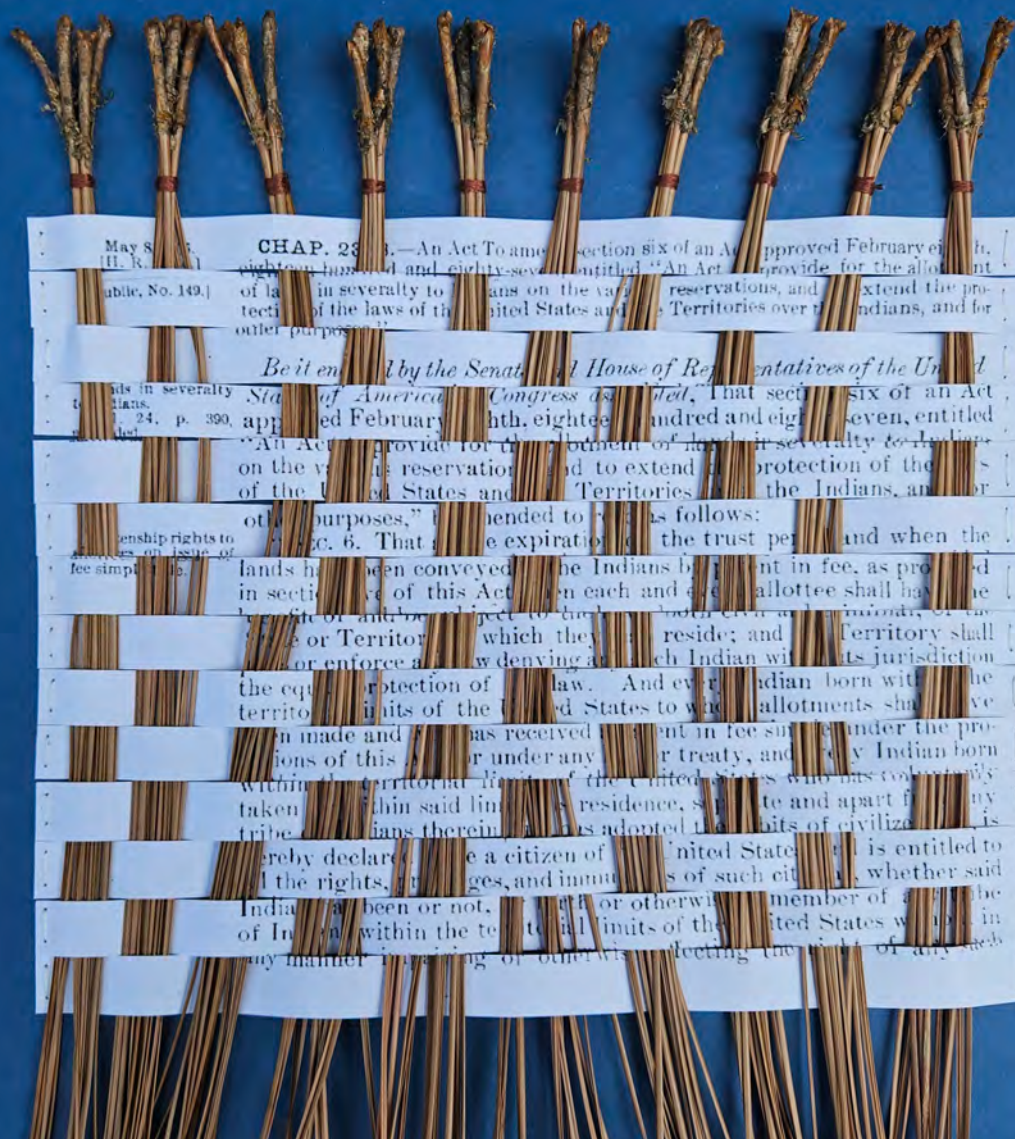




NATURALIZATION



BUY

NATURALIZATION

**A QUEER GENEALOGY OF US CITIZENSHIP,
RACE, AND SEXUALITY**

DUKE

SIOBHAN B. SOMERVILLE

UNIVERSITY
PRESS

DUKE UNIVERSITY PRESS DURHAM AND LONDON 2026

© 2026 DUKE UNIVERSITY PRESS

All rights reserved

Printed in the United States of America on

acid-free paper ∞

Designed by Matthew Tauch

Typeset in Alegreya by Westchester Publishing Services

Library of Congress Cataloging-in-Publication Data

Names: Somerville, Siobhan B. author

Title: Naturalization : a queer genealogy of US citizenship, race,
and sexuality / Siobhan B. Somerville.

Other titles: A queer genealogy of US citizenship, race, and
sexuality

Description: Durham : Duke University Press, 2026. | Includes
bibliographical references and index.

Identifiers: LCCN 2026005187 (print)

LCCN 2026005188 (ebook)

ISBN 9781478039006 paperback

ISBN 9781478034070 hardcover

ISBN 9781478062615 ebook

Subjects: LCSH: Naturalization—United States—History |
Citizenship—United States—History | Emigration and
immigration law—United States—History | Settler colonialism—
United States | Race discrimination—Law and legislation—United
States | Queer theory—Political aspects—United States | United
States—Emigration and immigration

Classification: LCC KF4710 .S664 2026 (print) | LCC KF4710 (ebook) |

DDC 342.7308/3—dc23/eng/20260409

LC record available at <https://lcn.loc.gov/2026005187>

LC ebook record available at <https://lcn.loc.gov/2026005188>

Cover art: Jenny L. Davis, *Dawes Act II (for SBS)*, 2026.

Courtesy of the artist.

Publication of this book was supported by an award from
the University of Illinois at Urbana-Champaign Campus
Research Board.

DUKE
UNIVERSITY
PRESS

For my friends
and
in memory of my parents,
Bridget (Betty) Somerville (1927–2022)
and
Brendan Somerville (1928–2008)

DUKE

**UNIVERSITY
PRESS**

CONTENTS

Introduction · 1

1. Naturalization and the Origins of the White
Settler Nation: John Remond and the Naturalization
Act of 1790 · 24

2. Unsettling Naturalization: The Dawes Act and
Citizenship Ceremonies · 61

3. Settling the Question of Black Citizenship:
Dred and Harriet Scott and the Civil Rights
Act of 1866 · 93

4. National Attachments, Colonial
Dispossession: Collective Naturalization in
US Territories · 130

5. Heterosettler Citizenship and the “Racial Break”:
The 1952 Immigration and Nationality Act and
Boutilier v. INS (1967) · 158

Conclusion: Naturalization Now · 188

DUKE

UNIVERSITY
PRESS

ACKNOWLEDGMENTS · 205

APPENDIX: AN INCOMPLETE LIST OF KEY DATES FOR
A QUEER GENEALOGY OF NATURALIZATION · 211

NOTES · 217

BIBLIOGRAPHY · 267

INDEX · 297

DUKE

**UNIVERSITY
PRESS**

INTRODUCTION

All states that are liberal of naturalization towards strangers are fit for empire.
—FRANCIS BACON, “Of the True Greatness of Kingdoms and Estates,” 1612

In recent historical memory, debates about national borders and citizenship in the United States have often seemed unrelentingly bitter, contentious, and painfully stigmatizing. But amid these fractious debates, one of the *least* divisive issues is the naturalization of new US citizens, a practice widely valorized across otherwise disparate political positions. Often figured as the crucial “gateway” at the end of a “path to citizenship,” naturalization is frequently understood as an emblem not only of individual desire and advancement (typically of an immigrant who has overcome hardships to achieve citizenship), but also of the nation’s progress toward fulfilling the ideals of liberalism as it moves toward a more inclusive polity, one that extends opportunity to a diverse population and rewards those who seek formal attachment to the nation. Naturalization is frequently celebrated by citizens and noncitizens alike, in local communities and in national media, in family photographs, in photo ops with politicians, and beyond.

