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ESSAY



Blood Power: *US v. Wong Kim Ark* and the Theo-logic of Belonging

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Introduction

Although Wong Kim Ark's case is a touchstone in Asian American studies and legal studies, it is less familiar to the general public, not to mention theological circles. While the Supreme Court determined Wong Kim Ark's citizenship as American almost 125 years ago, the contours of his case still resonate today. With rhetoric around "anchor babies," chants of "Blood and Soil" reappearing at white supremacist rallies in Charlottesville, and more recent federal and state policies that seek to prohibit pregnant asylum seekers at the US-Mexico border to have their cases heard until after they have given birth, Wong Kim Ark's case provides a historical tableau to contemporary questions about citizenship, with accompanying questions of political rights and existential belonging. In this essay, we offer a theological analysis of two legal concepts, *jus sanguinis* (right of blood) and *jus soli* (right of soil), that stand at the center of the case in its determination of citizenship. Given that their formal legal definitions – while relevant and clarifying within the original nineteenth-century context – tend to obscure the rich philosophical, historical, and religious provenance of the terms, we are interested in the implicit "theo-logic" that guides their use.¹ On the one hand, our analysis highlights the limits of blood discourse, both theological and political, in connection with the notions of blood purity, mixture, and contamination. On the other, our analysis intends to provoke further inquiry into the constructive theological potential of the nature of blood and land relations as they bear on legal and political renderings of experiences of acceptance, belonging, and alienation.

To situate our reading of blood and land in Wong Kim Ark, we begin with a brief overview of the intersection of political allegiance and ethnicity in American legal history by way of the development of a panethnic Asian American political community vis-a-vis the formation of other non-European politico-ethnic configurations. Tracing the "theo-logic of blood" in Western and North Atlantic societies, we underscore that blood discourse – with its deep theological roots in early Christianity – establishes boundaries of social inclusion (and exclusion) that can descend into a bare polarity

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¹Broadly speaking, "theo-logic" is rooted in the idea that talk about God is "a situated and collaboratively accomplished, lived-in detail of self-regulating communicative processes, [which is] not an individual state of mind, a belief, or a metaphysical education, but rather a property of certain *social* communicative processes." In other words, "theo-logic" has to do not with metaphysical speculation, but with theology as "social process," hence our reading of *Wong Kim Ark* as a tacit theological document by virtue of its very form as public and performative. Though operating in a slightly different register focused on the linguistic dimensions of "theo-logic," see Shelley Schweizer-Bjelic and Dusan Bjelic, "God-Talk' as 'Tacit' Theo-logic," *Modern Theology* 6, no. 4 (1990): 342–3.

between the pure and the impure. However, to leave the matter here would be shortsighted. The Christian discourses on blood, arising from the late medieval and early modern periods in Europe, that came to shape Western political ideologies, were often decried as mythic and limiting in contrast to modern liberalism. This liberalism aimed to establish the fundamental paternity of the State over against religious or older kinship models of citizenship. Our critical argument, then, is that this liberal interpretation of blood discourse substitutes sameness for difference. The appeal to *jus soli* depends on the erasure of blood, transferring one's primary relationship to the land to affirm, for example, the US principle of national sovereignty and more specifically, land as property. Using *Wong Kim Ark* as our starting point, we raise questions about the theological roots of this movement from blood to land, as we reflect on the political and social consequences of the diminishing of theological and metaphysical rationales for citizenship and belonging.

Triangulating ethnicity, allegiance and belonging

The Supreme Court handed down the *Wong Kim Ark* decision sixteen years after the passing of the Chinese Exclusion Act (1882, and extended by the Geary Act of 1892), which prohibited immigration from China. This act was a decisive response to “the Chinese Question” that had reached fever pitch in the late nineteenth-century United States. “The Chinese Question” was like other “questions” of inclusion for minoritized groups (e.g., women, Jews), but in this particular instance it asked whether or not the Chinese presented a racial menace to the United States. While the Chinese were seen as a reliable source of cheap labor – a heightened necessity for an expanding, settler country in the wake of chattel slavery's end – they were nevertheless seen as a threat to the nation, which understood itself as Protestant and white. The Exclusion Act would not be lifted until 1943, when the Chinese were no longer considered a risk in the same way that Japanese immigrants were, given Japan's alliance with Axis forces during World War II.

