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LIBERALISM’S SCRIM: A GENEALOGY OF “AMERICAN” VIOLENCE

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The story of political violence is one that marks the inception of the United States, and permeated its legacy as a liberal society, by creating long-lasting fissures between populations. The political structure of violence tells a markedly different story than the more popular media narratives following the Parkland High School and other school shootings. Political violence includes more than homicide by firearms; it includes both the explicit and implicit sanctioning of the deaths, injuries, and harm of certain populations. Those populations can include American citizens. Political violence also counts among its targets legal residents and undocumented immigrants alike, whether refugees, attempted border crossers, foreign civilians, or populations who are incarcerated (adults and children alike) for nonviolent crimes. Political violence is a kind of “imposed” vulnerability and exposure to harm within a societal framework in which the state either sanctions or does not take active steps to prevent such exposure.¹

In what follows, I argue that liberal discourses of neutrality and justice are systematically linked to selective violence against certain marginal populations by dominant populations. I refer

¹ I understand vulnerability as the counterpart to state-sponsored or sanctioned violence.

to this violence as *authorized violence*. Authorized violence is not always articulated expressly; it can include instances of indifference or implicit sanctioning of violence against certain groups by the state. In this category, I include state-sponsored violence against civilians—by the US military, prison guards, police officers, customs and border patrol agents, ICE officials—as well as state-sanctioned violence.² Political violence includes policies designed to injure or harm certain populations; these can be designed through clever language that denies persecution or racism or xenophobia, but are presented as needed in the interests of “security.” Likewise, political violence is committed when perpetrators of crimes against “more valued” citizens are hunted and prosecuted with manifestly higher priority. Whiter, wealthier victims, most often males but also white women and children, are accepted *as* victims requiring justice more readily than women of color in this expression of political violence.³

Events such as police brutality against Blacks, and the incarceration of Black men and women at proportionally higher rates than of whites have been meaningfully interpreted as instances of white supremacy.⁴ In the following, I augment this narrative by illustrating it as one moment reflecting a long-standing political ontology of violence, vulnerability, and membership. Whereas for many philosophers, good method is about making distinctions between connected concepts in order to offer analytical, depoliticized interpretation, I implement what might be called an anti-philosophical method, namely the breakdown of distinctions between certain related concepts in order to substantiate and enrich their meanings, and to show how seemingly loosely or unconnected concepts may converge, or be intimately and deeply connected.

It is difficult to map these categories of violence neatly onto the discourse of liberalism. On one hand, the liberal theory is envisioned as a theory of redistribution, a leveling out, of political power. Doing so through the language of due process, of rights, is an attempt to challenge unmitigated self-interest and crude ideals—to ensure that power does not rest in one

² Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014), chap. 5.

³ For another example of more recent political violence, see Seth Wessler, “Applied Research Center - Shattered Families,” Social Justice Website, Applied Research Center, November 2011, <http://arc.org/shatteredfamilies>; Seth F. Wessler, “U.S. Deports 46K Parents with Citizen Kids in Just Six Months,” *ColorLines: News for Action*, November 3, 2011.

⁴ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010); Angela Y. Davis, “Racialized Punishment and Prison Abolition,” in *A Companion to African-American Philosophy*, eds. Tommy L. Lott and John P. Pittman (Malden, MA: Blackwell, 2003), 360–368; Brady Heiner, “The Procedural Entrapment of Mass Incarceration: Prosecution, Race, and the Unfinished Project of American Abolition,” *Philosophy & Social Criticism* 42, no. 6 (July 2016): 594–631.

person or group’s auspices. However, liberalism, and its contemporary defenders, struggle internally with its hypocrisies: the US Constitution does not recognize Black men and women as persons. Further, it did not extend them, or white women, political power at its inception. These myopias are narrated by the defenders of liberalism through the lens of ideal theory:

“Liberalism’s flaws are in the applications, not the theory itself.” “Not yet, but one day, all people will be treated fairly.”

Such neat bifurcations preclude us from seeing liberalism as a technological apparatus as well as a framework of justice. The proceduralism of liberalism does not prevent its selective application; in fact, even procedure involves discretionary judgment, as I will show below. However, the dialectic of liberalism—the attempt to level out power while keeping it out of the reach of certain populations—can only be seen through the aid of a scrim. The exercise of political violence is not necessarily explosive. Rather, it resides in the interstices and porousness of the fabric of liberalism, and is often “self-deceptively” engaged in the name of justice. Like a theater backdrop, the quiet banality of violence can often only be seen when light is shone behind the curtain.

