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state. They are fired, blacklisted, or their contracts aren't renewed. They get crossed off the Christmas card list. They may be lucky to board a commercial airliner. They might get a warning or two, but if they persist, Uncle Sam takes notice. Questioning the sovereignty of the state might not lead to Guantanamo, but you won't be invited to the party. And if you are a person of color, you may very well meet an untimely demise, executed simply for your existence.

Against this background, the production of knowledge that fundamentally threatens white supremacy occurs sporadically, against tremendous pressure, in fits and starts. It occurs late in the night at generic hotel bars in the "heartland," in books that appear once a decade, in law review articles that inspire generations of new minds unwilling to accept the party line. This knowledge has carved out a space for new challenges to racism and I hope this paper will contribute to the production of knowledge that destabilizes and destroys the metaphysics of white supremacy.⁶

At the outset, I describe how people of color remain forever symbolically locked outside of the body politic in a state of nature by virtue of their non

enforces law. For Western philosophers, the indigenous peoples of the Americas emerged as the perfect representation of humanity *sans* civilization.¹⁰ Such people were conceived by European thinkers to be not so much human subjects in the context of the natural world, but savages in a state of nature, *a priori* incapable of reason and subjectivity. Indians were understood not in relation to nature but part and parcel of nature. Famously, Hobbes understood life in the state of nature “as solitary, poor, nasty, brutish, and short.”¹¹

Such individuals in the Americas occupied an otherwise empty continent and, in Lockean terms, were content to let the land lay fallow (they left it alone).¹² As Denise Ferreira da Silva has noted in *Toward a Global Idea of Race*:

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state. But who is a reasonable person¹⁷ for purposes of entering into the hallowed social contract? How does one acquire reason? Indeed, who is capable of knowledge? And what is the relationship of property to knowledge?

In the groundbreaking work *The Racial Contract*, Charles W. Mills answers these questions by reviewing the history of Western philosophy in so far as that philosophical history has determined who is capable of knowledge (and in turn reason) and who is not.¹⁸ The crux of the matter is

non-Christian lands assumed the role of Abraham. Behind such grants was the belief that the pope or the king truly represented God and that God, through the divine agency of the potentate, had granted Christians the right to fulfill Genesis 1:28 to *subdue* and exercise *dominion* over the heathen lands of the earth.²⁴

American law further gave meaning and legitimacy to European conquest in fomenting the logic of discovery, whereby European discovery, and European discovery alone, gave rise to a claim of title.²⁵ “The assumption of American law as it related to Native Americans was that conquest [gave] rise to sovereignty.”²⁶ Thus, discovery gave rise to title while conquest gave rise to sovereignty. What is abundantly clear is that there was absolutely nothing in European law or morality that precluded the “discovery” and conquest of non-Christians; Christianity did nothing to prevent the greatest genocide in the history of the world and in fact was its cause. Rather, every indication is that European law and morality—which is to say White law and morality—is rooted in killing the heathen: “And when the Lord thy God shall deliver them before thee; thou shalt smite them, and utterly destroy them; thou shalt make no covenant with them, nor show mercy unto them.”²⁷

“This people with no Faith, no Law, and no King did not seem to offer a psychological and institutional ground in which the Gospel might take root.”²⁸ It seems wherever the European explorer ventured off to, the peoples he encountered in a state of nature were not particularly interested in immediate obedience to the Pope. Their intransigence of course could only mean one thing: such people were heathens and/or savages, incapable of reason or logic.

Indigenous people were not interested in the Gospel any more than they were interested in a system of title to the land they had occupied for millennia.

24. *Id.* at 46.