This book tells a less familiar story about naturalization, one that does not always involve immigrants or, for that matter, individual desire and consent. That is, this book denaturalizes naturalization by understanding it fundamentally as a state practice for making citizens, rather than one attached exclusively—and often sentimentally—to narratives of immigration and consent. By doing so, I bring into clearer view the history of naturalization involving people who did not understand themselves (nor whom the state understood) as immigrants. That is, this history of naturalization is also the story of formerly enslaved people of African descent, Indigenous people, and inhabitants of US territories. Looking at a range of laws, treaties, court

D

UNIVERSITY
PRESS

cases, and other sources, I show that, in the instances when these groups were made into citizens in the nineteenth and twentieth centuries, the federal state's practices often differed significantly from those used to naturalize white immigrants. Prospective citizens who were white were hailed as individuals or families, but those who were not deemed white, if they were hailed at all before the mid-twentieth century, were often naturalized collectively, as populations rather than as individuals. This less visible side of the history of naturalization is thus deeply racialized, and, as I will argue here, it is inseparable from questions of indigeneity, sexuality, gender, and reproduction.

Decentering immigration in this way allows us to see more clearly that naturalization cannot be separated from the history of settler colonialism in the United States. As distinct from other forms of colonialism, settler colonial projects have at their core attempts to seize land, eliminate Indigenous peoples, and replace them with colonizing populations on a permanent basis.¹ As a concept and as a state practice, as I will show, naturalization has been a key mechanism in the settler colonial project of the United States, a function that has often been obscured by models of citizen-making as social contract in classical liberalism. At the same time, even though (or because) naturalization law has historically been embedded in a fantasy of a white settler nation, its material effects have been unpredictable in practice. Thus, naturalization functions both as a relic of the settler colonial origins of the United States *and* a performative practice that has helped maintain the very structure of a settler colonial state, one that enlists historically specific discourses of race, sexuality, indigeneity, gender, and reproduction to achieve those ends.

GENEALOGIES OF NATURALIZATION

If the history of naturalization has been typically told as a subset of immigration history, in this book, I build an alternative genealogy of this state practice. Rather than searching the archives for immigrants who have sought citizenship, I look instead for the state practices that produced new citizens. I trace key moments in the history of US laws on citizen-making, beginning in 1790, when the first federal naturalization law restricted acquired citizenship to “free white persons,” through 1952, when that explicit language of race was removed from federal law. But building an alternative archive of naturalization also means being somewhat skeptical of the federal government's own account of its citizen-making history. My guiding

principle has been to locate state practices that produced new US citizens, whether or not they have been understood as “naturalization” by the state itself or, for that matter, by other historical actors, including those who were made into citizens. Thus I read the history of naturalization through laws such as the Civil Rights Act of 1866, which granted US citizenship to people “of every race and color” born in the United States, including formerly enslaved people; the General Allotment Act of 1887, also known as the Dawes Act, which authorized the division and appropriation of collectively held tribal lands and included provisions to make some American Indians into US citizens; and various laws, such as so-called organic acts, that created citizens in US territories. I argue that these laws and policies should be understood as central to the history of naturalization in the United States, rather than as a side story, footnote, or exception to that history. Paying careful attention to them can help us understand how the federal state has managed the contradictions between, on the one hand, liberal ideals of consent and inclusiveness and, on the other, the violent histories of settler colonialism, imperialism, and slavery. By assembling these disparate citizen-making practices, I make visible the ways in which naturalization has functioned as a method for producing and reproducing a settler colonial project, one in which discourses of race, sexuality, and indigeneity have been profoundly implicated.

While close attention to the text and context of specific laws, court decisions, and legislative debates anchors my method here, I also examine how federal policies were interpreted by government administrators who carried them out and how they were understood (or not) by those whose citizenship status changed as a result. By also reading sources such as literary texts, journalistic accounts, visual texts, and archival sources about naturalized citizenship, I trace these laws’ effects on (and sometimes irrelevance for) those who were produced as US citizens and aliens in their wake. I draw on archival materials about individuals who navigated—and sometimes eluded—the formal requirements for naturalization: a mixed-race caterer from Curaçao living in Salem, Massachusetts, in 1811; a Salish man living on the Flathead Reservation in 1916; a Chinese-born resident of Hawai‘i in 1892; a Louisiana “woman of color” claiming damages from the US government in 1880; and a Canadian-born “homosexual” facing deportation in the 1960s, among others. Their stories of citizenship are less familiar because they are not legible in the terms of the federal state’s preferred narrative of immigration, settlement, and naturalization. For that very reason, they are central to the story of citizenship that this book will tell.

I use “genealogy” to describe my method, because it offers a way of analyzing inherited systems of power that operate in the present. I draw on the work of Michel Foucault, who used a genealogical approach “to show, based upon their historical establishment and formation, those systems which are still ours today and within which we are trapped. It is a question, basically, of presenting a critique of our time, based upon retrospective analyses.”² My approach also draws on Lisa Lowe’s method in *The Intimacies of Four Continents*, which she describes as an “unsettling genealogy of modern liberalism,” a method that “does not accept given categories and concepts as fixed or constant, but rather [asks] how those categories became established as given, and with what effects.”³ A genealogical method takes a skeptical stance toward processes that have been normalized or that seem unproblematic, taken for granted, or not worthy of attention. Genealogy, then, is a way to describe the de-naturalizing approach that I undertake in this book to analyze the state and one of its practices whose very name—invoking “nature”—announces its investment in rewriting (or erasing) historical origins and processes. For Foucault, “genealogy is gray, meticulous, and patiently documentary. It operates on a field of entangled and confused parchments, on documents that have been scratched over and recopied many times.”⁴ My approach here works in just this way. Rather than selecting evidence that produces the pretense of comprehensiveness or a set of causal relationships and continuity over time, this genealogy of naturalization instead looks at “a field of entangled and confused parchments” for evidence that “unsettle[s] our certitudes” about the ways in which people have become citizens in the United States.⁵ The point is not to fix, or master, the past, but to unfix and unsettle it.

I also invoke and disrupt a second, more popular use of the word *genealogy*, the one that refers to family history. Naturalization records have, it turns out, played a central role as sources in that line of research. Genealogy in this sense has sometimes been characterized as amateur and nostalgia-driven by the field of professional history.⁶ Yet it is one of the most visible and popular uses of archival materials, particularly those preserved by the state, and thus cannot be so easily dismissed.⁷ As a practice that relies on the outlines of kinship made visible on a family tree—through birth, death, marriage, adoption, and divorce—genealogy has long been embedded within a system of state recognition that legitimates certain forms of family and descent (and not others).⁸ Family history is thus mediated by the state at multiple scales (city, county, state, nation) and by its official methods of recording and preserving lines of descent and licensed forms of intimacy,

often for purposes of distributing property. A “queer” genealogy asks not only about what is legible, but also about what is made illegible by the abstract lines of a family tree. What “illegitimate” alliances, intimacies, and collectivities might reside in the “empty” spaces of the genealogical grid, beyond recognition by the state?” What queer relations and networks have been erased through genealogy’s emphasis on lineage and inheritance? To what extent has naturalization as a state practice interrupted or facilitated the seeming linearity of national belonging (and national history)? Identify the terms by which certain histories of naturalization fall inside or outside those grids of intelligibility is one of the goals of this queer genealogy.