I. Gun Violence as an “American” Problem

Spurred by the shooting of well-off suburban students at a Florida high school on Valentine’s Day 2018, there seems to be a renewed urgency among certain groups to address the association of “Second Amendment rights” and gun violence in order to reduce *unwarranted* deaths and injuries in the United States. Anti-gun violence advocates have appealed to Americans to unite against the National Rifle Association (NRA) and politicians across-the-board who refuse to push for gun reform. One anti-gun organization called “Moms Demand Action for Gun Sense in America,” points to devastating incidents of harm caused to Americans by guns, such as some of the following details:

- Every day, ninety-six Americans are killed by guns.
- On average, there are thirteen thousand gun homicides a year in the United States.⁵

⁵ Over fourteen thousand Americans died in 2016, compared to forty-two gun homicides for Australia, and twenty-three gun homicides for the UK.

http://www.gunpolicy.org/firearms/compare/194/number_of_gun_homicides/192,10.

- Seven children and teens are killed with guns in the United States on an average day.

The Parkland student leaders of the movement, echoing this platform, promise not to stop until “every American can live without fear of gun violence.”⁶ Gun violence, in this discourse, is seen simultaneously as a uniquely American issue and a root cause of gratuitous deaths. The vocabulary of gun violence as an “American” issue deceptively implies an inclusive framework of “all Americans.” David Hogg, one of the student leaders of the movement against gun violence, acknowledges that the victims of gun violence come from multiple strata of society:

*Now, they will try to separate us in demographics. They will try to separate us by religion, race, congressional district and class. They will fail. We will come together. We will get rid of these public servants that only serve the gun lobby, and we will save lives. You are those heroes.*⁷

The Parkland students’ statements invoke a socially inclusive model of gun violence as an “American” issue. During an anti-gun rally in Washington, DC, in March 2018, this inclusive model was symbolized through speakers such as Naomi Wadler, a ten-year-old African American student who captured the destructive salience of gun violence for Black women and children in a moving short speech. Despite these attempts at inclusive gestures, in the contemporary political discourse, the descriptor “American” remains a synecdoche for a select, politically powerful group: wealthy, mostly white, Americans who blame darker populations for gun violence, and respond by insisting that they must retain firearms for self-defense. The National Rifle Association has taken up this message actively.⁸

However, African American men are starkly more affected by firearm violence in the United States than are whites: between 1993 and 2010, Black men and “persons ages 18–24”

⁶ James Loke Hale, “Read What David Hogg Said in His Moving March for Our Lives Speech,” *Bustle*, March 24, 2018, <https://www.bustle.com/p/the-transcript-of-david-hoggs-march-for-our-lives-speech-will-bring-tears-to-your-eyes-8596305>.

⁷ Hale, “Read What David Hogg Said.”

⁸ Timothy Johnson, “Host of NRA’s New Pro-Trump Show: ‘Blame Minorities’ For Gun Violence,” *Media Matters for America*, October 28, 2016, <https://www.mediamatters.org/blog/2016/10/28/host-nras-new-pro-trump-show-blame-minorities-gun-violence/214182>.

were disproportionately more likely to be victims of gun violence than any other group.⁹ Simultaneously, the description of violence as an “American” issue excludes those who are not simply identified as American, but who are nevertheless subject to this uniquely American issue. For example, American Indians are left out of the discourse even as they figure significantly in the overall gravity of the numbers. CNN reports that

for every 1 million Native Americans, an average of 2.9 of them died annually from 1999 to 2015 as a result of a “legal intervention,” according to a CNN review of CDC data broken down by race. The vast majority of these deaths were police shootings. But a few were attributed to other causes, including manhandling. *That mortality rate is 12% higher than for African-Americans and three times the rate of whites.*¹⁰ (My emphasis)

It is likely that some portion of these casualties occur on tribal lands, whose sovereignty varies depending upon the issue at stake. Although American Indian nations have a provisional sovereign authority over their land, “70 percent of them are under legal authority of nearby police departments because the tribal courts do not have the power to prosecute major felonies or anyone who isn’t a tribal member.”¹¹ Categorially, they do not fit into the framing, as their citizenship and membership has been in question since the founding of the polity.

In addition, the issue of gun violence as an “American issue” rarely includes the permanent residents, green card holders, or foreign nationals on H-1B visas who have been killed by guns in the United States.¹² Because police departments have refused to collect data, and because violence against immigrants in past decades has not risen to a level of interest sufficient to warrant crimes-related data collection, the relative rise in hate crimes against noncitizens can be hard to track. Furthermore, the most legally vulnerable residents of a society, such as undocumented migrants, are not likely to report such incidents out of fear for their self-

⁹ Michael Planty and Jennifer L Truman, *Firearm Violence, 1993–2011*, Special Report (Washington, DC: Bureau of Justice Statistics, May 2013), 1.

¹⁰ Hansen, Elise. “The Forgotten Minority in Police Shootings.” *CNN.Com*, November 13, 2017. <https://www.cnn.com/2017/11/10/us/native-lives-matter/index.html>.

¹¹ Maggie Koerth-Baker, “Police Violence Against Native Americans Goes Far Beyond Standing Rock,” *Fivethirtyeight*, December 2, 2016, <https://fivethirtyeight.com/features/police-violence-against-native-americans-goes-far-beyond-standing-rock/>.

