

# APA Newsletters

NEWSLETTER ON HISPANIC/LATINO ISSUES IN PHILOSOPHY

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Spring 2008

**FROM THE EDITORS, GREGORY D. GILSON AND BERNARDO J. CANTENÍS**

**FROM THE CHAIR, SUSANA NUC CETELLI**

**ARTICLES, COMMENTS, AND REPLIES**

ROBERTO TOLEDO

“The Authenticity of Indigenous Rebellion in Mexico:  
Luis Villoro’s Critique of Leopoldo Zea’s Nationalism”

GREGORY D. GILSON

“Response to Roberto Toledo, ‘The Authenticity  
of Indigenous Rebellion in Mexico’”

JORGE VALADEZ

“Immigration and the Territorial Powers of Nation-States”

JOSÉ-ANTONIO OROSCO

“Comment on Jorge Valadez’s ‘Immigration and  
the Territorial Powers of Nation-States’”

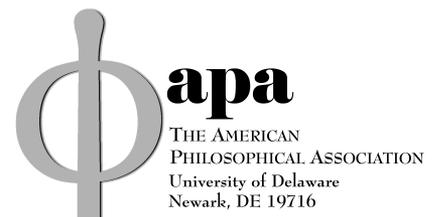
JORGE VALADEZ

“Response to Orosco”

TED HENKEN AND CASIMIRO LECO TOMAS

“Blood Across the Water: Hispanics, Native Americans,  
Race, and New Immigration in the U.S. Census”

**CALL FOR SUBMISSION**





# Hispanic/Latino Issues in Philosophy

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Gregory D. Gilson and Bernardo J. Caneteñs, Co-Editors

Spring 2008

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## FROM THE EDITORS

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**Gregory D. Gilson**

*University of Texas–Pan American*

**Bernardo J. Caneteñs**

*Barry University*

This issue of the *Newsletter* contains Roberto Toledo's essay, "The Authenticity of Indigenous Rebellion in Mexico: Luis Villoro's Critique of Leopoldo Zea's Nationalism." This work won the APA Prize for best essay in Latin American Philosophy. Toledo's essay argues against Leopoldo's Zea's characterization of Zapatismoism as an inauthentic rebellion. Toledo argues that Zapatismoism conforms to Zea's theory of authentic liberation as spelled out in the assumptive project. He argues that an empirical misunderstanding and mischaracterization of Zapatismoism drives Zea's criticism. Gregory D. Gilson provides a commentary on Toledo's essay.

In addition to containing the APA prize winning essay, this issue of the *Newsletter* focuses on the topic of immigration. Two substantial articles focused on immigration are reproduced here. Jorge Valadez's article, "Immigration and the Territorial Powers of Nation-States," challenges the commonly held assumption that nation-states have the unconditional right to regulate the terms and conditions under which people enter their territory. Valadez argues that, in return for global recognition of their territorial powers, nation-states assume responsibilities regarding nondomination, compensation, and ecological integrity. These responsibilities, in turn, establish limits on the immigration policy that a nation-state may legitimately enact. Jose-Antonio Orosco provides a commentary on Valadez's essay, to which Valadez replies. The second essay on immigration that appears in this *Newsletter* is co-authored by Ted Henken and Casimiro Leco Tomas. The essay, "Race is a Pigment of Your Imagination: Hispanics, Immigration, and Race in the U.S. Census," examines the way in which immigration complicates the already complicated process whereby notions of race and ethnicity are constructed and negotiated. Specifically, the essay provides a conceptual and historical account of how differences in racial ideology between Latin Americans and U.S. citizens interact to produce a highly unstable and perhaps even mythical conception of the race and ethnicity of immigrants.

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## FROM THE CHAIR

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**Susana Nuccetelli**

*St. Cloud State University*

During the academic year 2007-08, the Committee on Hispanics in philosophy has undertaken a number of projects to promote Latin American philosophy and raise the profile of Hispanics in the profession. As chair of the Committee, I am happy to report that we have made solid plans to contribute to all three Divisional meetings by organizing sessions in the main program at each meeting. In all of these meetings we were mindful of the need to focus on topics of interest to Hispanic and Latino philosophers, who, of course, are themselves diverse in both the traditions they endorse and the areas of philosophy they cultivate.

At the Eastern Division meeting in Baltimore, we offered a panel discussion on the philosophy of Ernest Sosa, which featured three papers and the responses of Sosa himself. I hope that such a successful event, which focuses on the philosophy of some prominent Hispanic philosopher, sets a precedent for the Committee to continue to organize in the future. We also co-sponsored a session with the Committee on Inclusiveness on philosophy and literature, a metaphilosophical topic of central concern for those interested in Latin American philosophy. Although all of these sessions proved to be of special interest to Hispanics and Latinos, they also attracted a more general audience. The presentations and discussions were lively and well attended. Beyond doubt, there is encouraging evidence that we are now reaching a wider audience at all Divisional meetings. Needless to say, many participants stayed until the end of the sessions to make inquiries about our committee and to suggest other activities we might undertake at future Divisional meetings. We also offered a reception that was well attended and contributed further to our objectives of increasing the presence of the Committee.