Read retrospectively, Wong's case is a critical point in recognizing the right of Americans of Asian descent to belong in the United States, although the later 1922 *Takao Ozawa v. the United States* case illustrates how the idea of a panethnic, Asian American political community was years off in the making. The outcome of Wong's case had no real impact on subsequent, failed attempts by Japanese immigrants to obtain citizenship by way of naturalization in the early twentieth century. Those efforts focused on arguing the claim that Japanese could be classified as “free and white” and subsequently naturalized (because they were clearly not of African descent). The differences between the *Ozawa* and *Wong* cases, then, are not just about legal categories but also highlight the implicit *ethnic* rather than *racial* logics that organized thinking about political belonging. The Chinese and Japanese represented distinct threats that were differently calibrated based on their countries of origin. This points not only to differences in cultures but more significantly highlights a question of how the relationship between an individual and political sovereignty is determined; or, as it is described in *Wong*, a question of “allegiance.”

This primary question of allegiance focuses on how the state determines and recognizes the complete commitment and loyalty of the individual in question. The case's

discussion on the status of indigenous Americans is a case in point. Justice Gray writes that even if an indigenous person separates themselves from their tribe and has “taken up [their] residence among the white citizens of a state” but are not naturalized, or taxed like a citizen, then they cannot be recognized as a citizen of the United States.² Residing within the bounds of the United States does not in itself confer citizenship, just as, inversely, a US citizen who is located physically outside of the country does not imply that they are no longer obligated to fulfill their responsibilities to the US (i.e., taxes follow you to the ends of the earth). Moreover, the fact of being born within the jurisdiction of the United States does not automatically grant citizenship – children of foreign ambassadors or children with parents who are citizens of hostile nations are excluded.

At least rhetorically, the validity of birthright citizenship seems, for now, a more or less settled question in today’s United States. From this perspective, the question of Wong Kim Ark’s citizenship looks like a throwback to a less liberal and less enlightened time. However, the current status of those born in US territories like Puerto Rico or Guam echo the debates of the late nineteenth century, reminding us of the broader context in which Wong’s case was decided. As literary scholar Brook Thomas contextualizes the *Wong Kim Ark* decision, the case was one of three decided by the Supreme Court within five years of each other – the other two being *Plessy v. Ferguson* (1896) and *Downes v. Bidwell* (1901).³ Taken together, all three cases comment on the racial limits of belonging in the United States in the late nineteenth and early twentieth centuries. The citizenship rights granted by the Fourteenth Amendment to the formerly enslaved and their descendants did not go so far as to protect them from the inequality of segregation (“separate but equal”), as upheld in *Plessy v. Ferguson*. *Downes v. Bidwell*, also known as the “Insular Cases,” denied full constitutional protections, and consequently citizenship, to the newly acquired territories from the Spanish-American War and annexed territories of Hawai’i. Justice Brown, who wrote the majority opinion for *Plessy*, also wrote the deciding opinion for *Downes*, stating: “There are certain principles of natural justice in the Anglo-Saxon character which need no expression in constitution or statute to give them effect.”⁴ In other words, that the “Anglo-Saxon character” is oriented to “justice” is treated as a basic fact of “nature” – the implication being that non-Anglo-Saxons must be guided by Anglo-Saxons into liberal political enlightenment.

Thomas critically notes that Justice Harlan wrote the dissent in all three cases, which reminds us “that the ‘good guys’ in one case [can] become the ‘bad guys’ in another, and vice versa.”⁵ More salient for this discussion, the question of citizenship for the Chinese, indigenous Hawaiians, and Filipinos was not only calibrated against the representative Anglo-Saxon but also against African Americans. Hence Claire Jean Kim’s “racial triangulation” schematic, where African Americans are characterized as “insiders but inferior” while Asian Americans are seen as “superior but outsiders.”⁶ The domestic missionary efforts to both freed African Americans and to Chinese immigrants during the post-Civil War years employed this kind of strategy.⁷ Along these lines, Thomas

²*United States v. Wong Kim Ark*, 169 U.S. 649 (1898), 60. Hereafter cited as *Wong Kim Ark* by paragraph.