¹² As in the case of Srinivas Kuchibhotla. Jonah Engel Bromwich, “Killing in Kansas Bar Put Victim’s Widow at Risk of Deportation,” *New York Times*, January 20, 2018, sec. U.S., <https://www.nytimes.com/2017/09/13/us/widow-deported-indian-kansas.html>.

preservation.¹³ However, we know that many immigrants have been intentionally maimed, hurt, or killed in the aftermath of 9/11. At least 300 such incidents were reported in the fifteen-year period between September 11, 2001, and 2016, according to CNN.¹⁴ In the months after the election of Donald Trump, the Southern Poverty Law Center found that almost 900 hate-crimes had occurred. Of these, nearly one-third, or 280 of them, were “motivated by anti-immigrant sentiment.”¹⁵

The systematic omission of records of violence against “foreigners” in the United States both emerges from and reinforces the restrictive framing of gun violence as a uniquely American concern. This frame, which only selectively acknowledges the harm done to African Americans, reflects one example of what Charles Mills refers to as “the epistemology of ignorance.” Mills introduces the epistemology of ignorance—namely that “whites will be in general unable to understand the world they themselves have made”—as a way to explain, among other things, the difference between the story of racial hierarchies and the favored narrative of liberalism as a telos toward equality and universal inclusion.¹⁶ The epistemology of ignorance might help us understand how gun violence is believed to be a “uniquely American” issue.

For those involved in gun reform, it is uniquely American in the sense that the rate of shootings by private citizens is much higher than in comparable European or Australian nations.¹⁷ This argument shows how the epistemology of ignorance operates: whereas the argument is factually true, it does not acknowledge the specific racial, gendered, and membership characteristics of “America/n.” Gun violence is uniquely American in that the targets of gun violence, like the disproportionate numbers of Blacks who are incarcerated, are seen through a lens that tacitly sanctions the colonialist “prehistory” of the United States, namely settlers and their descendants. I borrow the term *prehistory* from Jennifer Rae Greeson, who argues that John Locke’s theory of possessive individualism in *The Second Treatise* is deeply

¹³ Phineas Rueckert, “A Hate Crime Happened Every 17 Minutes in the Days After the Election,” *Global Citizen*, November 30, 2016, <https://www.globalcitizen.org/en/content/hate-crimes-in-america-splc-report/>.

¹⁴ Moni Basu, “15 Years after 9/11, Sikhs Still Victims of Anti-Muslim Hate Crimes,” CNN, September 15, 2016, <https://www.cnn.com/2016/09/15/us/sikh-hate-crime-victims/index.html>.

¹⁵ Cassie Miller and Alexandra Werner-Winslow, “Ten Days After: Harassment and Intimidation in the Aftermath of the Election,” Southern Poverty Law Center, November 29, 2016, <https://www.splcenter.org/20161129/ten-days-after-harassment-and-intimidation-aftermath-election>.

¹⁶ Charles Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997), 18.

¹⁷ Rick Noack, “Europeans Had School Shootings, Too. Then They Did Something about It,” *Washington Post*, May 18, 2018, <https://www.washingtonpost.com/news/worldviews/wp/2018/02/15/europe-had-school-shootings-too-then-they-did-something-about-it/>.

intertwined in the African slave economy, such that black personhood is possible through the acquisition of an already alienated self.¹⁸ This is not to say that this lineage is accurate or can be proven, but that it is an imaginary in which settlers and their representatives decided who was worthy of protection, distinguished from those who were exploited in the name of political freedom and equal protection (i.e., persons and subpersons). Charles Mills points to the important normative distinction between the two:

Subpersons are humanoid entities who, because of racial phenotype/genealogy/culture, are not fully human and therefore have a different and inferior schedule of rights and liberties applying to them. In other words, it is possible to get away with doing things to subpersons that one could not do to persons, because they do not have the same rights as persons.¹⁹

Mills's is a helpful working definition for our purposes here. The question of whom gun violence is targeting is closely linked to the issue of which inhabitants' existence is deemed noteworthy and/or worthy of protection. In what follows, I consider the circumstances by which a "different and inferior schedule of rights and liberties" were applied to subpersons prior to the founding of the United States, making certain kinds of political violence uniquely American issues. This context will illuminate the long-standing political structural pattern that distinguishes them from persons.

The current narrative of the social/racial contract still reflects a stark nationalist framework that prioritizes the value of citizens above noncitizens, and of "legal residents" above "illegal residents," and again of those who reside in the United States above those who are seeking entry into the United States. Therefore, the discourse of resistance to violence engages in the vocabulary of universality while disproportionately condemning only those who direct violence at wealthy whites. It also traffics in long-standing historical imaginaries of belonging that omit the colonial legacy of the United States while valorizing the immigration of western

¹⁸ Jennifer Rae Greeson, "The Prehistory of Possessive Individualism," *PMLA* 127, no. 4 (October 2012): 918–924, <https://doi.org/10.1632/pmla.2012.127.4.918>.

