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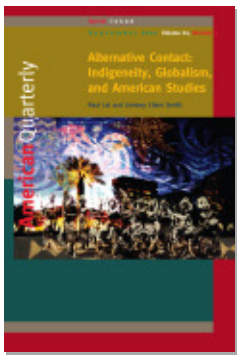

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Notes toward a Queer History of Naturalization

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Questions of citizenship and national belonging have long been understood to be embedded within structures of desire and affect. For better or worse, in the words of Benedict Anderson, "nations inspire love, and often profoundly self-sacrificing love."[1] Lauren Berlant has usefully connected this discourse of national love to the context of immigration in the United States. As she writes, "Immigration discourse is a central technology for the reproduction of patriotic nationalism: not just because the immigrant is seen as without a nation or resources and thus as deserving of pity or contempt, but because the immigrant is defined as *someone who desires America*."[2] It is important to note that Berlant is discussing dominant views of the immigrant, which have been complicated, of course, by our knowledge that immigrants do not necessarily or even typically migrate voluntarily, but are often compelled to relocate because of violence or coercion, whether physical, psychic, economic, or political. Yet, for all of its inaccuracy, the myth of America as the immigrant's beloved is a powerful one, shaping not only popular cultural representations (as Berlant demonstrates), but also, as I discuss here, legislation and policymaking in the United States.

Although studies of nationalism and sexuality have had a central place within queer studies for more than a decade, the field has only recently begun to focus specifically on the role of immigration and naturalization in setting the terms for discourses of sexual citizenship and national belonging in the United States.[3] These studies not only extend the possibilities of queer scholarship by placing race, migration, and nation at the center of analysis, but also offer a bracing corrective to the fields of migration studies and citizenship studies, which have tended to assume that immigrants are heterosexual or/and that queer subjects are already legal citizens.[4] Challenging this tendency, much of the new scholarship employs ethnographic and sociological methods to chart the impact of queer migrants on U.S. culture and politics. Alternatively, others focus on the histories and practices of heteronormative institutions and discourses that have shaped constructions of citizens and noncitizens. In other

words, while some work focuses on queers crossing borders, other studies have analyzed how ideologies of the nation have actively queered particular migrants, regardless of their sexual orientation.

For the most part, this work on citizenship, immigration, and naturalization has attended more closely to the nation than the state. This emphasis may result, in part, from the influence of Foucault, whose formulation of power directs attention away from the state.[5] It may also stem from the traditional ways that the distinctions between the state and nation have been theorized.[6] The state, for instance, is usually understood to be a juridical formation 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, a primordial belonging, or, in the words of one theorist, "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."[7] The emphasis on affective, "primordial," and familial bonds in models of the nation has made it a visible site of queer critique, which has demonstrated that the familial, heteronormative model of the nation is an ideological effect, rather than a prepolitical truth.[8]

But queer studies has focused less frequently and consistently on the ways that the state itself (rather than the nation) might be understood as sexualized and sexualizing.[9] As Davina Cooper notes, few scholars have explored "the ways in which sexuality as a disciplinary structure, identity and culture shapes state form and practice."[10] Cooper argues that "although dominant discourses identify the state as asexual, and the state works to maintain this ideological image, from the perspective of oppositional discourse, the sexual surplus possessed by the state pervades state practices."[11] Likewise, Jacqueline Stevens points out the stakes of understanding the state as an institution 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."[12] Furthermore, scholars have recently begun to consider the myriad ways in which particular state practices promote and produce various forms of sexuality. Eithne Luibhéid, for instance, has identified the immigration control apparatus itself as "a key site for the production and reproduction of sexual categories, identities, and norms within relations of inequality."[13]

I want to return to the construction of the immigrant "as someone who desires America" and linger on it in light of these provocative insights about

the mutually constitutive relationship between sexuality and state form and practice. To what extent, for instance, does the construction of a desiring immigrant obscure the ways that the state itself, through immigration and naturalization policy, sets the terms of this imagined love, actively distinguishing between which immigrants' desire will be returned and which will be left unrequited? To what extent does the presumed lovability of the United States distract us from, among other things, the state's own construction of certain immigrants and citizens as "lovable," and others as inappropriate objects for the nation's love? And what would it mean to understand the historical production of "undesirables" as a process of "queering" certain immigrants' imagined desire?

To approach these questions, I look at one of the "fundamental structures of the modern state"—the legal production of the naturalized citizen—at a specific moment in U.S. history, the early national period. Because of a tendency to focus on territorial borders as the site of national exclusion or inclusion, immigration has been a privileged site for scholarship on citizenship in American studies. However, as this special issue emphasizes, "borders are constructed in law not only through formal legal controls on entry and exit but also through the construction of rights of citizenship and noncitizenship."[14] If we consider the question of borders to be discursive as well as material or territorial, it is possible to see that the process of naturalization raises questions about the juridical production of American borders in ways that are distinct from those surrounding questions of immigration. Although in popular U.S. parlance naturalization tends to be linked implicitly to immigration, it is crucial to keep distinct the histories and processes of naturalization and immigration.[15] We might then recast Berlant's questions about the immigrant to consider the specific figure of the alien who seeks naturalization. To what extent has the naturalization process been understood within economies of desire? And to what extent have narratives about naturalization obscured or exposed the state's attachment to particular embodiments of desirable citizens? How have these narratives been entangled with or detached from questions about sexuality and reproduction?