NATURALIZATION AS METAPHOR

Throughout the book, I approach various primary sources not as transparent evidence, but rather with an eye to what might be called “the poetics of policy,” to borrow a phrase from historian Rachel Buff.¹⁰ I show that naturalization plays such a powerful—if undertheorized—role in settler colonial logic not only because of its legislative and administrative history, but also because ideas about race, gender, indigeneity, and sexuality are embedded within the very language and metaphors through which acquired citizenship is imagined. In fact, we might begin by asking why we use the term *naturalization* to describe the process of becoming a citizen (from the perspective of the governed) or the practice of making citizens (from the perspective of the state)? Here it is helpful to look at the full range of meanings of the word “naturalization.” According to the *Oxford English Dictionary*, to “naturalize” means generally “to make native.” The object of the verb, the *OED* suggests, can be a foreigner or immigrant, a word or phrase, a plant or animal. In definitions regarding the term’s usage with plants or animals, the meaning becomes more subtle: To naturalize is “to introduce (a plant or animal) to a place where it is not indigenous, but in which it may survive and reproduce as if it were native; to plant (a bulb, etc.) so that it requires no cultivation and becomes self-propagating, giving the effect of wild growth.”¹¹ The process of naturalization, then, is one in which the difference between the indigenous and the imported becomes effaced. And, crucially, reproduction is the key means for achieving this effacement: To become “native” is to “require . . . no cultivation” and to become “self-propagating.” In other words, successful biological reproduction becomes a key sign by which the naturalized organism passes “as if it

were native.” Note that the important outcome of the process is to achieve the “effect of wild growth.” This part of the definition suggests that there is nothing self-evidently indigenous or natural about “wild growth” itself: We cannot know whether any particular “wild growth” is an “effect” produced and performed through artificial means or whether it was there all along. And, according to this logic, sexual reproduction is the mechanism by which this effect is achieved: We know that an organism has been fully naturalized—and appears to be “indigenous”—by its successful self-propagation, presumably through sexual reproduction.¹²

All of this is to say that naturalization is a metaphor, one that imagines the political and biological worlds as analogous and inextricably linked.¹³ This metaphor has a long history and circulated widely in discourses of citizenship in the early republic, when legislators first set down federal naturalization laws. The metaphor was deployed, for instance, by J. Hector St. John de Crèvecoeur in *Letters from an American Farmer* (1782), a series of semi-autobiographical, semi-fictional reflections on American life directed “to the people of England.”¹⁴ Crèvecoeur himself had emigrated from France to New York (via Québec) in 1759. In the well-known chapter titled “What Is an American?,” Crèvecoeur describes the process by which a European becomes American: “Every industrious European who transports himself here, may be compared to a sprout growing at the foot of a great tree; it enjoys and draws but a little portion of sap; wrench it from the parent roots, transplant it, and it will become a tree bearing fruit also.”¹⁵ Here, the language of reproduction—both sexual and asexual—suffuses Crèvecoeur’s arboreal image and describes a process of naturalization. The immigrant’s European origins are their “parent roots,” from which they are “wrench[ed]” and “transplant[ed]” through a process of asexual generation. In Crèvecoeur’s extended metaphor, the immigrant’s transformation into an American is evidenced by the ability to thrive not simply as a full-grown tree, but a sexually reproductive one that “bear[s] fruit.” Like the plant whose ability to be “self-propagating” demonstrates its success at naturalization within a new climate, the immigrant is imagined here as achieving full status as an American through the ability to flourish and bear evidence of reproductive capacity. Naturalization as a metaphor thus historically carries assumptions about both asexual and sexual reproduction, reinforcing the model of an organic citizenry.

The idea of an organically generated citizenry is a familiar feature of ethnonationalism, but when put into the context of colonialism, naturalization as metaphor achieves a powerful sleight of hand that serves a

settler project. We might recall here that naturalization is defined as a performance of nativity, or, to put it another way, as the production of the effect of indigeneity: “to introduce (a plant or animal) to a place where it is not indigenous, but in which it may survive and reproduce as if it were native.” To be naturalized, in other words, is to pass as “native.” Yet it is important to recognize that, in the context of citizenship, the “native” being referred to here is not necessarily an *actual* Indigenous person, but rather a “natural-born” US citizen, whose claim to that status assumes the prior removal of Indigenous people from that political category. Thus, it is misleading to imagine that naturalization is structured around a binary of alien/citizen, external/internal, or excluded/included. While naturalization typically evokes a drama of conversion, in which the former alien is imagined to approximate the “natural-born” US citizen, there is a necessary, if unacknowledged, third figure—the Indigenous person—whose presumed absence hovers in the scene and structures its meaning.

My understanding of this structure draws on Patrick Wolfe’s widely influential theoretical framing of settler colonialism. In “Settler Colonialism and the Elimination of the Native,” Wolfe argues, in a now-familiar formulation, that “settler colonizers come to stay: Invasion is a structure, not an event.”¹⁶ When he makes this argument, Wolfe notes that “elimination is an organizing principal [sic] of settler-colonial society rather than a one-off (and superseded) occurrence.”¹⁷ The logic of elimination at the heart of settler colonialism, according to Wolfe, “refers to more than the summary liquidation of Indigenous people, though it includes that”; it “marks a return whereby the native repressed continues to structure settler-colonial society.”¹⁸ This idea of a return usefully clarifies the ways that the *idea* of indigeneity is necessary to the concept of naturalization, even as the bodies and sovereignty of Indigenous people are generally absented from the scene. Naturalization thus both encapsulates the fundamental structure of settler colonialism and disavows it at the same time. As J. Kēhaulani Kauanui has emphasized, drawing on Wolfe’s formulation, “the logic of elimination of the native is about the elimination of the native *as native*.”¹⁹ As I show in chapter 2, even when American Indians were individually made into citizens under the Dawes Act, they were naturalized (in legal terms, at least) into whiteness, in the state’s attempt to erase their attachment to Indigenous nations and their claims to collectively held land.

Indeed, land is a third element—along with reproduction and indigeneity—that structures the notion of naturalization. Built into the definition of naturalization is the notion of movement from one location

to another: “to introduce (a plant or animal) to a *place* where it is not indigenous.” While this aspect of the definition readily describes migration and thus facilitates the familiar association of naturalization with immigrants, from another angle it also means that naturalization is inherently geopolitical. Here it is helpful to consider Wolfe’s argument that “the primary motive for elimination [of the native] is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory. Territoriality is settler colonialism’s specific, irreducible element.”²⁰ If we read Wolfe’s point in relation to histories of US citizenship, it is possible to see that, while naturalization produces a new legal attachment to the state, it does so through the idea of belonging to a particular place—a nation, land, or country—as if one were born there. The language of “naturalization” confuses the fact that the “place” in which one becomes a citizen is not a “natural” habitat, but rather a territorialized political jurisdiction.

BIRTHRIGHT CITIZENSHIP, NATURALIZATION, AND CONSENT

The idea of naturalization works in tandem with its companion concept, birthright citizenship (and the notion of “natural-born” citizens). Birth is, by an overwhelming margin, the dominant mechanism for conferring citizenship not only in the United States, but throughout the world. The vast majority of the world’s population—97%—has acquired their citizenship status at birth, by virtue of either their place of birth (*jus soli*) or their parents’ citizenship status (*jus sanguinis*).²¹ In the United States in recent years, about 800,000 people have been made into new citizens through naturalization ceremonies annually, while approximately 3.6 million more were born automatically into US citizenship.²² Once someone becomes a US citizen—whether by birth or by naturalization—there is theoretically no distinction, in formal legal terms, between naturalized and US-born citizens. US citizens, whatever their origins, are imagined to hold identical rights and responsibilities under US law (with the one exception, perhaps not insignificant, that naturalized citizens are ineligible for the office of US President). In practical terms, of course, naturalized citizenship is different from birthright citizenship in that it can be undone through the process of denaturalization.²³

While liberal discourses emphasize the virtual equivalence of US-born and naturalized citizens under the law, there is still a tendency to assume

that birthright citizenship exists prior to naturalization, a temporal relationship that is, in fact, at odds with the actual historical relationship between these two forms of citizenship. In conceptual terms, the “natural-born” citizen seems to precede the naturalized citizen: It is the category that the alien presumably approximates when converted into a US citizen. However, in historical terms, the relationship is reversed: The “natural-born” citizen, in fact, came after the naturalized citizen. The “natural-born” citizen was not present at the founding of the United States, but rather describes the subsequent generation. Thus, the zero ground for US citizenship historically is a moment of collective naturalization, a purely performative moment in which “the people” produced the state and their own citizenship.²⁴ Thus, historically at least, birthright citizenship is *not* the original form of citizenship that the naturalized citizen approximates. Instead, it could be argued that the naturalized citizen is the originary form of citizenship in the United States, a fact I invoke not to establish the naturalized citizen as a figure of a more genuine patriotic nationalism, but rather to dislodge claims by the “natural-born” to some prior authenticity/power.