³Thomas, “The Legal and Literary Complexities of U.S. Citizenship Around 1900,” 308.

⁴Cited in Thomas, “Legal and Literary Complexities,” 308.

⁵*Ibid.*, 309.

⁶Kim, “The Racial Triangulation of Asian Americans,” 105–38.

⁷See Chang, *Citizens of a Christian Nation*.

points to how Justice Harlan's dissent in *Plessy* is argued with a negative comparison of the Chinese vis-à-vis African Americans:

There is a race so different from our own that we do not permit those belonging to it to become citizens of the United States. Persons belonging to it are, with few exceptions, absolutely excluded from our country. I allude to the Chinese race.⁸

Justice Harlan continues by arguing that the Chinese, by virtue of not being African American, could travel in the same train car as a white citizen. By contrast, as a result of *Plessy*, African Americans faced prosecution for riding in a “Whites Only” car even though many had “perhaps ... risked their lives for the preservation of the Union” and possessed the same legal rights as white citizens.⁹ In other words, African Americans had demonstrated their allegiance by virtue of their blood sacrifice for the Union's cause against the South during the Civil War. Their active and literal willingness to sacrifice themselves for the preservation of state sovereignty was, for Justice Harlan, the mark of allegiance. US legal discussion of “allegiance” and its relation to national boundaries, then, not only focuses on dissecting precedents in European common law (mainly English and French), but also how *blood* calibrates allegiance and spills over into an understanding of domicile and land ownership.

Theo-logics of blood and land

A discourse of blood, perhaps naturally, presents itself in genealogical terms, often in the form of patrilineage and the transmission of loyalty to a sovereign nation through familial bonds. This genealogical discourse runs through both the opinion and the dissent of *Wong Kim Ark*, alluded to through the references to “parents,” that which is “natural,” and “birth.” But the tension between the majority and dissenting opinions is over *how* the connection between blood and land ought to be conceived. *Wong Kim Ark* is therefore not a simple question of whether *jus soli* or *jus sanguinis* should prevail. In a critical passage written for the majority by Justice Gray, he states that the Fourteenth Amendment clarifies the ambiguity of what birthright citizenship encompasses: “But any possible doubt in this regard was removed when the negative words of the civil rights act, ‘not subject to any foreign power,’ gave way, in the Fourteenth Amendment of the constitution, to the affirmative words, ‘subject to the jurisdiction of the United States.’”¹⁰ The political sovereignty of the United States is recognized as the primary, determining factor in granting citizenship to a person born on US soil, rather than sovereignty of the country of the person's parents, or the parents themselves.

Soil or land, however, is not an inert reality, but is endowed with an active character – not of a monarch or king but of a parent.¹¹ Indeed, as Brook Thomas notes, one of Wong Kim Ark's attorneys cited the Massachusetts senator, Charles Sumner, arguing for the expansive inclusivity of the Fourteenth Amendment in terms of parental imagery:

Here is the great charter of every human being, *drawing vital breath upon this soil*, whatever may be his condition and *whoever may be his parents*. He may be poor, weak, humble or

⁸*Plessy v. Ferguson* (1896), 163 U.S. 537, 47.

⁹*Ibid.*

¹⁰*Wong Kim Ark*, 53.

¹¹Cf. Kantorowicz, *The King's Two Bodies*.

black – he may be of French, German, English or Irish extraction; but before the Constitution all those distinctions disappear. He is one of the children of the State, which, like an impartial parent, regards all of its offspring with equal care.¹²

So, while Thomas is right in characterizing this, in part, as a response to a critical question regarding the status of the United States as a civic rather than ethnic nation, the imagery of the state as embodying the parent helps us see how the affirmation of the law of land (*jus soli*) in the majority opinion does not eliminate the discourse of the law of blood (*jus sanguinis*), but rather transfers it to the state. To call the state “a parent” is an evocative simile because actual, viscous blood does not form the genealogical relationship between the state and its citizens. As with the desire to relativize blood relatedness between biological and adopted children within a single, nuclear family unit, the capacious vision of the liberal attitude in *Wong Kim Ark* means that the “blood” of those of “French, German, English or Irish extraction” is made secondary to their “blood relation” to the State.