My aim is to begin to trace a queer history of naturalization as a particular (and often contradictory) state practice through which citizens have been produced in the United States. My primary sources include early national juridical texts concerning naturalization, such as the Naturalization Act of 1790, as well as contemporary commentaries on these laws. It is important to note, however, that I do not regard laws themselves as transparent statements of state power; rather, as I will demonstrate, if we attend to the specific textual

aspects of these laws, including metaphorical language and narrative logic, we may see the ways that the state itself functions as a site of affective power. In other words, we might shift our focus from whether or not the alien is "someone who desires America," and instead pay attention to the ways in which the state selects its own objects of desire and produces them as citizens.

It is generally understood that, historically, the United States has reproduced its citizenry in two ways: first, through "birthright citizenship"; and, second, through naturalization. In existing scholarship, the distinction drawn between these two models of producing citizens has centered on the question of consent. Birthright citizenship is a nonconsensual means of granting citizenship, linked to feudal, hierarchical models of allegiance. In contrast, naturalization is understood as a consensual process of conferring citizenship, associated with Lockean and later Enlightenment models of a contractual relationship between citizen and state, principles that have been seen as fundamental to liberal democracies.[16] Peter Schuck and Rogers Smith refer to this tension as "one between the rival principles of ascription and consent."[17] Thus, birthright citizenship as an ascriptive model confers status upon a child based on factors that are not under her/his control, such as place of birth or biological parentage. Naturalization, on the other hand, enacts a contractual relationship, a voluntary allegiance based on mutual consent between the immigrant and the state. In the United States, the individual establishes that contract with the state by taking a public oath, the full text of which currently reads:

> 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.[18]

Unlike birthright citizenship, then, naturalized citizenship is produced through this self-conscious, presumably voluntary declaration of the citizen's agreement to the terms of this contract with the state. Perhaps not coincidentally, in form, language, and effect, the oath of allegiance has similarities to traditional vows of marriage: both are speech acts that transform the speaker's legal status; both use the language of "fidelity" and "obligation"; and both establish an exclusive—one might even say "monogamous"—relationship to the other party.

In fact, the echoes of monogamous marriage vows in the oath of allegiance suggest another way that we might contrast birthright citizenship and naturalization, by focusing on how the sexual is situated in each. As the term suggests, birthright citizenship entails the literal production of citizens through sexual reproduction. In the United States, 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 U.S. citizen (regardless of the place of birth).[19] Notably, the United States is somewhat anomalous in granting the first kind of birthright citizenship (*jus soli*, being born within the nation's territory); most nations, especially in Europe, assign citizenship at birth according to the citizenship status of at least one parent (*jus sanguinis*).[20] Nevertheless, both forms of birthright citizenship are seemingly "natural" or organic forms of the production of citizens through sexual reproduction. In contrast, naturalization presumably entails the nonsexual production of national subjects, so that citizenship is acquired rather than ascribed. In a self-consciously performative process, naturalization takes place through speech acts (oaths and pledges of allegiance) adjudicated by the state.[21] In this way, there appears to be something very queer at the heart of the naturalization process, a performance whose very theatricality exposes the constructed nature of citizenship itself. At least, that is one way to describe the radical potential of naturalization: to enact a purely consensual form of citizenship, without any necessary relationship to sexual reproduction or ancestry.

Yet, even though naturalization is theoretically a performative, nonreproductive model of producing citizens, the very term *naturalization* demonstrates the difficulties that modern states have had in imagining the full potential of that process.[22] Instead of breaking with a model of citizenship based on bloodline, the very language of naturalization has historically been encumbered with assumptions about a heterosexual, reproductive subject, and so tends to reinforce the model of an organic, sexually reproduced citizenry. As I argue, we should 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 serves to mask how both have historically been embedded within (hetero)sexualized understandings of production. Despite its potential to make good on the liberal promise of consent, even naturalization cannot escape a logic of belonging that depends on the transmission of citizenship through biological reproduction. This is not simply because legislation has tended to instantiate exclusionary ideologies of identity (race, gender, class, sexual orientation) that have "spoiled" the liberal promise of citizenship in the United States, but also, and

perhaps more stubbornly, because this blood logic is embedded within the very metaphors through which such a form of producing citizenship is imagined.