¹⁹ Mills, *The Racial Contract*, 56.

and northern Europeans.²⁰ In this particular moment, those imaginaries are supplemented and reinforced by government bureaucracies with names such as “Department of Homeland Security,” “Immigration and Customs Enforcement,” and the US-led “War on Terror.” These offices are reincarnations of long-standing institutions with similar impulses, such as the Immigration and Nationalization Service, which, in earlier epochs, has been housed alternately under the US Department of the Treasury, the Department of Labor, and the Department of Justice. Each of these federal offices indicates the significance and parameters of the relationship that the United States had with “foreigners” who were entering the nation, always marking them as outsiders in a subordinate, exploitative relationship to the nation-state.²¹ The epistemology of ignorance reinforces these nationalist borders by engaging in a politics of belonging that emerges and is reinforced through a selective amnesia, namely by forgetting—or neglecting—the prehistory of the United States.

II. American Violence: The Symbiosis of Authorized and Unauthorized Violence

Gun violence as an “epidemic” suggests a surge of illegitimate or *unauthorized violence*, namely violence that is not considered acceptable in the US polity. Unauthorized violence is typically invoked, prohibited, and circumscribed through laws. Nevertheless, the entitlement to be free from unauthorized violence has historically never been extended to everyone in the polity. Unauthorized violence pertains to the transgressions of the rights of *those who are legible as citizens, persons, members*: those who have a political and legal standing that renders violations of their persons and property as crimes—or at least as tragedies that need to be prevented or minimized. The dialectical opposite of unauthorized violence is authorized violence. By authorized violence, I mean violence that is considered legally acceptable or morally justified, or otherwise necessary to the survival of valued members of US society. Such violence is often explicitly or implicitly sanctioned by state institutions and their staffs. Authorized violence is also tacitly accepted by the dominant populations who are entitled to be free from unauthorized violence. Gun violence, understood as an *unauthorized* form of violence by the above definition,

²⁰ Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge, MA: Harvard University Press, 2007).

²¹ Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995); Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004).

transgresses the rights of *members* of the polity. It violates the standard of recognition that inheres for “persons,” that is, those who are understood to be free from unauthorized violence—in distinction to authorized violence, which applies to subpersons. Authorized violence can be invoked and even permitted by law explicitly, as in the case of capital punishment. It can also be permitted implicitly—in terms of what is allowed to continue without express permission or disapprobation, without explicit redress from sovereign authorities—as in the case of unpunished assaults on Blacks or other populations of color by white private citizens.

Both authorized and unauthorized violence function symbiotically, and together they form the *founding violence* that inaugurates the US liberal polity. Authorized and unauthorized violence, as existing dialectically in the concrete histories of slavery, colonialism, and imperialism, have continued to follow us all the way to the contemporary moment. Another way of putting this might be that both persons and subpersons have inherited the legacies, the symbiotic dynamics, of founding violence through the centuries. These legacies are reinforced through reiterations of the boundaries between crime and freedom, between criminal and citizen, which are other ways of distinguishing between the subperson and person.²²

III. The Dialectic of Political Violence and Vulnerability

Gun violence, framed as a uniquely American issue pertaining to uniquely American citizens, is integral in upholding the tacit assumptions of liberalism, which extends protections to certain individuals while punishing or exposing others to violence, all under the neutral discourse of justice. These parameters have historically permitted what might otherwise be seen as unauthorized violence under the auspices of self-defense. They also give us an example of the epistemology of ignorance, promulgating one story (of equality and justice, and inclusion) while promoting a structure of violence and imposed vulnerability. The counterpart of political violence, as a systemic apparatus, is political vulnerability. Inducing the political/existential vulnerability of certain populations is one of the key mechanisms by which a liberal polity continually reiterates a hierarchy between persons and subpersons. Political vulnerability, through the continual reiteration of authorized and unauthorized violence, is *produced* as a

²² For one argument about the distinction between law-abiding citizens and criminals,” see Andrew Dilts, “To Kill a Thief: Punishment, Proportionality, and Criminal Subjectivity in Locke’s *Second Treatise*,” *Political Theory* 40, no. 1 (February 2012): 58–83, <https://doi.org/10.1177/0090591711427000>.

condition that is intended to anticipate, domesticate, and absorb populations deemed inferior, irrational, dangerous, or otherwise threatening through the rubric of security or self-defense. In turn, those who are rendered vulnerable through the mechanisms of political violence are thought to be justifiably disposed.

The political, legal, and social status of individuals *who claim self-defense* allow us to understand whether the violence in question is authorized or unauthorized, such that political vulnerability is wiped out of the equation—it is rendered illegible, as in the above example. However, this move remains a core part of the political discourse among a dominant population, used to render a marginal population vulnerable/exposed to unrestrained, state-sanctioned violence. The same dynamic repeats continuously throughout the history of the United States to the present moment.