Highlighting this “law of blood” discourse present in *Wong Kim Ark*, then, opens up a number of generative avenues, especially as we move to reflect on the theological undercurrents in this case. Although related to a discourse of bodies, bodies are more static, self-contained entities with concrete, well-defined boundaries (i.e., your body, no matter how close to my body, is still your body and not mine). By contrast, blood is fluid – it travels, can be exchanged, poured out, and can run along routes between bodies. It circulates, and is managed. Because of its fluidity, a blood discourse illuminates how determinations regarding kinship are not static, but shift depending on context and location. If, as Gil Anidjar argues, blood as a discourse is something that modern politics seeks to escape but actually cannot, due to “the political hematology” of the “Christian West,” then the discourse of blood as embedded in *Wong Kim Ark* is not only a question of racial belonging but also a stubborn reminder of the chaotic fluidity of blood that speaks to the entanglement of theological kinship with political belonging. Blood is a specter that liberalism attempts to escape but consistently finds itself configuring itself against.

Indeed, references to blood and genealogies have been used to define racial and religious differences, with each discourse being granted explanatory power for the other. The history of *limpieza de sangre* (“purity of blood”), for example, originated in fifteenth-century Spain in a piecemeal fashion, then solidified in the sixteenth-century to classify the *conversos* (Christians who were of Jewish ancestry) as “New Christians” in contrast to the “Old.” As María Elena González observes, turning to genealogy as a way to determine the sincerity or allegiance of *conversos* emerged partly in response to apostasies, disputations, and migrations within Christianity. As a result, ancestry became the means of determining communal identity, a ward against heresy and a sign to mark Christian purity with regard both to belief and to sexuality.¹³

With the imperial and missionary presence of Spain in Mexico, *limpieza de sangre* flowed into the “New World” to make sense of and to manage indigenous bodies, transforming into a *sistema de castas*. This transformation was also designed to address a contextual theological concern: the question of idolatry. With the reality and increase of

¹²Wong Kim Ark, 320.

¹³González, *Genealogical Fictions*, 28.

Spanish and indigenous unions resulting in *mestizo* children, the Crown viewed these descendants as a threat because of their double claim to the land.¹⁴ The identification of idolatry as an issue arose within the broader context of the Inquisition in response to the persistence of indigenous beliefs and practices. Blood in this way, then, delineated boundaries of social, racial, and religious inclusion and exclusion. Even so, as González argues, it is not that blood in itself offers “proof” of authentic Christian faith but rather how it constructs a matrix of related logics in order to determine a person’s identity. Blood is a cipher for interpreting unknown or different persons, thoughts, or practices, as much as it is an ontological marker of belonging.

Through this rationale, we can find suggestive analogies for later blood contestations, including the legal ways that the United States has employed the “one-drop rule” to manage African American genealogies, as well as the blood quantum scheme for Native Americans. Historian Edward Blum has also described how in the decades before and after the American Civil War, ideological differences between the North and South were attributed to distinct genealogies: “The present conflict in America is not a *civil* strife, but a war of *Nationalities* ... a war of alien races ... Cavalier and Roundhead no longer designate parties, but *nations*.”¹⁵ Blum’s important accounting demonstrates how in the years between the war’s end and the turn of the century, Northern religious leaders turned away from the hope of racial inclusion and justice and instead “reforged the white republic.” We will return to this point but here simply highlight its temporal proximity to *Wong Kim Ark*, and how discourses of blood were circulated to give credence to racialized, ideological, or religious differences. And so the rhetoric of *different* bloods speaks to an irreconcilable and unassimilable separation, as affirmed in the dissent’s affirmation of the extension of the Chinese exclusion laws as contested in *Fong Yue Ting v. US*:

The government of the United States was brought to the opinion that the presence within our territory of large numbers of Chinese laborers, of a distinct race and religion, remaining strangers in the land, residing apart by themselves, tenaciously adhering to the customs and usages of their own country, unfamiliar with our institutions, and apparently incapable of assimilating with our people, might endanger good order.¹⁶

If we find this discourse of blood problematic, it is because our expectations of a modern, liberal democracy will be closer to Sumner’s description of the nation-state as the “impartial parent.”