There is no question that historically naturalization has been central to the ways in which models of consensual citizenship have been imagined, codified, and popularized in the United States. In fact, some historians have argued that the principles inherent in the naturalization process—that the relationship between an individual and government was contractual and voluntary, rather than natural and perpetual—provided a model for the founders' creation of a liberal democracy in the United States.[23] The Declaration of Independence, for instance, self-consciously insists upon the principles of citizenship by contract rather than ascribed subjecthood: "Governments are instituted among men, deriving their just powers from the consent of the governed." In fact, we might read the Declaration of Independence itself as performing a kind of collective naturalization for the inhabitants of the new nation. The founders declare that they intend "to dissolve the political bands" that tie them to England, finally pledging that

> [we . . .] do, in the name and by the authority of the good people of these colonies solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British crown and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved.[24]

By renouncing "allegiance" to the king and "political connection" to the state of Great Britain, the Declaration functions as an oath of renunciation, the formal legal means by which, to this day, a citizen may expatriate him/herself from his existing loyalty.[25] Simultaneously, in form and language, the Declaration also functions as an oath of allegiance, which is the final step in the process of naturalization. When the signers "mutually pledge to each other our lives, our fortunes, and our sacred honor," they perform their exclusive loyalty to the new United States and no other sovereignty.

While a model of naturalized citizenship implicitly shaped the theory and form of the Declaration of Independence, it also occupied an explicit place in the founders' justification for establishing a new nation. In the catalog of grievances against George III, the Declaration complains "that he has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands."[26] This line reminds us that very different material conditions attended

immigration in the eighteenth century, something we tend to forget within the current politics of migration and globalization. As James H. Kettner notes in his classic study of the history of naturalization in the United States, "The desire for military security, the persistent need for labor, and the generally acknowledged benefits of population growth led the colonists to grant extensive inducements to foreign immigrants by way of naturalization."[27] Although occasional restrictive measures were passed in the colonial period, they tended to be short-lived; in general, voluntary immigration seemed to be encouraged rather than policed by American authorities in the seventeenth and eighteenth centuries.[28]

In its first century of existence, then, the U.S. federal government imagined itself as a state that desired immigrants and new citizens. Before the exclusionary legislation of the late nineteenth century, immigration and naturalization do not appear to have been very active issues on federal lawmakers' agendas (though, of course, nativist movements held significant sway in other arenas beyond the federal sphere during the same period, particularly in local political, economic, and cultural struggles).[29] Although it is hard for us to imagine, there did not exist any federal apparatus in the United States for administering immigration until 1891, when Congress assigned responsibility for implementing national immigration policy to an office housed within the Treasury Department. Federal procedures for naturalization were not standardized until 1906, when Congress combined the immigration and naturalization functions of the federal government into the Bureau of Immigration and Naturalization, housed within the Department of Commerce and Labor.[30] The 1906 law also specified that federal courts, rather than state and local courts, should have jurisdiction over naturalization. Before 1906, however, individual states administered naturalization procedures and set the specific provisions of laws concerning citizenship, particularly whether and under what circumstances aliens could buy property. These provisions and procedures could vary widely from state to state and region to region, so that certain aliens might be able to become citizens in, say, Connecticut but not Virginia. These inconsistencies appeared not to trouble federal lawmakers, as long as individual state laws did not come into conflict with the relatively loose federal policy.

In the first century of the United States, then, federal immigration and naturalization policy was relatively decentralized and unregulated. Historians have tended to locate the origins of more repressive (and now more familiar) federal policy on immigration and naturalization in the late nineteenth century, with explicitly exclusionary laws that defined immigration in negative

terms. In 1875, with the Page Act, Congress passed the first federal legislation that enumerated specific types of people who were excluded from entry into the United States. Illicit sexuality was at the center of the legislators' attention: the Page Act prohibited women "imported for the purposes of prostitution."[31] Although the legislation was aimed at the traffic in *all* "immoral women," the figure of the prostitute in this law was, in fact, inherently racialized, because the Page Act required U.S. consuls to ensure that any immigrant from China, Japan, or other Asian countries was not under contract for "lewd and immoral purposes."[32] Seven years later, in 1882, Congress passed the first legislation that used race as an explicit criterion for exclusion, the Chinese Exclusion Act, which barred all Chinese immigrants from entry into the United States and thus from citizenship.[33]

When compared with these restrictions of the late nineteenth century, earlier U.S. policy may seem to have encouraged immigration and naturalization, but in fact the first federal law on naturalization was implicitly exclusionary. In 1790, Congress set down "An Act to establish an uniform Rule of Naturalization," which stated:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any one of the states wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the proceedings thereon; and thereupon such person shall be considered as a citizen of the United States. And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens; *Provided*, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: *Provided* also, That no person heretofore proscribed by any state, shall be admitted a citizen as aforesaid, except by an act of the legislature of the state in which such person was proscribed.[34]