In existing scholarship, the distinction between naturalization and birthright citizenship typically pivots on the role of consent in the making of US citizenship. As political theorists point out, birthright citizenship is a nonconsensual means of granting citizenship, linked to feudal, hierarchical models of allegiance. In this way, birthright citizenship is “ascriptive,” conferring status upon children based on factors that are not under their control, such as place of birth or biological parentage.²⁵ In contrast, naturalization is understood as a self-consciously consensual process of conferring citizenship, associated with Lockean and other Enlightenment models of a contractual relationship between citizen and state, principles that have been seen as fundamental to liberal democracies.²⁶ According to this view, naturalization thus enacts and symbolizes a voluntary allegiance based on mutual consent between the immigrant and the state, whereas birthright citizenship is construed as passive, performing consent tacitly (if at all).

Reinforcing these distinctions, the federal government’s practices tend to dramatize naturalization as a scene of consent. For instance, the United States is somewhat unusual in requiring the prospective citizen to consent publicly by taking an oath of allegiance. (Most nations do not require public oath-taking in order to become a citizen.) But in the United States, in a court of law, the candidate for citizenship must swear the following words:

UNIVERSITY
PRESS

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.²⁷

This explicit public performance of the citizen's agreement to the terms of a contract with the state (with an emphasis on the citizen's obligations) does significant ideological work. As political theorist Bonnie Honig writes, "Immigrant naturalization ceremonies—frequently publicized on the front pages of the nation's newspapers—testify to the fundamental consentworthiness of the regime by symbolically representing the consent that is effectively unattainable for native-born citizens of a liberal regime."²⁸ For Honig, the immigrant naturalization ceremony "prop[s] up the national fantasy of consentworthiness."²⁹

Indeed, an emphasis on consent distorts the actual history of naturalization. Most glaringly, it leaves out the significant history of collective naturalization, in which entire populations have been transformed into US citizens without any expressed desire or action on their part. Here, incidentally, collective naturalization should not be confused with mass naturalization ceremonies, in which hundreds, sometimes thousands, of people are naturalized in a single event. A phenomenon of the twentieth and twenty-first centuries, these mass naturalization ceremonies gather prospective citizens *as individuals* to take the oath of citizenship simultaneously. By contrast, collective naturalization involves no oath, no certificate of citizenship, no self-consciously performative act of consent, and grants citizenship not to named individuals, but to whole populations, based on ethnic, racial, national, or territorial identity.

Few scholars of citizenship have given sustained attention to collective naturalization as a practice of the state. On the occasions when they have addressed collective naturalization, they tend to cast it as an exception to "normal" channels of becoming a citizen and a matter of specific

ethnic/racial histories. For instance, there is extensive scholarship on the 1848 Treaty of Guadalupe Hidalgo, which affected the citizenship status of approximately 100,000 people when Mexico ceded more than half its territory to the United States at the end of the Mexican-American War.³⁰ Likewise, a significant body of scholarship has traced the history of the Indian Citizenship Act, which granted citizenship collectively in 1924 to all American Indian people “born within the territorial limits of the United States.”³¹ While instances of collective naturalization have been studied within these specific ethnic, racial, and Indigenous histories, the broader history of collective naturalization remains elusive. There is relatively little scholarship that has traced the history of naturalization across these different non-immigrant groups and theorized it as an integral part of a US settler colonial project. Why is it, for instance, that the Civil Rights Act of 1866 is not typically understood as a key moment in the history of naturalization law, even though it was the legal mechanism by which African Americans were transformed into citizens of the United States? What is accomplished by not understanding the Act in this way? And what is obscured? When we do reframe this law as a key moment in the history of naturalization in the United States, what is illuminated in the process?

Because collective naturalization creates citizens en masse, often without their knowledge, it raises several contradictions that I consider in this book. On the one hand, as noted above, it potentially undermines the aspirations of classical liberalism by producing US citizens collectively without individual consent. On the other hand, because collective naturalization functions at the level of place or group rather than at the level of the individual, it doesn’t sift and select potential citizens with the same level of surveillance as individual forms of naturalization. Collective naturalization casts a wide net and, in some cases, has created new US citizens from populations who would not have been eligible for (or who would not have sought) naturalization on an individual basis. Collective naturalization has thus sometimes been at odds with the explicit racial project that the federal government attempted to articulate and implement through naturalization law between the late eighteenth and mid-twentieth centuries, which specified whiteness as a requirement for US citizenship.

Taking the history of collective naturalization seriously as a significant site for the production of new US citizens in the nineteenth and twentieth centuries thus complicates familiar histories of race and naturalization in the United States. Once collective naturalization is brought to the foreground, it is possible to see that the United States made people of color

into US citizens on a large scale in the nineteenth and early twentieth centuries as part of a settler colonial project, even though federal law between 1790 and 1952 asserted that only “free white persons” (and people of African descent, after 1870) were eligible to become US citizens through individual naturalization. Rather than standing in for naturalization generally, the familiar version of naturalization as consensual and individual instead becomes visible as a specific federal practice that applied to immigrants in a white settler structure, while collective naturalization was a parallel system of naturalization used primarily to make citizens of those whom the state understood and produced as racialized populations.³²

These histories make it more difficult to understand naturalization as an unequivocally positive form of inclusion. While often valorized as an unconditional good in accounts of multicultural liberalism, inclusion takes on a different cast when viewed from the vantage of settler colonialism. As Kevin Bruyneel points out regarding the Indian Citizenship Act of 1924, “Usually, people who have been excluded from American political life see the codification of their citizenship status as an unambiguously positive political development. In the case of indigenous people and US citizenship, one cannot find such clear and certain evidence. All indigenous people certainly did not look at US citizenship in the same light, and very few saw it as unambiguously positive.”³³ The history of formal US citizenship for American Indians clearly calls into question the familiar narrative of immigrant desire so often taken for granted in discussions of naturalization that privilege a liberal model, in which the prospective citizen is imagined as longing for attachment to the state.

The tendency in existing scholarship to distinguish birthright citizenship as ascriptive and naturalization as consensual not only erases the history of collective naturalization, it also tacitly depends on assumptions about sexuality and reproduction that mask the heteronormative logic embedded in both forms of citizen-making. As the term suggests, birthright citizenship entails the literal production of citizens through sexual reproduction. In the United States (at the time of writing), citizenship is granted at birth to anyone born within the nation's territory (regardless of the citizenship status of the child's parents) or to any child of a US citizen (regardless of the place of birth).³⁴ Birthright citizenship is a seemingly “natural” or organic form of the production of citizens through sexual reproduction (though it is fundamentally a politically determined status). In contrast, naturalization presumably entails the nonsexual production of national subjects, so that citizenship is acquired rather than ascribed. As

a ritual of the liberal state, naturalization appears to enact a contractual form of citizenship, without any necessary relationship to sexual reproduction or ancestry.

But, as we have seen above, the very definition of naturalization is encumbered with ideas about reproduction. The goal of naturalization is thus bound to what queer studies scholar Lee Edelman has called “reproductive futurity,” in which the figure of the “Child remains the perpetual horizon of every acknowledged politics, the fantasmatic beneficiary of every political intervention.”³⁵ But Edelman’s sweeping invocation of “every” politics needs to be tempered by the material histories of a white settler project, in which, for instance, Native children have been marked for elimination (including via assimilation). Thus, in the context of the genealogy of naturalization that I explore in this book, we might reframe Edelman’s idea of reproductive futurity to understand the *settler* child as the horizon of US politics.³⁶ As we have seen, the ideal naturalized citizen has historically been fantasized as “self-propagating,” an individual who “may survive and reproduce as if it were native.” As I show in chapter 1, the very first federal law on naturalization, passed in 1790, not only restricted eligibility to “free white persons” but also imagined the prospective citizen as a potential parent and took pains to spell out the citizenship status of the new citizen’s future children. We should thus be more skeptical of the distinction typically drawn between birthright citizenship and naturalization—ascriptive versus consensual—and attend to the ways that the opposition between the two models actually masks how both have historically been embedded within (hetero)sexualized understandings of reproduction. Despite its promise to make good on liberal ideals of consent, naturalization has tended to maintain, rather than disrupt, a logic of belonging that prioritizes the transmission of citizenship through biological reproduction.