The marker of a liberal state, we believe, will not look at “different” blood as a “natural” way to delineate the subject’s inclusion, but consistently points to the willing sacrifice of one’s blood as evidence of one’s loyalty or ties to the state.¹⁷

¹⁴*Ibid.*, 147–8.

¹⁵Blum, *Reforging the White Republic*, 4.

¹⁶*Fong Yue Ting v. United States* (1893), 149 U.S. 698.

¹⁷Although “blood” is not explicitly mentioned in the US Enlistment Oath for armed forces, we suggest the “sacrifice of blood” is implied given the nature of the document. We thus note the religious and theological ambivalence in a 1962 amendment to the oath, which reads: “Pub. L. 87–751 substituted ‘support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same’ for ‘bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever’ and inserted ‘So help me God’ in the oath, and ‘or affirmation’ in text.” The insertion of “So help me God” vis-à-vis the language of “true faith” serves to crystalize the religious orientation of the enlistee and their oath to “shed blood” in defense of the holy writ of the state, the US Constitution.

The notion of blood sacrifice as central to the formation and continuation of human communities, religious or otherwise, is ancient. The shedding of blood in the Hebrew Bible and New Testament, for example, materially mediates the relationship between God and the human. The spilling of blood points to the sacredness of life and the necessity of recompense following its illicit spillage (e.g., Cain murdering his brother, Abel, as the Lord declares, “Your brother’s blood cries out to me from the ground!” [Gen. 4:10]). More specifically, the *sacrifice* of blood possesses salvific power, understood most powerfully through the example of the lamb’s blood on the door lintel as the enslaved Israelites prepared to leave Egypt. The angel of death literally passes over because of the sign of blood. In the New Testament, as the Book of Hebrews outlines, Jesus’s mediation as the High Priest happens by virtue of his blood and his willingness to become the sacrifice himself, so mediating the believers’ entry into God’s presence (Heb. 10:19–22). In a powerful sense, the reader is included in God’s presence by virtue of Jesus’s humanity, established through the substitution or equivalency of his blood with that of the audience of Hebrews. Blood’s power is not simply located in its essential quality but, just as significantly, in its ability to *metaphysically* circulate to establish spiritual, genealogical bonds.

The extent to which the presence of actual blood circulating between bodies is necessary for kinship has been contested across Christianity and other religious traditions. Debates over the nature of the Christian Eucharist are a salient example. In the decades often referred to as the European “Age of Reformations,” one of the central areas of theological fragmentation took place over the question of what “happens” to the bread (body) and wine (blood) of the sacrament upon consecration. These doctrinal disagreements carried political consequences: Was it the Roman Catholic doctrine of transubstantiation, and the invitation into the holy mystery of Christ’s sacrifice that required the priest as indispensable intermediary? Was it Luther’s doctrine of bodily ubiquity, with its democratizing notion that all Christians were invited to eat and drink the very body and blood of Christ? Or was it Calvinist spiritual presence, with the faithful being “lifted up” from one reality to another to meet the living, wounded Christ in communion? Or, in the spirit of radical egalitarianism and the shedding of all “magic,” was it Zwingli and the Anabaptist’s commemoration of Christ’s sacrifice, which was about individual self-examination rather than contemplating the mysteries of the sacramental event itself?¹⁸ These were not simply recreational, metaphysical debates. They were also about *who* was allowed to partake of the body and the blood, about whether these elements should be regarded as mysteriously transformed or left as mere material signs, and about the role of mediation, human and divine, in the performance of the rite.