This law clearly and quite self-consciously restricted naturalization to "free white persons," thus racializing naturalized American citizenship at the very moment in which it was codified as a legal status. In fact, the 1790 act was the first federally enacted law that referred to race explicitly.[35] While the precise meaning of "white" has never been stable in the enforcement of this law, his-

torically, the naturalization process has been embedded in an explicit policy of racial exclusion and the logic of white supremacy.[36] (After the Civil War, the "white person" restriction of naturalization came under attack, and, although there were efforts to do away with it completely, Congress simply modified it in 1870, when it extended the right to naturalize to "persons of African nativity or African descent," a law that recognized freed African American slaves, but that maintained discriminatory policies against other racial groups.[37]) The reference to "free" also indicates how the 1790 naturalization law anticipated questions about the status of two groups who might potentially claim citizenship status: indentured servants and slaves. Indentured servitude was a form of contract (usually) in which servants voluntarily surrendered their freedom for a set number of years.[38] Paradoxically, they exercised the right of contract—understood as a constitutive exercise of the liberal subject's freedom—in order to become temporarily "unfree." Slavery, on the other hand, is a relationship established by force rather than consent and, of course, was inconsistent with classical liberal theory. The Naturalization Act of 1790 reinforced the assumption that slaves were not potential citizens—whether by birthright or naturalization: slave status removed an individual from being recognized as a potential participant in a contractual or consensual relationship with the state (except as property). Slaves, along with the larger category of people not considered "white," were thus constructed as "unnaturalizable."

The glaring racialization of naturalized citizenship in the 1790 act and its indirect reference to slavery may blind us temporarily to the other ways that this legislation implicitly constructs prospective citizens. Notice, for instance, that, following its delineation of the court procedures for naturalization, the act turns to the citizenship status of children: "And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens." What these passages make clear is that this earliest juridical statement on naturalization presumed that the prospective citizen would be not only white and free but also a (potential) parent. That may not seem remarkable, but when put in the context of the stated purpose of the law—to establish a uniform rule of naturalization—the second statement about children seems oddly misplaced, since it outlines a rule not of naturalization but of birthright citizenship (the principle of *jus sanguinis*, granting citizenship through blood relation). By identifying *jus sanguinis* as the exception that needs to be spelled out in the law, the act also establishes that

the default mode of becoming a "natural born citizen" is to be born within the territorial limits of the United States (*jus soli*, granting citizenship through place of birth).

What I want to call attention to in this passage is the way that ("natural born") citizens and "naturalized persons" are imagined to *have* children. That is, the seemingly abstract citizen invoked here is actually one who is also delineated through his/her (sexually) reproductive capacity, a capacity that, like the racial prerequisite, curiously re-embodies this seemingly abstract national subject. As the first law outlining naturalization as an ostensibly consensual and contractual relationship between the citizen and the state, the 1790 act contains within it assumptions about biological kinship that seem to revert, contradictorily, to an ascriptive process of conferring citizenship through the accident of birth.

The 1790 act thus seems to confuse two different logics of national belonging—blood and contract. This confusion, I want to suggest, indicates an ambivalence about the model of naturalized citizenship articulated in the first part of the law, one that represents, on its own, a more performative model of citizenship. The act's shift in attention toward children suggests that lawmakers were unable to imagine a truly nonascriptive model of citizenship. The reference to *jus sanguinis* seems to derail the act's attempt to narrate a model of contractual citizenship, but this derailment serves an important function, allowing an older model of allegiance based on biological kinship to prevail in the face of the law's earlier narrative of a citizen bound to the state by nothing more than contract. The reference to (white) (sexual) reproduction reanimates a more (literally) familiar model—and perhaps a more familiar affect—of national belonging produced through bloodlines.

Here it is helpful to look at the full range of meanings of the word "naturalization" and to consider why and how this particular term came to be associated with this presumably contractual/consensual form of conferring citizenship. According to the *Oxford English Dictionary*, to "naturalize" means generally "to make native." The object of the verb, it 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."[39] The process of naturalization, then, is one in which the difference between the indigenous and the imported becomes effaced. And, crucially, the key means by which this effacement is achieved is

reproduction: to become "native" is to "require . . . no cultivation" and to become "self-propagating." In other words, biological reproduction becomes a key sign by which the naturalized organism passes as indigenous. 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 inherently indigenous or natural about "wild growth" itself: we can not know whether any particular "wild growth" is an "effect" produced and performed through artificial means or whether it was there all along. And sexual reproduction is the mechanism by which this effect is achieved: we know that an organism has been fully naturalized—and might as well be indigenous—by its successful self-propagation, presumably through sexual reproduction.[40]

This is another way of saying that "naturalization" is a metaphor, one that imagines the political and natural worlds as analogous and inextricably linked.[41] This metaphor circulated widely in discourses of citizenship in the early republic. It was deployed, for instance, by J. Hector St. John de Crèvecoeur in *Letters from an American Farmer* (1782), a series of semiautobiographical, semifictional reflections on American life directed "to the people of England."[42] At one point in the well-known chapter titled "What is an American?" Crèvecoeur, who himself had emigrated from France to New York (via Québec) in 1759, 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."[43] Here, the language of reproduction suffuses Crèvecoeur's organic image: the immigrant's European origins are its "parent roots" and his fulfillment of the naturalization process is evidenced in his ability to thrive not simply as a full-grown tree, but a 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 by Crèvecoeur as achieving full status as an American citizen through his ability to thrive and bear evidence of his reproductive capacity.