For example, as Ida B. Wells pointed out in 1893, the gravity of lynch law lay in its target and justification: directed at an emancipated Black population that was feared for an imagined attempt to “rule white people,” lynching was sanctioned by the state in the name of protecting the cult of white womanhood. A tactic of political violence, it was effective in maintaining fear and precarity among that Black population.²³ As Wells argued, “The men who make these charges encourage or lead the mobs which do the lynching.”²⁴ Lynch law was directed at a population that *de jure* had transitioned into membership in the American polity. However, because lynchings went unpunished and even tacitly approved, the language of liberalism—through the claims of self-defense of whites to protect themselves and white womanhood—concealed the political composition of membership.²⁵ Lynch law was an instance of authorized violence accommodating sources of violence that were not protested or resisted by an American populace.²⁶

Such claims—of self-defense, or at least of the “reasonable” perception of self-defense—still permeate the contemporary moment and find their way into the purview of armed agents of

²³ Ida B. Wells, “Lynch Law in America,” African American History, BlackPast.org, July 13, 2010, <http://www.blackpast.org/1900-ida-b-wells-lynch-law-america>.

²⁴ Ibid.

²⁵ Ida B. Wells-Barnett, *Southern Horrors: Lynch Law in All Its Phases* (New York: Age Print, 1892), Project Gutenberg, <http://www.gutenberg.org/files/14975/14975-h/14975-h.htm>.

²⁶ Daniel Kato, *Liberalizing Lynching: Building a New Racialized State* (New York: Oxford University Press, 2016), 32.

the state.²⁷ Authorized violence is claimed by the “reasonable” person who can credibly invoke self-defense to an interested, listening authority—in this case the majority of the Supreme Court. Self-defense, security, and reasonableness—these become the technical vocabulary of liberal justice.

IV. State-Sponsored Violence

In the American discursive framing of gun violence, we also find the implicit authorization of state-sponsored violence. One journalist pointed to Centers for Disease Control and Prevention (CDC) statistics²⁸ that predicted that more American casualties from guns between 1968 and 2003 than from all US wars between 1775 and 2017.²⁹ According to Chelsea Bailey’s research, by 2015, more than 1.5 million Americans will have died in gun-related incidents—homicides, suicides, accidents—which is more than the 1.2 million service members who have been killed in war since 1775 (from the Revolutionary War to the so-called current Global War on Terror).

Let us consider the framing of this comparison: the urgency of ending “unauthorized” gun violence is highlighted by showing that more American civilians than American servicemen are calculated to have died throughout the history of twelve (official) US-led wars. In other words, the point of reference is how many “Americans” died through non-state gun violence versus state-led violence. Presumably, the latter situation would involve cases of authorized violence—that is, violence approved and instigated by the US government. The injustice of these numbers lies in the conclusion that more Americans (persons) have died through unauthorized violence than soldiers who, in fact, were authorized to kill on behalf of the nation—presumably via guns among other weapons.

But how many of these 1.2 million servicemen died in the act of killing others *who are not* counted in the movement to end gun violence? Neta Crawford at Boston University estimates that 149,000 have been killed in Pakistan and Afghanistan between 2001 and 2014, and another 162,000 have been seriously injured. As she points out:

²⁷ The killing of Michael Brown by a police officer illuminates one recent example of this claim, as exemplified in *Kisela v. Hughes*, No. 17–467 (Ninth Circuit April 2, 2018).

²⁸ Based on 1991 data.

²⁹ Chelsea Bailey, “More Americans Killed by Guns Since 1968 than in all U.S. Wars—Combined,” NBC News, October 4, 2017, <https://www.nbcnews.com/storyline/las-vegas-shooting/more-americans-killed-guns-1968-all-u-s-wars-combined-n807156>.

These figures count direct death and injury due to war's immediate violent effects—deaths caused by bullets, bombs, fire and so on. But ... direct deaths and injuries are not the only ways that people are harmed in war. The indirect death toll—the people who die because of the negative effects of war, for example, on public health infrastructure and as a consequence of displacement and malnutrition, is difficult to estimate.³⁰

Moreover, she suggests, “Research on recent wars from the 1990s to the present, have yielded an extremely crude rule of thumb: ‘between three and 15 times as many people die indirectly for every person who dies violently.’”³¹ By this measure, she estimates another 360,000 deaths in Afghanistan, and another 200,000 deaths in Pakistan. In other words, the number of “foreign” civilians who have died in the last three decades, directly or indirectly, through the directives or actions of the US state, approximates the number of American soldiers who have died through the course of two hundred years of war.

There are two objections to this conclusion. The first is that judgment about the justification of wars should remain outside ordinary discussions of state-sanctioned political violence, as they fall under questions of just or unjust wars—or perhaps the ethical value of just war theory.³² Some argue that when war casualties of civilians hit a “high rate” due to certain “legally-sanctioned war fighting strategies,” such strategies “threaten the integrity” of laws and customs of armed conflict.³³ However, the question of the deaths of civilians—whether “excessive” or “low”—must be reintegrated into the conversation of political violence because the question of war—even in just war frameworks—is intended to be a discussion about state-sanctioned agents. The second objection is that foreign civilians are not intended targets of American-led state violence. In the framing of the issue of political violence that I have offered above, the neglect or indifference to the category of foreign nationals who have been killed depoliticizes the concept of *state-led violence* because there is no “intention” to injure foreign

³⁰ Neta C. Crawford, *Costs of War: War-Related Death, Injury, and Displacement in Afghanistan and Pakistan 2001–2014* (Providence, RI: Watson Institute for International Studies, May 22, 2015).