STATES OF CITIZENSHIP

The concept of citizenship is notoriously elastic and, in recent years, a wealth of scholarship has explored it as a set of discourses and everyday practices, rather than a legal-juridical cluster of rights and responsibilities.³⁷ While these are invaluable perspectives, by focusing on naturalization, this book foregrounds formal citizenship—citizenship as a legal status—for several reasons. Most obviously, this approach allows us to look directly at the workings of the state. Precise definitions of the “state” vary,

but it is usually understood to be a juridical formation or political body with some territorial component. In contrast, “nation,” derived from the Latin root *nasci* (to be born), has traditionally been associated with a sense of kinship, primordial belonging, or psychological connection.³⁸ In her important feminist analysis of the state, however, political theorist Jacqueline Stevens has challenged the distinction traditionally drawn between state and nation, arguing that it obscures the ways that the state is sexualized, particularly through the deployment of regulations on reproduction and kinship. She argues that “the ‘state’ and ‘nation’ are two sides of the same familial coin. . . . The family rhetoric of the state-nation is not obscure, metaphysical, or difficult to locate. The familial nation exists through practices and often legal documents that set out the kinship rules for particular political societies.”³⁹ Stevens outlines the stakes of understanding the state as being embedded in, not separate from, the sexual: “Once it is understood that the most fundamental structures of the modern state—the rules regulating marriage and immigration—are what enable the state to reproduce itself and what make possible the power relations associated with nationality, ethnicity, race, and family roles, then it is clear that piecemeal approaches to eradicating certain inequalities will not work.”⁴⁰ Stevens’s formulation is particularly useful for considerations of naturalization and birthright citizenship, given that they are mechanisms by which the state literally reproduces itself at the scale of the citizen.

Feminist scholars have generated robust analyses of the ways in which formal citizenship has been both explicitly and implicitly gendered in the United States, as well as the ways in which racialized gender has been deployed as a powerful criterion for inclusion and exclusion in US laws on immigration and naturalization. Historians Candice Bredbenner and Nancy Cott have examined the effects of US laws that tied a woman’s nationality to that of her husband, tracing the histories of women who were involuntarily stripped of their citizenship as a result of marriage.⁴¹ Building an intersectional analysis that insists on the simultaneous consideration of race and gender, legal scholar Leti Volpp has shown powerfully how laws that tied women’s citizenship to marital status simultaneously produced exclusions based on race.⁴² Likewise, Susan Koshy and Yu-Fang Cho have further elaborated on the ways in which laws on sexuality and marriage have mediated understandings of race, gender, and nation in the context of US imperialism.⁴³

Attending to race and gender in the production of US citizenship requires rethinking familiar accounts of classical liberalism. In his essay

“Liberalism and the Racial State,” philosopher Charles Mills challenges the widespread tendency to narrate the shift from the premodern to the modern as a radical break in concepts of the individual and the sociopolitical order, typically marked by the emergence of liberalism and its notion of the social contract.⁴⁴ Mills argues that “the conventional chronological and normative mapping of the transition from the premodern to the modern . . . needs to be replaced with a more realistic picture, which takes both gender and race into account, thereby covering the entire human population and not just the white male minority.”⁴⁵ Once we do take into account the gendered and racialized subject of liberalism, Mills writes:

Instead of seeing liberalism as breaking sharply with the hierarchical political philosophies of the ancient and medieval worlds, we now see it as significantly continuous with them. Instead of ignoring the racial exclusions of modernity, or treating them as aberrational, as is standardly done, we now identify them as constitutive of the new variety of racial social estates that joins the (enduring) social estate of gender. Instead of assuming moral egalitarianism as the actual norm, we acknowledge the reality that the sociopolitical order remains a hierarchical one, though the ideological rationale for hierarchy and for demarcating particular sets of human beings as superior and inferior has somewhat changed. Above all, instead of theorizing as if all humans come to count as “individuals” in modernity, we recognize that there are racial and gender prerequisites for attaining this status that exclude the majority of the population.⁴⁶

Mills’s discussion of the emergence of liberalism helps make sense of some of the profound contradictions embedded in the history of naturalization in the United States. In fact, we might remember here that US laws on naturalization offer a surprisingly transparent version of the “racial liberalism” that Mills lays out: Between 1790 and 1952, US naturalization laws explicitly invoked “free white persons.” While various groups of “non-white” persons were granted citizenship piecemeal before the mid-twentieth century, this book shows that recognizing the longevity of this explicit racial prerequisite in federal law makes visible the fact that the history of naturalization in the United States is characterized by the very hierarchies that Mills discusses. We can see in federal naturalization law a stubborn attachment to the (white supremacist) fantasy of the US citizen as a “white” person. In practice, of course, the actual meaning of *white* has never been stable.⁴⁷ But

it will be one of the contentions of this book that federal laws on naturalization are a key site at which we can see a particularly explicit articulation of the project of producing (and reproducing) a racial state (and nation), and, more specifically, as I will discuss below and throughout the book, the fantasy of a white settler state, one that continues to shape our own historical moment.

The history of naturalization in the United States makes visible not only the contradictions of liberalism in the form of a racial state, but also a particular instantiation of the racial state, that is, a white settler state. Liberalism masks not only the racial and gender hierarchies that Mills discusses, but also the logic of elimination and replacement that has structured its settler project. As Mahmood Mamdani has pointed out, “America is not just the first new nation; it is also the first modern settler state,” one that became a model for other settler nations throughout the world.⁴⁸ Thus settler colonialism makes the United States a particular kind of racial state. Further, in its fluctuating and contested distributions of privilege and dispossession—material, cultural, and otherwise—settler colonialism in the United States historically has structured the positions not only of Indigenous people and white settlers, but also of “arrivants,” a term borrowed by Jodi Byrd from poet Kamau Brathwaite to refer to “those people forced into the Americas through the violence of European and Anglo-American colonialism and imperialism around the globe.”⁴⁹ In her work bringing Indigenous studies into conversation with postcolonial studies, Byrd has called for analyses that proceed not through the multiplication of binaries, but rather through “an act of interpretation that decenters the vertical interactions of colonizer and colonized and recenters the horizontal struggles among peoples with competing claims to historical oppressions.”⁵⁰ As Lowe has noted, “modern notions of rights, emancipation, free labor, and free trade did not contravene colonial rule; rather they precisely permitted expanded Anglo-American rule by adopting settler means of appropriation and removal, and accommodating existing forms of slavery, monopoly, and military occupation, while innovating new forms of governance to ‘keep the peace.’”⁵¹ Naturalization, as I will show, has historically played a key role in enacting and sustaining these contradictions between, on the one hand, liberal ideals of rights and freedom, and, on the other hand, settler colonialism, imperialism, and slavery.