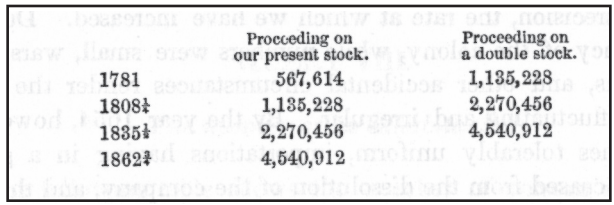
Crèvecoeur, of course, did not have a monopoly on the analogy between political and natural worlds, which was a common trope in eighteenth-century political thought more broadly. While Crèvecoeur uses the metaphor to present a romanticized view of immigration and naturalization (at least in the early part of his *Letters*), his contemporary Thomas Jefferson approaches the same issue in a more scientific fashion in *Notes on the State of Virginia* (1787), his wide-ranging compendium of statistical information, natural history, and philosophical thought. The most extended discussion of immigration appears

in Query VIII, on "Population," in which Jefferson offers numerical data on the historical and existing populations of Virginia and compares different models for increasing its citizenry. In the process, he boldly articulates the assumed desire of the new nation toward immigration, but then takes a skeptical stance toward it: "The present desire of America is to produce rapid population by as great importation of foreigners as possible. But is this founded in good policy?"[44] Jefferson clearly recognizes the state as an affective realm: America "desires" an increase in population (and therefore desires immigrants). Jefferson then ponders the relative costs and benefits of, on the one hand, the "importation of foreigners" and, on the other, "natural propagation." To determine which makes better policy, he presents, in true Enlightenment fashion, a statistical comparison of the two methods, calculating that it would take twenty-seven and a quarter years to double the existing "stock" of Virginia but noting that the population could be doubled in a single year through immigration. If it is true that "the present desire of America is to produce rapid population," then it seems obvious that the best and most efficient option is to encourage immigration. Questioning his own mathematical logic, however, Jefferson argues that there are hidden costs in relying on immigration to increase the population:

> [Immigrants] will bring with them the principles of the [monarchical] governments they leave, imbibed in their early youth; or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. These principles, with their language, they will transmit to their children. In proportion to their numbers, they will share with us the legislation. They will infuse into it their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, distracted mass. (84–85)

Jefferson denies any existing heterogeneity by projecting the blame for the "warp[ed]" and "bias[ed]" deformation of politics onto immigrants. Echoing the 1790 act, Jefferson takes for granted that these immigrant citizens are reproductive, destined to transmit to their children both the "principles" and "language" of monarchical governments, which they have "imbibed" (like mother's milk) "in their early youth." In this scenario, political ideologies are inevitably transmitted through biological reproduction.

As Jefferson's alarmist language about a "heterogeneous, incoherent, distracted mass" signals, he rejects immigration and recommends "natural propagation" as a way to secure a "more homogeneous, more peaceable, more durable" government (85). Despite the numerical data that seem to favor immigration and despite Jefferson's own espoused commitment to the prin-



	Proceeding on our present stock.	Proceeding on a double stock.
1781	567,614	1,135,228
1808¼	1,135,228	2,270,456
1835½	2,270,456	4,540,912
1862¾	4,540,912	

Figure 1.
Jefferson's comparison of "natural propagation" and "importation of foreigners" as methods for population growth. Thomas Jefferson, *Notes on the State of Virginia*, ed. and with intro. by William Peden (Chapel Hill: University of North Carolina Press, 1982), 155.

ciples of liberal democracy, he ultimately seems persuaded not by scientific or political argumentation, but rather by emotion, a fear that compels him toward a "safer" (but hardly rational) conclusion.[45] Thus, Jefferson appears to frame his discussion as a choice between two methods of increasing population—"natural [biological] propagation" versus immigration—but that distinction masks the ways that the production of citizenship in either instance remains unimaginable outside of biological models, even in the mind of a thinker as committed as Jefferson is to shaking off the residue of feudal models of belonging.

My goals in this essay have been to begin to construct a history of the state's production of citizens through naturalization in the United States and to explore the ways in which this practice has been fundamentally sexualized. In doing so, I am aware that citizenship, as a relation of belonging, is not reducible to the state; there are differences between citizenship as a formal status in the law and as a substantive category of belonging. Yet it is important to consider how the state functions as a site of affective power that has shaped the conditions of possibility for the production of U.S. citizens. By focusing on these codifications of and commentaries on immigration and naturalization in the early national period, I have highlighted a moment during which legal mechanisms for producing citizens were being formulated, often through the use of metaphors, such as naturalization, that shaped those laws in contradictory ways. Naturalization, of course, was certainly not the only state practice of the early national period that contradicted the Revolution's goals of establishing a contractual, rather than familial, model of allegiance and belonging. The continued legitimation of slavery through law was one of the most visible contradictions of the tenets of liberal theory that guided the formation of the early United States. Linda Kerber has demonstrated that these liberal ideals of consent and contract also foundered in the juridical construction of women's rights, particularly the system of coverture, which transferred a woman's civic identity and the use of her property to her husband at marriage. As Kerber

notes, "The generation of men who radically transgressed inherited understandings of the relationship between kings and men, fathers and sons, and who radically reconstructed many basic elements of law, nevertheless refused to destabilize the law governing relations between husbands and wives, mothers and children."[46] To recognize those lawmakers' actions as a series of refusals serves as a useful reminder that these policies and procedures were not inevitable and that they might have been (and still may be) imagined in different ways.