In other words, the question of one’s proximity to God also determines what is happening in the event of the sacrament. Luther’s vehement opposition to the Mass as sacrifice was in no small part an issue with conceiving of it as a sacrifice *determined by the human* in relation to the sovereign God. For Luther, this not only suggested that Christ’s crucifixion is repeated, but also that an intermediary figure, the priest, is *necessary* to mediate this work on behalf of the community. William Cavanaugh notes how the Mass in medieval Europe “could serve either to construct exclusionary boundaries against different classes of people or to resolve social conflicts inherent in the

¹⁸See Burnett, *Karlstadt and the Origins of the Eucharistic Controversy*, 10–35.

hierarchical social ordering. In the eucharistic sacrifice, nevertheless, the people were ritually incorporated into the slain Body of Christ, sacrificed for their redemption, and became 'bloody bretheren, for God boughte us alle.'¹⁹ Here, the exchange between the divine and the material elements, by way of the mediatorial role of the priest, served to reinforce the idea that believers were incorporated into a real, social body, with each person inhabiting their divinely affirmed role.

The change that began with Luther shifted focus towards Christ's sacrifice on the cross as complete. As Cavanaugh observes, this interpretive move signals the primary characterization of the believer as an *individual* who *receives* the gift of Christ's saving work. The political theological outcome of this is that, although persons may form a social "body," they are ultimately individuals who do so by way of contract and the state, or assent to obligations that one has to the other.²⁰ No longer does Christ's blood flow to metaphysically bind the social body together in a divine kinship; rather, the social contract depends on the finality of Jesus's blood to substitute the sins of the believer, freeing individuals to enter into political community with one another mediated through and managed by the state.

The kinship created through social contract, then, is one that ultimately requires a certain conformity among its members, given that individuals enter into political relationship by way of differentiation. An individual must subsequently relinquish certain convictions, aspects of identity, or previously held rights in order to be recognized by others in that body, and by extension, the state. In a society where different "bloodlines" reside, the transformation into "one blood" requires a washing away, an intentional forgetting, of one's blood-difference. When the monarchical sovereign is eliminated, and with it the theological framework that supports it, then replaced with the parental sovereign of the state with its legal apparatus, not only is land, "the body," transformed into property, but our understanding of who we are vis-à-vis our kinship and bloodlines become confused. As the specter of blood hangs over the liberal state, for citizens of "mixed blood," the question of belonging is a thorny existential issue.

*Ethnicity and narrative*²¹

To concretize the foregoing analysis, I want to reflect on the ambiguities and tensions that come with being a reader of *Wong Kim Ark* as someone of so-called "mixed blood," or dual ethnicity.²² Being of Japanese and white descent, the narrative grain of *Wong Kim Ark* resonates with aspects of my family's experience on my father's side. And yet, as outlined above, at a more fundamental level, geographical and phenotypic proximity is ultimately irrelevant in the face of American immigration law. While I was born in the United States, my father was born in Yokosuka, Kanagawa Prefecture (神奈川県), Japan, not twenty years after the close of World War II. My grandmother (祖母 美代子鈴木), who immigrated to the United States around 1963, was a Japanese

¹⁹Cavanaugh, "Eucharistic Sacrifice and the Social Imagination in Early Modern Europe," 591–2.

²⁰As Cavanaugh notes, "The social contract creates a state that polices a certain territory and defends its sovereignty with violence." *Ibid.*, 593.

²¹This section of the article is written exclusively by Franklin Tanner Capps and is not intended to reflect any experiences of the co-author.

²²Note Fields' trenchant critique of "biraciality" and "multiraciality" as rooted in a uniquely American (racist) preoccupation with "accurate racial identity" in Fields and Fields, *Racecraft*, 2–6, 56–70.

national who entered at a time when post-war, anti-Japanese sentiment was shifting. With my father, she entered the US when American legal debates over Japanese mass internment intersected with the passage of the infamous Title II, or “Emergency Detention Act,” contextualized by McCarthy-era paranoia over Cold War espionage, which affirmed the federal government’s power to detain anyone suspected of being an internal threat to the country. As Matsumi Izumi notes, “After the end of World War II, Japanese Americans never again became the target for mass detention, nor was their loyalty to the United States collectively placed in doubt . . . The persecution of racial/ethnic minorities and that of political spies and radicals have conveniently been treated as separate issues in ethnic studies or American studies.”²³ It would not be until 1970, twelve years before my birth, that Title II would be repealed due in no small part to the organizing and advocacy efforts of the Japanese American Citizens League.

