

# Introduction

## **CONSTITUTING THE U.S. EMPIRE-STATE AND WHITE SUPREMACY**

The Early Years

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The U.S. wars in Iraq and Afghanistan have stirred, once again, much talk of an “American empire.” Despite sharp disagreements, the general consensus has been that the United States is a relatively new and decidedly informal, or noncolonial, empire, particularly compared to the European powers of the past. Even for many of the dissenters the only true foray into formal empire-building by the United States was at the turn of the last century, consequent to the Spanish-American War. Otherwise, the United States has been distinctly a nation-state, even if an informally imperialist one. Against this prevalent assumption I make three arguments: the United States has never been a nation-state; the United States has always been an empire-state; the United States has always been a racial state, a state of white supremacy.

My strategy in this chapter is simple and straightforward: I discuss several concepts and apply them in, by turns, broad and fine strokes to the case of the United States. I examine the origins and early development of the U.S. empire-state during the long nineteenth century, drawing on evidence from constitutional law.<sup>1</sup> None of the concepts or applications are, or should be, controversial in and of themselves. Taken together, they may cohere into something more original and useful, particularly in my own discipline of sociology.<sup>2</sup>

My intention is not to specify a new theory but to outline the basic elements of a framework upon which theorizing can take place. The emergent empire-state approach aims to bring together studies of race, the state, and empire. It also allows us to make unified sense of, and see connections between, the diverse histories of peoples who have been racially subjected to

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and have struggled against the U.S. empire-state, without overlooking significant differences and particularities. I begin with a few words on a few concepts and introduce the argument that the United States has always been an empire-state, not a nation-state. I flesh out this idea in the subsequent sections, analytically separating the two defining dimensions of colonialism: the hierarchical differentiation of spaces and of peoples. Focusing on the acquisition and disposal of “territories” and on American Indian sovereignty, I show how U.S. state formation has always entailed the racial construction of colonial spaces. Given the racial subjection of various peoples of the U.S. empire-state, which has been overwhelmingly, but mostly group-specifically, documented, I ask whether and on what basis we should study the imperial subjection of colonized and noncolonized peoples within the same framework, which I answer through an analysis of a counterintuitive Supreme Court case, *Dred Scott v. Sandford*. I conclude with some thoughts on the chapters that follow.

### RECONCEPTUALIZING THE U.S. STATE

More than two decades after its first publication, Michael Omi and Howard Winant’s (1986) widely and justly celebrated *Racial Formation in the United States* is still one of the rare exceptions to the ongoing mutual nonrecognition and disengagement between theories of racial formation and of state formation (Goldberg 2002: 3–4). They argue that the U.S. state is “inherently racial” and “from its very inception has been concerned with the politics of race.” Further, they predict that “race will always be at the center of the American experience” (Omi and Winant 1994: 5, 81–82).

I agree that the U.S. state is inherently racial and, in all likelihood, will always be racial. As “inherently” and “always” signal, Omi and Winant are not proffering purely empirical statements about the U.S. state but theoretical claims about its intrinsic character. But on what basis can we make such assertions, and how has the U.S. state been racial? I suggest that the questions remain considerably unanswered, and unanswerable, because the U.S. state is almost universally assumed to be, and to have been, a nation-state.

A *nation* is, as Benedict Anderson memorably put it, “an imagined political community—and imagined as both inherently limited and sovereign.” A categorical identity, it entails direct membership and is “always conceived as a deep, *horizontal* comradeship” (1991: 6, 7; emphasis added). *States* are “coercion-wielding organizations that are distinct from households and kin-

ship groups and exercise clear priority in some respects over all other organizations within substantial territories” (Tilly 1992: 1). Both of these definitions are as accepted and acceptable as any and could be substituted with others without much consequence.