Given the founders' emphasis on a model of citizenship based on active consent, rather than passive inheritance, it would have been consistent with that principle for acquired citizenship (i.e., naturalization) to have become the default model, rupturing inherited logics of kinship and blood as the primary basis for political belonging. Yet even the most contract-based articulations of citizenship in the early national period—from the Naturalization Act of 1790 to Jefferson's *Notes*—repeatedly revert to the logic of sexual reproduction, perhaps as a way to contain social panic about the potential political disintegration associated with the contractual production of citizens. In a recent commentary, Stevens has identified queer theory and activism as a site for the critique of "intergenerational structures of identities" and has envisioned its potential to effect "a revolution against all forms of state boundaries . . . the unhindered movement and full-fledged development of capacities regardless of one's birthplace or parentage."[47] Although I'm not sure that Stevens would necessarily make this connection, the revolutionary tone and vision of her description of queer theoretical and political projects uncannily echoes the professed goals of classical liberal theory at its most radical potential. In the texts that I have analyzed here, we see the limits of social contract ideology as it has actually been enacted and embodied: the liberal project of putting into practice a model of consensual citizenship stumbles when it confronts its own queer potential (and perhaps inherent demand) to detach political belonging from (hetero)sexual reproduction.

Notes

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audiences at the University of Illinois, Urbana-Champaign, Purdue University, Concordia University in Montreal, the University of Alabama, the DeBartolo Conference on Eighteenth-Century Studies, and the annual conference of the Law and Society Association.

1. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, rev. ed. (1983; London: Verso, 1991), 141.
2. Lauren Berlant, *The Queen of America Goes to Washington City: Essays on Sex and Citizenship* (Durham, N.C.: Duke University Press, 1997), 195.
3. For an excellent example of scholarship on the surveillance and production of sexual identities via immigration, see Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002). Legal studies scholars have also produced a number of important studies in this area. See, for instance, Robert J. Foss, "The Demise of the Homosexual Exclusion: New Possibilities for Gay and Lesbian Immigration," *Harvard Civil Rights–Civil Liberties Law Review* 29 (1994): 439–75; and Shannon Minter, "Sodomy and the Public Morality Offenses Under U.S. Immigration Law: Penalizing Lesbian and Gay Identity," *Cornell International Law Journal* 26 (1993): 771–818.
4. See Eithne Luibhéid, "Introduction: Queering Migration and Citizenship," *Queer Moves: Sexuality, International Migration, and the Contested Boundaries of U.S. Citizenship*, ed. Eithne Luibhéid and Lionel Cantú (Minneapolis: University of Minnesota Press, 2005), ix–xlvi.
5. See Michel Foucault, *The History of Sexuality*, vol. 1 (New York: Vintage, 1978), trans. Robert Hurley.
6. Jacqueline Stevens argues that the distinction between the nation and the state may be misleading: "Despite the apparent tension between the experience of law (artifice) versus nature as the underlying bond of the political community, the state (or political society) are [*sic*] not concepts at odds with the logic of the nation." She argues instead 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." Jacqueline Stevens, *Reproducing the State* (Princeton, N.J.: Princeton University Press, 1999), 108.
7. Walker Connor, "A Nation Is a Nation, Is a State, Is an Ethnic Group, Is a . . .," in *Nationalism*, ed. John Hutchinson and Anthony D. Smith (New York: Oxford University Press, 1994), 36. See also Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973).
8. See, for instance, Berlant, *The Queen of America*; Philip Brian Harper, Anne McClintock, José Esteban Muñoz, and Trish Rosen, eds., "Queer Transexions of Race, Nation, and Gender," *Social Text* 52–53 (1997); Andrew Parker, Mary Russo, Doris Sommer, and Patricia Yaeger, eds., *Nationalisms and Sexualities* (New York: Routledge, 1992); Elizabeth A. Povinelli and George Chauncey, eds., "Thinking Sexuality Transnationally," *GLQ* 5.4 (1999); Eve Kosofsky Sedgwick, "Nationalisms and Sexualities: As Opposed to What?" in *Tendencies* (Durham, N.C.: Duke University Press, 1993), 143–53; George Mosse, *Nationalism and Sexuality: Respectability and Abnormal Sexuality in Modern Europe* (New York: Fertig, 1985); Lauren Berlant, "National Brands/National Body: Imitation of Life," in *Comparative American Identities: Race, Sex, and Nationality in the Modern Text*, ed. Hortense J. Spillers (New York: Routledge, 1991), 110–40; and Cindy Patton and Benigno Sánchez-Eppler, eds., *Queer Diasporas* (Durham, N.C.: Duke University Press, 2000).
9. Michael Warner has noted that "queer politics has developed little in the way of an agenda for the state." Michael Warner, "Something Queer about the Nation-State," *Publics and Counterpublics* (New York: Zone Books, 2002), 221. Warner contrasts queer activism with a kind of activism that involves "routine interaction with the state," which he associates with lesbian and gay approaches. "Negotiation with state agencies, as a normal kind of activism, is typically organized by ideas of minority politics, community representation, and state coordination of special interests" (212).
10. Davina Cooper, *Power in Struggle: Feminism, Sexuality and the State* (Buckingham: Open University Press, 1995), 1. In her essay "Queering the State," Lisa Duggan has also stressed the urgency of such a project: "Tracing out in a concrete way the extent of the state's involvement in promoting heterosexuality would be a useful, though enormous, project." See Lisa Duggan and Nan D. Hunter, *Sex Wars: Sexual Dissent and Political Culture* (New York: Routledge, 1995), 189. For an especially well-crafted example of such a project, see Margot Canady, "Building a Straight State: Sexuality and Social Citizenship under the 1944 G.I. Bill," *Journal of American History* 90.3 (2003): 935–957.
11. Cooper, *Power in Struggle*, 78 n. 21.
12. Stevens, *Reproducing the State*, xv.
13. Luibhéid, *Entry Denied*, x.