While drawing on these analyses of the gendered and racial state, this book also builds on and contributes to queer critiques of liberalism and studies of sexual citizenship. As the field of queer studies began to gather

momentum in the 1990s, Lisa Duggan proclaimed, “The time has come to think about queering the state.”⁵² Subsequently, scholars across multiple disciplines have heeded that call, producing a range of work that persuasively exposes the heteronormative (and sometimes homonormative) assumptions and practices that shape and are shaped by the US federal state. While early work in this area by scholars such as Michael Warner and Janet Halley was fueled by controversies over same-sex marriage and military policies like “Don’t Ask, Don’t Tell,” subsequent scholarship, such as Margot Canaday’s *The Straight State*, traced a longer history of the federal state’s attempt to regulate sexual citizenship through the realms of welfare, the military, and immigration beginning in the early twentieth century.⁵³ In her influential histories of sexuality and migration, Eithne Luibhéid has identified federal immigration control, in particular, as “a key site for the production and reproduction of sexual categories, identities, and norms within relations of inequality.”⁵⁴

Because queer critique has the potential to destabilize the ground upon which any particular claim to identity can be made (though, importantly, not destroying or abandoning identity categories altogether), a significant body of queer scholarship—including my own previous work—has forged intersectional approaches that begin from the assumption that sexuality cannot be understood in isolation from other categories of identity and social status.⁵⁵ Thus, in my earlier book, *Queering the Color Line*, I showed that questions of race—in particular a system of segregation organized around “whiteness” and “blackness” in the United States—must be understood as a crucial part of the history and representation of sexual formations, including lesbian and gay identity and compulsory heterosexuality in the United States. In this book, I use similar approaches to race and sexuality, but focus more directly on the practices of the federal state. I begin from the premise that heteronormativity, as wielded by the state, should be understood historically as a racialized concept. As Cathy Cohen has written, “Many of the roots of heteronormativity are in white supremacist ideologies which sought (and continue) to use the state and its regulation of sexuality, in particular through the institution of heterosexual marriage, to designate which individuals were truly ‘fit’ for full rights and privileges of citizenship.”⁵⁶ Thus, the potential of a queer critique of the state lies in understanding how race (and racism) has mediated the state’s authorization and legitimation of certain (hetero)sexualities and not others. Katherine Franke, for instance, analyzes the double-edged consequences of the legal right to heterosexual marriage among formerly enslaved people after the

Civil War.⁵⁷ While state-authorized marriage was understood by some to be a hallmark of freedom, it also brought the sexual lives and familial arrangements of African Americans under the disciplinary (and sometimes criminalizing) power of the federal state. As a wealth of scholarship on citizenship has made clear, it would be a mistake to think that formal inclusion in US citizenship resolves the contradictions posed by underlying sexual and racial hierarchies embedded within the liberal state.⁵⁸

One of the contributions that I hope this book will make is to complicate and build upon the notion of intersectionality by understanding that these dynamics and historically specific interactions between race and sexuality—or the racial and sexual state—must be understood within the context of US settler colonialism. While *Queering the Color Line* argued that race and sexuality were co-constitutive discourses in the late nineteenth and early twentieth centuries, that argument did not take into full consideration the workings of colonialism. The same period that saw the emergence of “modern” notions of homo- and heterosexuality and the increased hardening of legalized racial segregation in the United States was also a moment when the federal government was (1) pursuing the dispossession of American Indians through the devastating policies of allotment and assimilation; (2) aggressively championing imperial strategies in Cuba, the Philippines, Hawai‘i, Puerto Rico, Guam, and American Sāmoa; and (3) hardening racial boundaries through anti-Asian laws and immigration policies. In this book, I seek to build an analytic framework that maintains a queer intersectional analysis of race and sexuality while keeping a focus on the dynamics of settler colonialism and imperial expansion.

In order to do so, I draw from more recent scholarship that has brought together feminist and queer analyses of settler colonialism in North America and elsewhere.⁵⁹ Some of this work has critiqued the ways that contemporary LGBTQ rights movements have reproduced settler colonial assumptions, as well as the ways in which gay and lesbian rights have been championed by nation-states as a way to appear progressive and cover over active colonial aggression toward Indigenous populations. For example, pointing to struggles for decolonization rather than civil rights per se as a key political framework for understanding contemporary legal debates about sexuality and marriage, Kauanui has argued that “in Hawai‘i, same-sex marriage extends the colonial imposition of male-female marriage to the contemporary politics of assimilation and affirmation of US occupation under the cover of inclusion in a multiracial liberal democracy.”⁶⁰ Revising Foucault’s influential arguments in *The History of Sexuality*, Scott

Morgensen has likewise argued that “modern sexuality arises in white settler society as a ‘contact zone,’ defined by attempting to replace Native kinship, embodiment, and desire with the hegemony of ‘settler sexuality,’ or the heteropatriarchal sexual modernity exemplary of white settler civilization.”⁶¹

My work in this book is focused on queering the settler state, an approach that does more than simply expose it as a top-down force of colonizing power. Instead, I emphasize the instabilities and contradictions that characterize the state. Situating naturalization at the intersections of the racial state, the sexual state, and the settler colonial state, I emphasize that these versions of the federal state are not always predictably aligned with each other, nor are they necessarily consistent across different historical periods. In their classic study of the racial state, Michael Omi and Howard Winant remind us that “the state is composed of *institutions*, the *policies* they carry out, the *conditions and rules* which support and justify them, and the *social relations* in which they are imbedded.”⁶² As much as possible, I try to treat these various versions of the state not in their abstract forms but in their local and historically contingent instantiations; I do not assume that any version of the state is necessarily capable of carrying out the fantasies imagined and expressed in laws and policies (whether positive or negative). At every turn, it is crucial to historicize the state, attending to the differences between, say, the bureaucratic federal state that emerged in the twentieth century and the less coordinated, decentralized state of earlier periods. The federal state of the early national period, as Trish Loughran has persuasively demonstrated, was more a theory than a coordinated set of material relationships, vastly different from the bureaucratic state that arose in the twentieth century.⁶³ If, as Foucault writes, “the state is inseparable from the set of practices by which the state actually became a way of governing, a way of doing things, and a way too of relating to government,” this book foregrounds naturalization as one performative practice through which we can see the productive (if uneven) power of the federal state in different historical contexts.⁶⁴

DUKE UNIVERSITY PRESS OUTLINE OF THE BOOK

The following chapters explore moments of transformation in the history of US laws, policies, and court decisions on naturalization between the late eighteenth and mid-twentieth centuries, but they are deliberately not

organized according to a seamless chronological progression. I have chosen this way of organizing the book because, first, the history of citizen-making does not move linearly, but rather in fits and starts; and, second, I am interested in historicizing naturalization less as a continuous narrative over time and more through attention to state practices and their material effects in particular historical moments. In each chapter, I place specific laws on naturalization in relation to a wide-ranging archive that includes legislative debate, federal and local archival records, newspaper accounts, literary texts, and visual images. Each chapter also traces the ways individuals (and sometimes collectivities) navigated the legal terrain formed by federal law and policy.

Chapter 1 focuses on the first federal law on naturalization (passed in 1790), along with a dense assemblage of early national texts on citizenship. I make two related arguments, one theoretical and one historical. First, I explore articulations of naturalized citizenship in the early national period and show that, despite their assertions about a liberal project of detaching citizenship from inherited status, these contract-based models of citizenship repeatedly deployed a logic of sexual reproduction that undergirded a white settler project, even as the new nation was imagined to break from the hierarchies and inheritances of a colonial order. Despite its theoretical potential to make good on the liberal promise of consent, naturalization was codified in the early national period according to a logic of belonging that depended on the transmission of “white” citizenship through biological reproduction. Yet I also show that the legal fantasy of white citizenship articulated in the 1790 law was not always borne out in its actual implementation, focusing on the case of John Remond, an Afro-Caribbean migrant who journeyed as a child (an “unaccompanied minor” in the language of our own moment) from Curaçao to Salem, Massachusetts, and was naturalized in 1811. The case is remarkable from our standpoint because, as a person of mixed-race ancestry, he was not technically eligible for US citizenship at the time. Yet his naturalization seems to have been treated as routine and unremarkable in his own day. To help understand this unlikely national attachment, I excavate the material conditions of John Remond’s life in Salem (such as transnational networks of seafaring labor, as well as local histories of settlement, governance, kinship, and class formation) that shaped his access to formal US citizenship.