My contention is that for the United States, the political community to which the state has been coupled has never been the nation. I do not mean in the trivial sense that the *nation-state* is an ideal type that no actual nation-state fits precisely but that the United States has not been a nation-state in a fundamental, square-peg-in-a-round-hole sense. By virtue of the assumed internal horizontality of nations, nation-states imply politically uniform populations of *citizens*, or state members. As a corollary, territories over which nation-states claim sovereignty are politically uniform spaces, symbolized in atlases by evenly colored, neatly bounded blocks. The United States has never come close to achieving these political “ideals” and, in all probability, is constitutionally, both literally and figuratively, incapable of doing so.

The polity to which the U.S. state has always laid claim in fact, if not in rhetoric, is an empire. Unlike nation-states, *empire-states* (Cooper 2005) are not horizontally uniform but hierarchically differentiated. Empire-states entail the usurpation of political sovereignty of foreign territories and their corresponding populations. In terms of geography, an empire-state encompasses spaces of “different degrees of sovereignty” (Stoler 2006: 128), territories of unequal political status. In terms of belonging or membership, the peoples of an empire-state effectively, through *de jure* and *de facto* practices, have differential access to rights and privileges. These conditions are what George Steinmetz (2008: 591) refers to as the “sovereignty” and, following Partha Chatterjee (1993), “rule of difference” criteria of *colonialism*, the formal supplantation and exercise of sovereignty over territories and peoples. Here, I would add a caveat to the rule-of-difference criterion. Steinmetz writes, “Where conquered subject populations are offered the same citizenship rights as conquerors in exchange for their assimilation into the ruling culture, we are better off speaking of modern state making rather than colonialism” (2005: 348; see also Cooper 2005: 27). But if we were to view the rule of difference from the vantage point of subject populations, like the indigenous peoples of North America and Hawai‘i, we would find that the *imposition* of “equal” citizenship can be, and by many is, seen as a practice of colonial rule (Bruyneel 2004). In other words, without the consent of the colonized, unilaterally ridding the rule of difference through assimilation, rather than decolonization, may not

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eliminate but instead reproduce and even deepen colonial domination. After all, extermination and assimilation were both constitutive of the U.S. state's genocidal colonial policies toward American Indians in the nineteenth century and beyond, summed up respectively by the infamous quotes "The only good Indian is a dead Indian" and "Kill the Indian in him and save the man" (Wolfe 2006: 397).<sup>3</sup>

#### **RACIALIZED SPACES OF THE U.S. EMPIRE-STATE**

The continual misrecognition of the United States as a nation-state, not least by the state itself, has been integral to U.S. nationalism, and its attendant sense of exceptionalism, and thereby to the formation, fortification, and imperception of the United States as an empire-state. "Generat[ing] the mirage of its own disappearance [through] its informal, universalistic, and euphemistic form," Steinmetz (2006: 137) notes, "American power . . . does not typically annex and permanently occupy foreign lands—with the important exceptions of the westward expansion of the continental state, Hawai'i, and the colonies created from the spoils of the Spanish-American War."<sup>4</sup> Although the informal facet of the U.S. empire has been immense, the "important exceptions" have been important but hardly exceptional, which is readily apparent when we take in their spatial expanse: the overland and overseas annexations of the long nineteenth century stretched from the original thirteen states westward to the Eastern Hemisphere, northward to above the Arctic Circle, and southward to below the equator and, with certain exceptions like the Philippines, are still under the formal jurisdiction of the United States.

Many may object that the great majority of the lands under U.S. sovereignty, past and present, have been states and incorporated territories. In the early twentieth century, in a series of what are referred to as the *Insular Cases*, the Supreme Court invented a legal distinction between *incorporated* and *unincorporated* territories, distinguishing those slated to become states from those that could be kept and governed indefinitely as territories (Burnett and Marshall 2001b). Uncritically adopting this official distinction, which was crafted to deal with the newly acquired territories in the Caribbean and the Pacific, most analysts have considered unincorporated territories (such as Guam and Puerto Rico) as the only bona fide U.S. colonies. As a consequence, the temporal depth and spatial breadth of the U.S. empire-state have been routinely and often grossly underestimated, and its history oversimplified.