14. Call for Papers, "Legal Borderlands: Law and the Construction of American Borders," *American Quarterly* 56.1 (March 2001).
15. Margot Canaday helpfully reminded me about this point when I first began research in this area. Delinking naturalization from immigration helps make visible the other forms of naturalization that do not necessarily take place through immigration, such as collective naturalization through territorial annexation.
16. For a helpful discussion of four different perspectives on models of U.S. citizenship—"rights, consent, contract, and community"—see T. Alexander Aleinikoff, "Theories of Loss of Citizenship," *Michigan Law Review* 84 (1985–1986): 1471–503.
17. Peter H. Schuck and Rogers M. Smith, *Citizenship without Consent: Illegal Aliens in the American Polity* (New Haven, Conn.: Yale University Press, 1985), 9.
18. "Naturalization Oath of Allegiance to the United States of America," http://www.uscis.gov/graphics/aboutus/history/teacher/oath.htm (accessed July 6, 2005). A uniform 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 "Standardization of the Language of the Oath of Allegiance," http://www.uscis.gov/graphics/aboutus/history/articles/OATH.htm (accessed July 6, 2005).
19. It is important to note, however, that rules of birthright citizenship continue to be contested in ways that demonstrate the ongoing centrality of marriage and gender difference to U.S. laws on nationality. In the case of children born abroad and "out of wedlock" when only one biological parent is a U.S. citizen, birthright citizenship is transmitted automatically to the child only if the citizen parent is the mother, not the father. This rule was recently upheld by the Supreme Court in the case of *Tuan Anh Nguyen v. Immigration and Naturalization Service* (2001). As Linda Kerber points out in her essay in this volume, the ruling confirms that, in essence, "men representing the U.S. abroad have the Court's permission to father children out of wedlock and abandon them," 741.
20. According to Polly J. Price, "the United States, Great Britain, and many Latin American countries have historically favored *jus soli* over *jus sanguinis* as a rule for acquisition of citizenship by birth." However, Great Britain repealed *jus soli* in 1981 with the *British Nationality Act*. Price also notes that "no nation relies exclusively on one of these principles to determine who is a natural-born subject or citizen." See Polly J. Price, "Natural Law and Birthright Citizenship in Calvin's Case (1608)," *Yale Journal of Law and the Humanities* 9.1 (1997): 77 n. 15.
21. 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 what it wills, Butler insists that instead this power is actually derived from the conventions of authority that the speaker cites. See Judith Butler, *Bodies That Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993), 12–16.
22. My thinking about these questions has benefited enormously from Stevens's persuasive arguments in *Reproducing the State*. In a chapter on "The Nation and the Tragedy of Birth," Stevens focuses her attention primarily on birthright citizenship, except for a paragraph in which she briefly discusses naturalized citizenship: "non-kinship membership practices are parasitic on the family model . . . Birth is experienced as the real way of becoming a citizen. No one says of citizenship by birthright in the United States: 'It's as good as a green card,' but the opposite is true" (147). Stevens's brief mention of naturalization helpfully points the way to the questions that I am placing at the center of my work here.
23. See, for example, James H. Kettner, *The Development of American Citizenship, 1608–1870* (Chapel Hill: University of North Carolina Press, 1978), 10.
24. Merrill Jensen, ed., *The Documentary History of the Ratification of the Constitution*, vol. 1, *Constitutional Documents and Records, 1776–1787* (Madison: State Historical Society of Wisconsin, 1976), 73–74.
25. The current oath of renunciation states: "I desire to make a formal renunciation of my American nationality, as provided by section 349(a)(5) of the *Immigration and Nationality Act*, and pursuant thereto I hereby absolutely and entirely renounce my United States nationality together with all the rights and privileges and all duties of allegiance and fidelity thereunto pertaining." "Oath of Renunciation of the Nationality of the United States," http://usembassy-australia.state.gov/consular/oathrenunciation.pdf (accessed July 6, 2005). See Section 349(a)(5) of the Immigration and Nationality Act, 66 Stat. 268, as amended by P.L. 95–432, of October 10, 1978, 92 Stat. 1046.
26. Jensen, *The Documentary History*, vol. 1, 73–74.
27. Kettner, *The Development of American Citizenship*, 106.
28. Ibid., 110.