³¹ *Ibid.*, 20.

³² Robert Emmet Meagher, *Killing from the Inside Out: Moral Injury and Just War* (Eugene, OR: Cascade Books, 2014).

³³ Bruce Cronin, “Reckless Endangerment Warfare: Civilian Casualties and the Collateral Damage Exception in International Humanitarian Law,” *Journal of Peace Research* 50, no. 2 (2013): 175–187.

civilians. This justification is borne out by the category of “collateral damage.” Collateral damage is deployed to suggest that it is a side effect of intended state violence. However, it is telling that the language of “collateral damage” does not acknowledge the “humanity” of those who are (unintended) casualties. By connecting the category of foreign civilians to that of American “civilians,” I offer an example of the anti-philosophical method mentioned at the beginning of this paper, in order to illuminate the depth and scope of “American violence” as extending far beyond the borders of the United States. In short, we get to see whose lives matter in an international context—in relation to the American state. What we are seeing is the re-instantiation of the very same colonial “prehistory” and mechanisms that we found in the dialectical integration of Locke’s writings with the historical events and political mechanics of that moment of “prehistory.”

Viewed from the other end of the barrel, the phrase “deaths from gun violence” does not include the deaths of civilians in Yemen, Afghanistan, or Pakistan from guns fired by US soldiers.³⁴ As well, those who deploy the term do not calculate the deaths of undocumented migrants from guns fired by ICE officers or the deaths of immigrants who are not citizens of the United States at the gun-gripping hands of police officers. In this sense, deaths from gun violence means *unauthorized deaths*—the deaths of certain kinds of individuals—those legible as citizens, as persons in Mills’s sense. The category of unauthorized deaths excludes the deaths of civilians from other countries, whether on other territory or on “home territory.” These kinds of constraints provoke not only the question of how many migrants crossing the border from Mexico to the United States have been shot dead by ICE, but also the question of where they fit into the framework of “American” violence. How many undocumented migrants have been shot dead by US law enforcement within the borders of the United States?

The answers are difficult to find. In the searches for how many immigrants were shot by ICE, a number of other narratives of violence emerge. Appendix 1 contains some of the screenshots of searches that I conducted in March 2018, before the issue of violence directed against undocumented migrants was raised as a national/international concern. In those screenshots, Google Analytics foregrounds the most frequent/popularly searched. My searches resulted in links to news stories about death by deportation, death by detention, death by beating,

³⁴ Paul Harris, “US Soldier Admits Killing Unarmed Afghans for Sport,” *Guardian*, March 23, 2011, <http://www.theguardian.com/world/2011/mar/23/us-soldier-admits-killing-afghans>.

death by asphyxiation, death by neglect, and violence for asylum seekers. These narratives pertained not to American citizens but to migrants, refugees, foreign nationals. These individuals have a liminal status—as neither inside nor outside the polity. In a rights and recognition framework that reinforces and fetishizes those who belong easily and squarely within the polity, this liminal status facilitates the deprioritization of record keeping of deaths in these categories. The discourse of illegality also reiterates the mechanism of political violence that justifies their exclusion, criminalization, and disposability.

Part of what makes the approval, marked by the invisibility, of the deaths of foreign nationals on home soil or “foreign soil” possible, is the continual reenactment of the boundaries and obligations of the racial contract, which distinguishes those who count within the borders of the polity from those who do not. This distinction is applied both within and outside the polity. This is the way in which the histories of colonialism, slavery, and patriarchy³⁵ are imbricated with the history of imperialism and the justification of security. In that vein, we see current politics of the Homeland as emerging from the structure constituted by the racial contract. The framework of the Homeland came into visibility in the various state-led, media-driven, and racial-cultural responses to the events of September 11, 2001. The politics of the Homeland were marked by the institution of the Department of Homeland Security in 2002, which facilitated a refreshed racial imaginary for the United States. The circumscribing of gun violence as an “American issue” reflects the long-standing theoretical assumptions of not only nationalism but also settler colonialism, as based on the histories and the “prehistories” behind the creation of the US liberal polity, which involved the death, enslavement, or “off-shoring” of a broad swath of indigenous populations.³⁶ It illustrates a distinction between American and non-American that correlates with the Homeland and Homeland Security. Authorized violence is not only about state-sponsored violence, as well as what the state approves tacitly—that is, by the inattention to the harm to subpersons. Authorized violence also illuminates what is approved by Americans—a foreign population that is acceptable to kill—as a reflection of the state.

In the context of the Homeland, the status of certain kinds of subpersons shifts: within the domestic polity, the founding violence of the racial contract applies to non-whites who may be,

³⁵ As Carole Pateman lays out. Carole Pateman, *The Sexual Contract* (State College, PA: Pennsylvania State University Press, 1982).