Chapter 2 traces a genealogy of a familiar state practice—the naturalization ceremony—through an unexpected site: the Indian reservation. I explore a ritual that is not typically considered part of naturalization

history, but that was carried out by federal officials in the 1910s to confer citizenship on American Indians under the Dawes Act. Drawing on materials from the National Archives and the US Citizenship and Immigration Service (including federal policy, administrative manuals, letters, and photographs), as well as published memoirs and newspaper accounts, this chapter contextualizes these ceremonies within the longer history of US policies and practices for producing new citizens. By drawing attention to this ritual, this chapter unsettles the familiar story of naturalization as the culmination of immigrant desire for attachment to the state. Instead, in stark and startling terms, these materials demonstrate the federal state's belief that naturalization could dramatize and install settler norms of race, sexuality, and gender among American Indians. But it also shows that, in practice, other things could happen—and often did. Piecing together newspaper accounts and federal records, I recount the experiences of a Salish man who participated in the citizenship ceremony in 1916, showing how the naturalization procedure could be negotiated, in some cases unpredictably (and even parodically), by those who were subjected to it.

Chapter 3 demonstrates how questions about naturalization shaped debates about Black citizenship and colonial expansion immediately before and after the Civil War. I focus here on the Civil Rights Act of 1866, which not only codified the principle of *jus soli*, i.e., birthright citizenship, for the first time in federal law, but also effected the collective naturalization of African Americans on a massive scale. This law retroactively granted birthright citizenship to those who had been rendered stateless by the US Supreme Court's *Dred Scott* ruling in 1857, which held that African Americans were under no circumstances eligible for US citizenship (by birth or by naturalization). In both *Dred Scott* and the Civil Rights Act of 1866 the question of naturalization was an explicit aspect of the deliberations of judges and legislators. I look behind the legal pronouncements of the *Dred Scott* case to consider the material circumstances of colonialism in Fort Snelling (in present-day Minnesota) that conditioned the possibility of *Dred Scott*'s—and his wife, Harriet Robinson Scott's—claims to freedom and citizenship in the first place. While the case has been understood primarily through histories of race and citizenship, I show that it was also shaped in crucial ways by the regulation of sexuality and marriage in the territories. In the closing section of the chapter, I reflect on why and how the Civil Rights Act of 1866—particularly as a mechanism of collective naturalization—has been relatively forgotten in historical memory by tracing how the law was

represented at the time of its passage in various national publications, including a widely circulated Black newspaper.

Chapter 4 considers the history of collective naturalization in US territories, a topic that is conspicuously undertheorized in existing scholarship on US citizenship. While particular instances of collective naturalization have received extensive attention, there exists no comprehensive study of collective naturalization in US territories. Tracing this history, I show that the history of collective naturalization in US territories is marked by malleability, inconsistency, and pragmatic improvisation, rather than any clear constitutional principle. Even though collective naturalization was deployed repeatedly in the US project of expanding territory and increasing population, I show how it was continually reinvented, making it difficult not only to generalize about this state practice, but more fundamentally, to even see that it took place. Often appearing to be “inclusive” (yet being non-consensual), policies on collective naturalization in US territories have historically been in tension with the racial exclusiveness of laws on immigrant naturalization (until the mid-twentieth century). Assembling archival examples of individuals who were subject to collective naturalization, I argue that the history of collective naturalization demands attention to the settler state’s acquisitive desire for attachment (and frequent ambivalence) to racialized populations and territories.

Chapter 5 examines how naturalization policy was recalibrated in the mid-twentieth century, when Congress removed the explicit language of “free white persons” from naturalization requirements. As this chapter details, this seemingly progressive change coincided with the introduction of new terms of exclusion, particularly provisions prohibiting those who had records of adultery or homosexuality. Although these new provisions—one effacing race, the other foregrounding sexual acts and identities—were not explicitly linked at the time, they were bound together in a settler project in ways that I explore in this chapter. To understand this shift, I focus on three key legal texts: the Immigration and Nationality Act of 1952 (also known as the McCarran-Walter Act), which comprehensively restructured immigration and naturalization law; *Boutilier v. INS* (1967), a U.S. Supreme Court case that attempted to challenge the exclusion of homosexuals from eligibility for immigration and naturalized citizenship; and the Immigration and Nationality Act of 1965, which consolidated a system of family reunification that had a much longer history in naturalization law. I propose the notion of “heterosettler colonialism” as a way to describe the underlying design of mid-twentieth-century naturalization policies, which explicitly

privileged heterosexual reproduction and reinforced, rather than replaced, the racist logic that had anchored US immigration and naturalization policy from its beginnings.

As a way to consider the stakes of the genealogy that I have traced in this book, I conclude by turning to our present historical moment. After briefly tracing my own history of naturalization, I turn to an example that shows how collective naturalization remains an unresolved (if generally overlooked) legal question, one that exposes the ongoing tensions among liberal models of inclusion, civil rights discourses, and Indigenous claims to sovereignty. I focus on two recent cases, *Tuaua v. the United States* and *Fitisemanu v. the United States*, which centered on birthright citizenship and collective naturalization in American Sāmoa. Using a queer studies approach that is attentive to questions of sexuality, gender, race, and indigeneity within material histories of settler colonialism, I show how these cases point to the limits of contemporary civil rights claims, particularly as they have been harnessed to issues like same-sex marriage. By attending to a range of commentary on these cases—by legal scholars, politicians, and queer American Sāmoans—I also show how the presumed desirability of US citizenship often continues to be taken for granted, and indeed, naturalized, in legal and scholarly contexts, leaving a settler colonial project unquestioned.

Taken together, these chapters denaturalize—or queer—the history of naturalization in the United States by foregrounding questions of race, sexuality, indigeneity, and gender in the settler state's production of citizens and noncitizens. My goal is to describe the contradictions that have attended that process, rather than to prescribe ways to resolve those contradictions. I foreground the unstable relationship between naturalization law as a fantasy of the (white) settler nation and the actual practices of the federal state for producing citizens. As both an interdisciplinary scholar and as a (white, queer) immigrant who was naturalized as a young adult, I write from deep awareness that naturalization can be, paradoxically, an uneasy—even alienating—experience. Working against the tendency toward sentimentalization that has characterized accounts of naturalization in US national imaginaries, I show that naturalization is a crucial, if contradictory, state practice within the ongoing project of US settler colonialism.

NOTES

INTRODUCTION

- 1 See Kauanui, "Indigenous," 134; and Wolfe, "Settler Colonialism."
- 2 Foucault, "Rituals of Exclusion," in *Foucault Live*, 64.
- 3 Lowe, *The Intimacies of Four Continents*, 3.
- 4 Foucault, "Nietzsche, Genealogy, History," 139.
- 5 Foucault, *Politics, Philosophy, Culture*, 83.
- 6 O'Hare, "Genealogy and History."
- 7 See Jerome de Groot's call for more serious attention to genealogy and family history. De Groot, "On Genealogy," 102–27.
- 8 Scholarship on transracial adoption has been especially helpful in using queer theory to rethink genealogy. See, for example, Pierce, "Adopted"; Cassinelli, "We Are Here Because You Were There"; and Eng, *The Feeling of Kinship*.
- 9 I borrow the language of the "genealogical grid" from Elizabeth A. Povinelli's work in *The Empire of Love*.
- 10 Buff, "Reading the Crisis."
- 11 See the entry for *naturalize* in the *Oxford English Dictionary*, accessed July 6, 2005, <http://dictionary.oed.com>.
- 12 From 1737 until the early nineteenth century, the most widely used method of plant classification was that developed by Carl Linnaeus, who centered his system on the perceived sexual difference in plants (which he understood to be either male or female). However, as Londa Schiebinger points out, "though eighteenth-century botanists were correct to recognize that many plants do reproduce sexually, they gave undue primacy to sexual reproduction and heterosexuality," because most plants are "hermaphroditic," with both male and female parts in the same organism. See Schiebinger, *Nature's Body*, 21–22.
- 13 The term *naturalizing* apparently was first used in an act of Elizabeth I (1581), according to Kettner, *The Development of American Citizenship*, 30 n. 2.