Only in the years following my grandmother’s recent death have family stories emerged about the impact of American immigration law on her mental health. In a stark tale, a family member recalled, with horror, that she could locate the early onset of my grandmother’s dementia to a particular week, when my grandmother repeatedly called to say the US government was surveilling her home and monitoring her phone calls, with the intent of deporting her through a secret government network back to Japan. While there is no doubt that a medical diagnosis can explain the sudden onset of this paranoia, it is curious to me that I didn’t learn about these anxieties until after she had died – well after she re-adopted her native language and barely recognized her great-grandchildren and me on visits. Her immigrant story, along with the apparent turmoil it generated, was hidden away, and only started to appear after her once robust mental faculties were compromised. By all appearances, my grandmother felt perfectly “American” following her naturalization in the 1980s. Clearly, this was not the case, and some sense of “outsider” persisted in her self-understanding.²⁴ I am still unsure the extent to which this “colors” a sense of belonging for those of us in her kinship line.

Indeed, reflecting on the “embodied” implications of *Wong Kim Ark*, I wonder about how these deeply held but invisible anxieties rooted in exclusion (real and perceived) are transferred to later generations. As someone of “mixed race/ethnicity,” I agree with Rogers Brubaker when he writes, “Ethnicity, race and nation should be conceptualized not as substances or things or entities or organisms or collective individuals—as the imagery of discrete, concrete, tangible, bounded and enduring ‘groups’ encourages us to do—but rather in relational, processual, dynamic, eventful and disaggregated terms.”²⁵ Reconceptualizing ethnicity in these terms is helpful for three reasons. First, it opens up space for family stories to mitigate the pseudo-scientific attachments of “groupism” that tends to reduce particular human experiences to phenotype or nation-state affiliation.²⁶ Second, it allows for “dual” and “multiple ethnicities” to cohere in the sense that ethnicity need not be something “in the world” but a “perspective on the world,” such that “to be” of both Japanese and white ethnicity means *seeing* the

²³Izumi, *The Rise and Fall of America’s Concentration Camp Law*, 4.

²⁴The themes of exclusion and belonging, dual racial or dual ethnic identity, and narratives around generational trauma are explored with reference to a different geopolitical context, the Korean War, in Cho, *Tastes Like War*. The controversial and contested nature of Cho’s memoir highlights the complicated nature of memory, especially traumatic memory contextualized by elder care, within family systems and care units.

²⁵Brubaker, “Ethnicity without Groups,” 167.

²⁶Brubaker, “Ethnicity,” 165–6.

world through a particular set of ethnic lenses, rather than “being” (in a biological or ontological sense) East Asian and white. Third, it allows for the recovery of a *theological* understanding of blood kinship that binds me not only to my biological bloodline “between two worlds,” but also to those of my religious kin who walk the path of both the Ox-herder and the Good Shepherd, the Buddha and the Christ. This is the space where dynamic crosscurrents of family story and lived experience interact, which aren’t reducible to state-sanctioned notions of blood purity or “ethnic authenticity.” Let us simply call this an expression of ethnic torsion that can be felt acutely, depending on the circumstance, by people of multiethnic descent.

To use Brubaker’s language, a “relational, eventful” understanding of ethnicity is the basis for a more subtle understanding of hybridity as it relates to ethnically-rooted displacement that, in turn, complicates notions of “home” and landedness as the suspension between both race and place.²⁷ Cast as diaspora, or the dual ethnic living within the in-between, “[The promise is] both freedom and connection: freedom from national borders or the essentialisms of race and language, [and] connection between people who affirm shared memory and heritage.” And yet, “Heritage is never really free. It is made by the same history that *makes* nations and races. Heritage uses the same signs of identity, even if they signify differently.”²⁸ By contrast, blood violates national and racial boundaries by virtue of its fluidity – as it (freely) flows between bodies and places to generate new forms of life that confound liberal notions of order and categorization. Blood is *anarchic* because, as the above theological reflections suggest, its center is theorized as somewhere beyond the institutions, bureaucracies, and legal proceedings that seek to contain it. Ethnic and theological narrative, religious ritual and rite, may well be one of the only ways to bring coherence to “anarchic blood.”