³⁶ Resendez, *The Other Slavery*; Horne, “The Apocalypse of Settler Colonialism.”<AQ: Please provide full citations for these two items.>

at least nominally, citizens but who are nevertheless targets of authorized violence. Outside the polity, those who are American citizens—persons and subpersons—are together elevated to the status of persons in order to distinguish themselves from a different kind of subperson, namely foreign nationals. This is why the concept of the Homeland becomes important to reaffirming gun violence as an American issue: it delineates the boundaries of unauthorized violence within the domestic context—of the liberal polity—while confirming that, as a matter of security, authorized violence pertains not only to sub-persons within the American polity, but extends to foreigners (domestic and international). The concern for security reaffirms authorized violence—and, within it, state-led, state-approved, and, by extension, accepted violence—as pertaining to national borders. Security, then, is resuscitated as the overarching concern for the polity.³⁷

Conclusion

In the critical philosophical literature on liberalism and race, liberalism is typically addressed in terms of ideal theory (How should liberalism ideally work?) or nonideal theory (What are the shortcomings of liberalism?). These are both important approaches that address one dimension of political theory or political structure. However, in the United States, there is a cultural discourse about liberalism and race that occurs “in the air,” as it were: through news sources, social media, community or organizational conversations, and public spaces. These spaces are difficult to map, but they appear to have an effect on how the US populace understands the political context and social milieu in which it lives. These discourses affect and shape public policy and legislation as they filter “up” to lawmakers and shapers of public policy.

When confronted by the inconsistencies between the liberal promise of universal protection and the disproportionate exposure of violence experienced by populations of color, philosophers often insist that those inconsistencies are flaws of the practice of liberal theory rather than of liberal theory itself. In fact, liberal discourse is a distraction from the political ontology of modern societies like the United States. The former is a political framework based on ethical principles of equality, liberty, and universal freedom, to be achieved through procedures designed to redistribute power equally among members of society and resist the

³⁷ Saul Newman and Michael P. Levine, “War, Politics and Race: Reflections on Violence in the ‘War on Terror,’” *Theoria: A Journal of Social and Political Theory*, no. 110 (August 2006): 23–49.

state's attempts to monopolize political power (i.e., hegemony). Political ontology, by contrast, is a concealed structure of power that permeates political institutions such as the state, courts, and government offices; that structure is harnessed by sovereign power to work on behalf its own interests. That concealed structure enables an entire vocabulary that engages in the language of justice and the redistribution of power. It distracts and forcibly redirects the social political conversation away from the underlying *racial violence of liberalism* to attend and debate the banal technicalities concerning the redistribution of power in an ideal framework of justice. That ideal framework sheaths the violence that enables a hierarchical opposition between those who are (both) in charge and protected by sovereign power and those who are subject (and vulnerable) to its exigencies and whims.

Here, I have argued that everyday incidents of violence (even those that appear “nonracial”) are part of a pattern of political violence that is an intimate, long-standing part of the US social contract. In terms of the “rights-talk” that characterizes liberalism in US society, gun violence violates the ideal promise to *persons* (sic) of life, liberty, property, and the equal protection of laws that is mythologized under the US Constitution. Even those who are wary of gun reform agree that mass school shootings, homicides, and suicides that result from guns violate the ethos of security and justice that undergirds the United States.³⁸ Translated into political theoretic terms, gun violence transgresses a basic prohibition against harm or injury that inheres in most moral codes. Moreover, in the reciprocity framework of the social contract, one cannot privately punish another member of society—that right is given up to the community, as represented by the state. We see this in an important passage in Locke's *Second Treatise*:

Because no political society can be, nor subsist, without having in itself the power to preserve the property and, in order [to] punish the offences of all those of that society, there and there only is political society where every one of the members hath quitted his natural power, resigned it up into the hands of the community in all cases that excludes him not from appealing for protection to the law established by it. And thus, all private

³⁸ Jess Bidgood and Sabrina Tavernise, “Do Gun Owners Want Gun Control? Yes, Some Say, Post-Parkland,” *New York Times*, April 24, 2018, <https://www.nytimes.com/2018/04/24/us/gun-owners-laws-parkland.html>.

judgment of every particular member being excluded, the community comes to be umpire by settled standing rules, indifferent and the same to all parties ...³⁹

By collectively giving up a private right to enforce the prohibition against violence and turning it over to an impartial state, “we” are supposed to gain the advantage that comes from mutual security and recognition. The state has the responsibility and commitment to take up that protection on behalf of its denizens. By addressing the illegitimacy and immorality of gun violence, we appear to edge closer to the promise of equal and mutual protection *for those who reside in that society*.