29. On particular nativist movements in the early nineteenth century, see, for example, Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788–1850* (New York: Oxford University Press, 1984), 266–71, 315–25.
30. Marian L. Smith, "Overview of INS History," http://uscis.gov/graphics/aboutus/history/articles/oview.htm (accessed July 6, 2005), originally published in *A Historical Guide to the U.S. Government*, ed. George T. Kurian (New York: Oxford University Press, 1998).
31. "An Act Supplementary to the Acts in Relation to Immigration," 43rd Cong., 2nd sess., (March 3, 1875), 141.
32. Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, Mass.: Harvard University Press, 2000), 136; and Sucheng Chan, "The Exclusion of Chinese Women, 1870–1943," in *Entry Denied: Exclusion and the Chinese Community in America, 1882–1943*, ed. Sucheng Chan (Philadelphia: University of Pennsylvania Press, 1991), esp. 105–9.
33. This was also one of the first instances when Congress legislated immigration and naturalization together. Prior to this act, Congress had legislated separately regarding the two processes, with one congressional committee drafting nationality law and, beginning in the late nineteenth century, another committee addressing immigration law.
34. 1st Cong., 2nd sess. (March 26, 1790), *Cong. Rec.*, 103–4.
35. The other was the first federal Militia Act, passed in 1792, which required states to limit enrollment in their militias to "every free able-bodied white male citizen"; 1 Stat. 271 (1792). See Stephen A. Siegel, "The Federal Government's Power to Enact Color-Conscious Laws: An Originalist Inquiry," *Northwestern University Law Review* 92 (1998): 522–23.
36. Ian F. Haney López, *White by Law: The Legal Construction of Race* (New York: New York University Press, 1996), 1.
37. Quoted in Haney López, *White by Law*, 43–44.
38. Indentured servants typically signed a contract (or "indenture") before departure from their home country. Other kinds of voluntary servitude involving immigrants ("customary servants" and "German redemptioners") involved contracts negotiated not prior to immigration, but upon landing. See Russell R. Menard, "Transitions to African Slavery in British America, 1630–1730: Barbados, Virginia and South Carolina," in *Migrants, Servants and Slaves: Unfree Labor in Colonial British America* (Burlington, Vt.: Ashgate, 2001), 37.
39. See the entry for "naturalize" in the *Oxford English Dictionary*, http://dictionary.oed.com (accessed July 6, 2005).
40. 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 Londa Schiebinger, *Nature's Body: Gender in the Making of Modern Science* (Boston: Beacon Press, 1993), 21–22.
41. The term *naturalizing* apparently was first used in an act of 23 Eliz. I (1581), according to Kettner, *The Development of American Citizenship*, 30 n. 2.
42. J. Hector St. John de Crèvecoeur, *Letters from an American Farmer* (London, 1782), n.p. Based on information from English Short Title Catalogue. "Eighteenth Century Collections Online" at http://galenet.galegroup.com/servlet/ECCO (accessed August 19, 2005).
43. Crèvecoeur, *Letters*, 69.
44. Thomas Jefferson, *Notes on the State of Virginia*, ed. and with introduction by William Peden (Chapel Hill: University of North Carolina Press, 1982), 83.
45. It is interesting that Jefferson had a keen interest in natural history, particularly botany. He introduced and naturalized a number of foreign crops to the United States, including upland rice, olives, the cork oak, plus more than a hundred different kinds of garden plants, including trees, shrubs, roses, and perennials. Powell Glass, "Jefferson and Plant Introduction," *The National Horticultural Magazine* 23.3, July 1944, 127–31. I intend to explore the connection between Jefferson's views on political and botanical naturalization in future research.
46. Linda K. Kerber, "The Paradox of Women's Citizenship in the Early Republic: The Case of *Martin v. Massachusetts*, 1805," *American Historical Review* 97.2 (1992): 351.
47. Jacqueline Stevens, "The Politics of LGBTQ Scholarship," *GLQ* 10.2 (2004): 225.