As a countermeasure, I propose that we shift the analytical angle from the state to the ruled. From the vantage point of the Native peoples of North America, the birth of the United States as a state was at once the birth of the United States as an empire-state. If we accept that England had established colonies in North America, usurping the political sovereignty of Native American peoples and territories, what changed after the colonies broke away and founded a state, or a federation of states, of their own? For the indigenous, the United States immediately became one more empire-state with which they had to contend. After all, as Christopher Tomlins (2001: 365) reminds us, the colonists declared independence, “in large part, in order to free themselves from imperial constraints that restrained their own colonizing (or to use the preferred anodyne phrase, their own ‘westward movement’).”

Taken as a whole, the abiding colonial logic was to wrest land away from indigenous sovereignty and control. The vulgar and deadly immodesty of the U.S. state’s and its white citizens’ colonial ambition has rendered metropole and colony largely overlapping and, at times like the present, nearly coterminous, a condition of possibility for assertions that the United States has been a nation-state, not an empire-state. Native survival and resistance, above all, have been what put the lie to such claims. Indigenous territories under colonial rule today consist minimally of the Indian reservation lands, maximally of the entire United States, and quite reasonably of all the lands that were never ceded.

Colonial rule over Indian-held lands was one of the fundamental issues for the United States from the beginning. Under the British, a royal proclamation in 1763 had drawn a line along the Appalachian Mountains to keep Indians and white settlers apart, prohibiting, if futilely, the latter from the western portion, which extended to the Mississippi River and was designated Indian territory. The postindependence status of the territory was a crucial issue since some former colonies, as a carryover from the British era, had claims to it, while others did not. To resolve the matter, all of them ceded their claims to the federal government, creating the first U.S. “territories.” In this way, the very formation of the U.S. state hinged on lands occupied by Indians but over which it asserted ultimate sovereignty. The issues originally raised by the trans-Appalachian territories would continue to shape, bedevil, and haunt the geography of U.S. empire-state formation, namely the acquisition and disposal of territories, and American Indian sovereignty.

The blueprint for the nascent state, the U.S. Constitution expressly acknowledged the reality of spaces under U.S. sovereignty that did not enjoy

equal standing with the “several states”—in short, colonial spaces. In Article IV, section 3, it vested Congress with the “Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.” The “United States” was therefore not literal: it comprised not only the states but also other political spaces, which were to be ruled ultimately as Congress saw fit and would not have voting representation in the federal government. The constitutionality of further acquisition of territories was initially and periodically uncertain. Nonetheless, by 1853, with the Gadsden Purchase from Mexico, the United States had assumed sovereignty over the entire area of today’s forty-eight contiguous states, with that of sixteen future states still composed of territories.

The Constitution did not address how territories could be transformed into states, merely stating, “New States may be admitted by the Congress into this Union” (Article IV, section 3). The widely held assumption during the nineteenth century was that the process followed the principle set out in the Northwest Ordinance of 1787 for the disposal of the northwestern portion of the trans-Appalachian territories (Sparrow 2006): temporary governments organized by Congress, followed by “establishment of States, and permanent government therein . . . on an equal footing with the original States, at as early periods as may be consistent with the general interest” (section 13).

The acquisition of overseas territories in the late 1890s, particularly the former Spanish colonies of Guam, the Philippines, and Puerto Rico, profoundly upset the tacit assumption. Above all, racism toward their nonwhite, non-Anglo-Saxon inhabitants incited the uproar and debate, both among imperialists and anti-imperialists, and centrally informed the construction of “unincorporated”—and, simultaneously, “incorporated”—territories. But this categorical bifurcation of territories did not suddenly inject racism into a hitherto nonracial practice of empire-state formation. Rather it laid bare the white supremacist underpinnings.

Acquiring territories, even under the assumption that they would be turned into states, has always been a racist process. The politics around conquering and taking possession of Texas and what would become the U.S. Southwest from Mexico, for example, had been patently structured by anti-Mexican racism, as numerous studies have shown.<sup>5</sup> The new overseas territories of 1898, however, provoked a more radical doubt of whether white supremacy could be maintained through the usual colonial practices of the U.S. state, a doubt resolved through the *Insular Cases*’ doctrine of territorial incorporation.