- 14 Crèvecoeur, *Letters from an American Farmer*, n.p.
- 15 Crèvecoeur, *Letters from an American Farmer*, 40.
- 16 Wolfe, "Settler Colonialism," 388.
- 17 Wolfe, "Settler Colonialism," 388.
- 18 Wolfe, "Settler Colonialism," 390.
- 19 Kauanui, "A Structure, Not an Event."
- 20 Wolfe, "Settler Colonialism," 388.
- 21 Shachar and Hirschl, "Citizenship as Inherited Property," 254.
- 22 "Naturalization Statistics," US Citizenship and Immigration Services, accessed June 12, 2024, <https://www.uscis.gov/citizenship-resource-center/naturalization-statistics>. Birthright citizenship figures are based on Osterman et al., "Births," 1.
- 23 On the history of denaturalization in the United States, see Weil, *The Sovereign Citizen*. See also Frost, "Alienating Citizens"; and Qureshi, "The Denaturalization Consequences of Guilty Pleas."
- 24 As Judith Butler explains, "Within speech act theory, a performative is that discursive practice that enacts or produces that which it names." Although it may appear that the subject speaking holds the power to enact whatever they will, Butler insists that instead this power is actually derived from the conventions of authority that the speaker cites. See Butler, *Bodies That Matter*, 12–16. Likewise, Jacques Derrida discusses the US Declaration of Independence as a performative text, in which "the signature invents the signer." Derrida, "Declarations of Independence," 49. For a related discussion that has influenced my own thinking, see Loughran, "Founding Documents."
- 25 The idea of ascriptive citizenship has been invoked for varying ideological purposes. Compare, for instance, Schuck and Smith, *Citizenship Without Consent*; and Shachar, *The Birthright Lottery*. See also Bloemraad, "'Ascriptive' Citizenship and Being American."
- 26 For a helpful discussion of four different perspectives on models of US citizenship—"rights, consent, contract, and community"—see Aleinikoff, "Theories of Loss of Citizenship."
- 27 US Citizenship and Immigration Services, "Naturalization Oath of Allegiance to the United States of America," last updated July 5, 2020, <https://www.uscis.gov/citizenship/learn-about-citizenship/the-naturalization-interview-and-test/naturalization-oath-of-allegiance-to-the-united-states-of-america>. The oath of allegiance was not standardized in the United States until 1929, at which time a signed oath also became a standard part of naturalization procedures. See US Citizenship and Immigration Services, "History of the Oath of Allegiance," last updated April 23, 2020, <https://www.uscis.gov/citizenship/learn-about-citizenship/the-naturalization-interview-and-test/history-of-the-oath-of-allegiance>.

- 28 Honig, *Democracy and the Foreigner*, 93.
- 29 Honig, *Democracy and the Foreigner*, 95.
- 30 Griswold del Castillo, *The Treaty of Guadalupe Hidalgo*, 62.
- 31 Act of June 2, 1924, 43 Stat. 253.
- 32 That people of color were granted formal citizenship did not necessarily mean that they exercised full political rights, of course.
- 33 Bruyneel, *The Third Space of Sovereignty*, 97.
- 34 However, rules of birthright citizenship have historically been contested in ways that demonstrate the ongoing centrality of marriage and gender to US laws on nationality. Until 2017, the rules regarding the case of children born abroad and “out of wedlock” were different depending on whether the citizen parent was the mother or father. See Kristin A. Collins, “Case Comment: Equality, Sovereignty, and the Family in *Morales-Santana*.” See also Kerber, “Toward a History of Statelessness in America,” 146–49.
- 35 Edelman, *No Future*, 3.
- 36 For a related discussion, see Zaborskis, “Sexual Orphanings.”
- 37 See, for example, discussions of cultural citizenship, global citizenship, and economic citizenship, respectively, in Rosaldo and Flores, “Identity, Conflict, and Evolving Latino Communities”; Ong, “Cultural Citizenship as Subject Making”; Falk, “The Making of Global Citizenship”; Elizabeth Cohen, *A Consumers’ Republic*; Cronin, *Advertising and Consumer Citizenship*; and Meg Jacobs, *Pocketbook Politics*.
- 38 Walker Connor, for instance, has described the nation as “a psychological bond that joins a people and differentiates it, in the subconscious conviction of its members, from all other people in a most vital way.” Connor, “A Nation Is a Nation,” 379.
- 39 Stevens, *Reproducing the State*, 108.
- 40 Stevens, *Reproducing the State*, xv.
- 41 Bredbenner, *A Nationality of Her Own*; and Cott, *Public Vows*.
- 42 Volpp, “Divesting Citizenship.”
- 43 See Koshy, *Sexual Naturalization*; and Cho, *Uncoupling American Empire*.
- 44 Mills, “Liberalism and the Racial State.”
- 45 Mills, “Liberalism and the Racial State,” 31.
- 46 Mills, “Liberalism and the Racial State,” 31–32.
- 47 For a now classic study of whiteness in naturalization law, see Haney López, *White by Law*.
- 48 Mamdani, “Settler Colonialism,” 608.
- 49 Byrd, *The Transit of Empire*, xix.
- 50 Byrd, *The Transit of Empire*, xxxiv.
- 51 Lowe, *The Intimacies of Four Continents*, 16.
- 52 Duggan, “Queering the State,” 1.

- 53 Warner, *The Trouble with Normal*; Warner, "Something Queer about the Nation-State"; Halley, *Don't*; and Luibhéid, *Entry Denied*. See also Luibhéid, "Introduction," in Luibhéid and Cantú, *Queer Migrations*, ix–xlv.
- 54 Luibhéid, *Entry Denied*, x.
- 55 A comprehensive list of this scholarship is impossible to contain in a footnote, but key starting points include: Cohen, "Punks, Bulldaggers, and Welfare Queens"; Eng, *Racial Castration*; Johnson and Henderson, *Black Queer Studies*; Ferguson, *Aberrations in Black*; Gopinath, *Impossible Desires*; Manalansan, *Global Divas*; Muñoz, *Disidentifications*; and Somerville, *Queering the Color Line*.
- 56 Cohen, "Punks, Bulldaggers, and Welfare Queens," 453. For insightful critiques of the state via a queer of color critique, see Ferguson, *Aberrations in Black*; and Reddy, *Freedom with Violence*.
- 57 Franke, "Becoming a Citizen."
- 58 Of course, birthright citizenship has not guaranteed equal rights and entitlements. As Mae Ngai has noted, "racial formations [in the United States] produced 'alien citizens'—Asian Americans and Mexicans born in the United States with formal US citizenship but who remained alien in the eyes of the nation." Ngai, *Impossible Subjects*, 8. See also Parker, *Making Foreigners*.
- In a related analysis of the disjunctures between formal citizenship and racializing discourses, Devon Carbado has explored what he terms de facto "racial naturalization," whereby "race is implicitly being used to establish, solidify, or sediment race-based American identities." He foregrounds the example of a person who is stopped by police and is assumed to be a Black American regardless of his actual nationality or formal citizenship status. This kind of encounter with the state functions, for Carbado, as a moment of de facto naturalization, even though it is not self-consciously marked that way, and "produces inclusionary forms of exclusion." Carbado, "Racial Naturalization," 46.
- 59 See, for instance, Kauanui, *Paradoxes of Hawaiian Sovereignty*; Barker, *Critically Sovereign*; Barker, *Native Acts*; Justice et al., "Sexuality, Nationality, Indigeneity"; TallBear, "Making Love and Relations"; Byrd, "Loving Unbecoming"; Morgensen, *Spaces Between Us*; and Rifkin, *When Did Indians Become Straight?*
- 60 Kauanui, "Indigenous Hawaiian Sexuality and the Politics of Nationalist Decolonization," 49.
- 61 Morgensen, *Spaces Between Us*, 23.
- 62 Omi and Winant, *Racial Formation in the United States*, 83; emphasis in original.
- 63 Loughran, *The Republic in Print*.
- 64 Foucault, *Security, Territory, Population*, 277. See also Canaday, *The Straight State*, 5.