutual relations of being” and “participation in one another’s existence,” why would “kinship” be centered on birth or provide