However, in the current framing, gun violence metonymically reflects only a certain subset of violence. It is a catchphrase referring to the casualties and injuries caused by guns directed by a certain subset of US *inhabitants* against a certain subset of US *citizens*. The harm to which the anti-gun violence movement objects is that which results from certain kinds of interactions: those enacted by certain non-state actors—“individuals” against private citizens—and a certain kind of private citizen at that. It highlights the harm done to whites as Americans, as “persons,”—the transgression of their rights to protection and security—as enacted by nonmilitary or state personnel. Those who are disproportionately affected by gun violence—Blacks, American Indians, and others who are neither legible nor count as persons—drop out of the collective picture almost completely. Thus, when gun violence is framed as an “American problem” while foregrounding mainly white wealthier citizens as needing protection, such framing may be an unintentional myopia that neglects the range of violence directed or sanctioned against (domestic or international) populations of color by the American state, but it is a consistent myopia. It can be traced back to a long-standing colonial history that engaged in the exploitation and enslavement of American Indians and others, while justifying those practices through a “just war” theory of slavery. The frequent invocation of liberal discourse shrouds us in an epistemology of ignorance—it obscures and distracts us from seeing the present invocations of founding violence, unless we make a concerted effort to see liberalism through its protective scrim.

³⁹ Locke, *Two Treatises of Government*, para. 87.

Appendix 1

Search Engine Results for Migrants Killed by US Immigration and Customs Enforcement (ICE)

Figure 1.

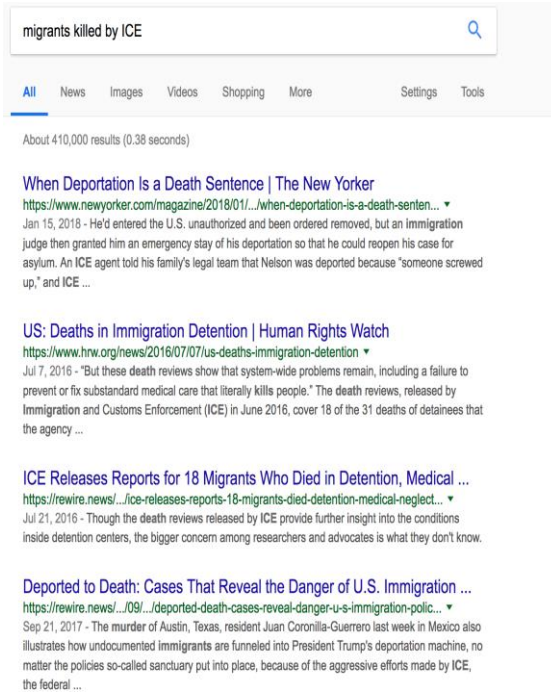


Figure 2.

Immigrant taken by ICE at Austin courthouse winds up dead in Mexico
<https://www.mystatesman.com/.../immigrant...ice...killed.../bfntga0HYA378iitM4VT8J...>
Sep 19, 2017 - Wife had warned a federal judge that her husband would be killed if the U.S. government deported him. Family members say four men broke into a home in the middle of the night and kidnapped Coronilla-Guerrero. Immigration experts say Mexican gangs often target deportees and hold them for ransom ...

Immigrants Left Brain Dead in San Antonio May Be Thrown Out of U.S.
<https://www.thedailybeast.com/immigrants-nearly-killed-by-heat-now-face-threat-of-ice>
Undocumented immigrants who survived asphyxiation and heatstroke in the back of a smuggler's truck now face a new threat: deportation. Michael Daly. 07.25.17 1:00 AM ET. Photo illustration by Elizabeth Brockway/The Daily Beast. After the killing heat came ICE. The 10 undocumented migrants who died after being ...

Border agents beat an undocumented immigrant to death. The U.S. is ...
www.chicagotribune.com/.../ct-undocumented-immigrant-beat-to-death-settlement-20...
Mar 28, 2017 - Anastacio Hernandez, who was trying to return to the U.S. after being deported, was tased and beaten to death by Customs and Border Protection officers in 2010.

A mother and child fled Congo fearing death. ICE has held them ...
<https://www.washingtonpost.com/.../mother-child-fled-congo-fearing-death-ice-has-held...>
Feb 27, 2018 - For nearly four months, immigration officials have unlawfully held a Congolese asylum seeker and her 7-year-old daughter in detention centers thousands of miles apart, the American Civil Liberties Union alleged in a lawsuit Monday. The mother arrived with her child in San Diego in November and told ...

ICE and Border Patrol Abuses | American Civil Liberties Union
<https://www.aclu.org/issues/immigrants-rights/ice-and-border-patrol-abuses>
In recent years, U.S. Immigration and Customs Enforcement (ICE) has detained and deported record numbers of people from the United States. Many of ICE's removal tactics take away even the right to a fair hearing in court, as the government rushes to judgment and tries to ram people through a rubber-stamp system that ...

Searches related to migrants killed by ICE

Figure 3.

Searches related to migrants killed by ICE

- deported to death el salvador**
- immigration detention deaths**
- us government deporting central american migrants to their deaths**
- list of deaths in ice custody**
- ice detainee deaths**
- deported to honduras**
- when deportation is a death sentence**
- death in immigration detention**

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