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knowledge appears over and over again in the writings of the paragons of

domain of life that is under power's control: the break between what must live and what must die."⁴⁴

In theorizing this contradiction between the law (interiority; inside) and nature (exteriority; outside), Giorgio Agamben writes:

It has often been observed that the juridico-political order has the structure of an inclusion of what is simultaneously pushed outside. G4 Tm[()] TJETBoT1 0 0

society: to grant the White man the most expedient means of amassing wealth while destroying nature. That the White man is killing himself in the process seems not to matter; in fact, it may be the ultimate goal.⁴⁸

Consumption of the self may be the defining hallmark of the state of society. As Joseph Conrad told us in *Heart of Darkness*,⁴⁹ nature is frightening. The people who live in a state of nature, lacking any sense of morality, are capable of anything. Nothing can strike fear into the heart of a little white boy like being told of ravenous cannibals. Cannibalism is a favorite trope to portray people of color as lacking any sense of decency or dignity.⁵⁰ According to Hegel, “[T]o the sensuous negro, human flesh is purely an object of the senses.”⁵¹ However, there is a deep irony to Whites’ fascination with cannibalism among people in a state of nature: the core dogma of the conquistadors was a theology of cannibalism.⁵² The doctrine of transubstantiation meant that White people were literally eating Christ every time they took communion.⁵³ Thus, at the heart of society, at the heart of Whiteness, we find an ontology of cannibalism, which is in turn used to deny the humanity of people of color.

It is constitutive of White identity that the White person can see the race of non-Whites, but not their own color. “Within the logic of transparency, the race of non-Whites is readily apparent and regularly noted, while the race of Whites is consistently overlooked and scarcely ever mentioned.”⁵⁴ Similarly, Whites are adept at perceiving what they find disturbing about non-Whites while masking the rot in their own hearts. Front and center in the conscious of the White mind is the lurking Black man waiting to rob him and rape his wife and children.

What in reality has become a phantasmatically constructed African body, a fantasized object, whites “see” instead as *given*

any processes of rationalization, projection, ejection, or denial on the part of themselves. Hence whites are able to mask or deny their dependency upon the fabrication of the phantasmatic object.⁵⁵

IV. THEORY: THE SACRED AND THE SOVEREIGN

The state itself arises when the guilty, self-aware, White soldiers of Christ kill and conquer the innocent, ignorant, non-White infidels, not unlike the central teaching of Christian theology where the innocent must be killed to expiate the sins of the guilty, thus giving birth to a redemptive sovereignty. In this way, White Supremacy functions as a symbolic logic whereby the non-White body is a phantasm that must be obliterated. This logic continues to operate unabated both at home and abroad, as the U.S. incarcerates, shoots, tortures and obliterates black and brown bodies wherever it can, whenever it can. The sovereign state will shoot down a black teenager on the streets of the Heartland just as soon as it will drop a bomb on a wedding party in Afghanistan. Contrast the state's "shoot-first-and-ask-questions-later" stratagem⁵⁶ with regard to non-

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Perhaps police are the new priests, carrying out the rite of transubstantiation, offering up the innocent black body on the altar of fear to expiate White guilt.⁶⁸ According to Derrida, “the police are the state”:

Prior to being ignoble in its procedures, in the unnameable inquisitions that police violence allows itself without respect for anything, the modern police force is structurally repugnant, filthy [*immonde*] in essence because of its constitutive hypocrisy. Its lack of limit does not only come from surveillance and repression technology—such as was already being developed in 1921, in a troubling manner, to the point of doubling and haunting all public and private life (what we could say today about the development of this technology!). It come from the fact that the police are the state, that they are the specter of the state and that, in all rigor, once cannot take issue with the police without taking issue with the order of the *res publica*. For today the police are no longer content to enforce the law and thus to preserve it: the police invent the law, publish ordinances, and intervene whenever the legal situation is unclear to guarantee security—which is to say, these days, nearly all the time. The police are the force of law [*loi*], they have the force of law, the power of the law.

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or stupidity. Nor is racism a function of class war⁷² or gender oppression

The recent water crisis in Flint, Michigan,⁷⁶ is only the most recent example of the sovereign state affirmatively obliterating people of color.

Frightening as it seems, the sociology of race relations may provide such a useful toolbox for comprehending a kind of racial subjection in which racial difference operates as a strategy of exclusion because of its own participation in the writing of blackness as the signifier of an affectable consciousness, one that radically departed from the one the U.S. legislative and executive power were instituted to protect.⁷⁷

The U.S. was never meant for people of color. We need to stop pretending like it was. The founding documents of the State and their subsequent interpretations were written by and for White people at the expense of people of color. The entire system of law exists to manifest White Supremacy. Until that essential truth is acknowledged, we will continue to