Concluding remarks

We have attempted to show the political power of blood in legal discourse – its ability to divide and to exclude as well as merge and join disparate parts of the political body. Like literal blood, the discourse is neither neat nor clean, but messy, leaving stains and traces in its wake. It pulses, unseen, in the legal proceedings, such as that of *Wong Kim Ark*, and undulates through within the modern “body politic.”

To extend these reflections to conclusion, it is worth noting that before the American Civil War, radical abolitionists referred to Scripture to argue that African Americans and white Americans were of the same blood: “Of one blood all the children of men were made” (Acts 17:26). In the Reconstruction era, the rhetoric of blood was also frequently employed by Protestant leaders in the North to argue both for the inclusion of African Americans as citizens *and* for the re-incorporation of white Southerners into the

²⁷Jane Naomi Iwamura identifies this as the experience of “distancing” from various spiritual heritages among immigrant East Asian communities, particularly second and third generation people with no primary knowledge of how the non-Western spiritual practices were conducted “back home.” Writing from the perspective of Sansei Japanese, Iwamura observes that the distancing we feel from practices like ancestor veneration – a practice I observed in the United States and in which I participated in Japan – “is both positive and negative, which can [help explain] feelings of ambivalence Asian Americans may have towards their spiritual heritages. On the one hand, new ways of looking at one’s tradition can have a ‘liberating’ effect, freeing Asian Americans from the oppressive structures which operate in their respective Asian cultures. On the other hand, we have lost touch with valuable human resources which can lend meaning, inspiration and strength to our lives.” Iwamura, “Homage to Ancestors,” 164.

²⁸Redfield, “Critical Theory for Political Theology 2.0: Diaspora”.

Union. Proponents of the former, like Justice Harlan, referred to the courage of African Americans in the battlefield; those who made the latter argument appealed to the devastating losses of the war, that enough was enough and the nation needed to remember the kinship and spiritual ties that bound together the North and South. As the 1872 presidential candidate Horace Greeley declared, “The masses of our countrymen North and South are eager to clasp hands across the bloody chasm which has too long divided them, forgetting that they have been enemies in the joyous consciousness that they are, and must henceforth remain, brethren.”²⁹ Northern Protestant leaders and their faith communities played significant roles in trying to suture the political divide. “Fraternal” delegations were frequently sent from the North to their Southern counterparts to restore “mutual confidence, respect, Christian honor and love.”³⁰ The appeal for reconciliation or restoration was both theologically and politically articulated, so that “white” and “Christian” formed the ground for American civic identity.

The discourse of blood, then, as a symbol of kinship, has the potential to fluidly include those who are deemed different, but only through its ability to substitute difference for sameness, and not always to benign effect. For the Jewish scholar, Daniel Boyarin, Paul’s declaration that in Christ there is neither Jew nor Greek, enslaved nor free, woman nor man, denies the distinctive validity of circumcision, a sign of God’s singular, covenantal relationship with the Jewish people. Is Boyarin’s Jewish difference, then, one of value or “only an obstacle in the striving for justice and liberation”?³¹ Similarly, was Wong Kim Ark’s right to citizenship an affirmation of American civic fraternity or part of the long march of the bloody erasure of indigenous sovereignty? Perhaps what this question asks of us is to hold these two realities in tension, and thus to more deeply examine how the various genealogies of ethnicity, religion, and race can commingle to create multiple forms of belonging that are at once ancient and new.

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²⁹Blum, *Reforging the White Republic*, 113.

³⁰*Ibid.*, 105.

³¹Boyarin, *A Radical Jew*, 4.

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