In addition, a new prize-winning essay in Latin American thought was read at the meeting in Baltimore. To continue with this worthy award, I'd like to encourage members and friends of the APA to make donations for the funding of our prize. Information about how to go about this is available at [www.apaonline.org](http://www.apaonline.org)

Finally, since I will be rotating out of the Committee on Hispanics this summer, I'd like to thank all the people who helped me during five challenging years of serving as its chair. I'm sure that Eduardo Mendieta, current associate chair and incoming chair, will contribute to the Committee's goals his extensive experience and high standards. I'd also like to welcome Renzo Llorente and Greg Gilson, incoming members of the Committee who are willing to devote to it their time and effort.

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## Current Committee Membership

### Committee Chair

C-Susana Nuccetelli (2008)  
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### Associate Chair

P-Eduardo Mendieta

### Committee Members

E-Jesús Aguilar (2009)  
E-Otávio A. Bueno (2008)  
E-Bernardo Cantens (2008)  
E-Agnes Curry (2010)  
C-Gregory Pappas (2010)  
C-Steve Tammelleo (2009)  
C-Sheryl Tuttle-Ross (2009)  
P-Gregory Velazco y Trianosky (2009)  
C-Gregory Gilson (*ex-officio*)

The editor of the *Newsletter on Hispanic/Latino Issues* serves in an *ex officio* capacity on this committee. The new *Newsletter* editor will be announced soon.

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## ARTICLES, COMMENTS, AND REPLIES

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### *The Authenticity of Indigenous Rebellion in Mexico: Luis Villoro's Critique of Leopoldo Zea's Nationalism*<sup>1</sup>

Roberto Toledo

Stony Brook University–State University of New York

Leopoldo Zea, disciple of José Gaos and arguably the most recognized Mexican philosopher of the twentieth century, enriched post-colonial Latin-American philosophy through his writings on authenticity and national autonomy. Before his 2004 death, Zea maintained his presence within national debates by opposing Zapatismo's threat to Mexico's integration with the United States through the North American Free Trade Agreement (NAFTA). Consequently, Zea placed himself at odds with many of his contemporaries and may have contradicted his own work on authenticity.

In his book on Zea's phenomenology, Mario Sáenz criticizes Zea's anti-Zapatismo, arguing that Zea continually allied himself with the Institutional Revolutionary Party (PRI) of Mexico, the party that took charge of the nation's decolonization in the 1930s and that recently adopted a neoliberal project of privatization and deregulation.<sup>2</sup> He attributes Zea's anti-Zapatismo to the class elitism of his political party. While agreeing that Zea overlooks certain class realities in Mexico, I argue that Zea's views go beyond a blind adherence to PRI policy.

My critique of Zea proceeds with humility and charity. First, I attempt to understand how his positions on Zapatismo and integration with the United States fit into his previous discourse on authenticity. Second, I reinforce his more recent arguments

with valuable contributions from earlier works. In assessing the theoretical strength and unity of Zea's writings, I draw on Luis Villoro's analysis of Zea's discourse on authenticity. Villoro, another student of Gaos, has closely read Zea and shares many of Zea's positions. However, he, too, challenges Zea's anti-Zapatismo.

I support Villoro's argument with further research on Zapatismo as a liberation movement and on NAFTA as a possibility for integration. I argue that Zea mischaracterizes Zapatismo theoretically and empirically and that he shares more goals with the Zapatistas and their defender Villoro than he realizes. Zea's argument concerning the threat of ethnic separatism has some basis in reality, but he confuses the movement with this threat. Challenging Zea is a worthy endeavor because he was one of the more intelligent and directly implicated critics of Zapatismo to commit this error.

### I. Zea's Origins: Philosopher of the Mexican Revolution

#### A. Gaos and Iberoamerican Solidarity as Authentic Philosophy

Zea's roots are found in Gaos, who immigrated to Mexico as a Spanish Civil War exile in 1938. As a student of José Ortega y Gasset, Gaos emphasized the historical situatedness of philosophical activity and the importance of responding to one's historical situation,<sup>3</sup> the central component of Zea's notion of authenticity. Ortega y Gasset and the rest of the generation of 1889 aimed to create a new culture and an anti-imperialist spirit for Spain after the loss of its colonies and status in Europe.

Gaos identified with post-Revolution Mexico's search for a post-colonial identity, arguing that Spain could learn from Mexico's more successful efforts to overcome an anachronistic past. At the same time, Gaos thought the Americas could benefit from contemporary Spanish ideas instead of simply rejecting everything with any connection to the colonial past.<sup>4</sup> Otherwise, Latin America might simply imitate philosophies from the more powerful Anglo-American world without these philosophies responding adequately to the concrete situation of Latin America; Zea's definition of "inauthenticity." Gaos's advocacy of Iberoamerican solidarity led to Zea's philosophy, inspired by constructive currents responding to a similar situation on the other side of the Atlantic. Zea argues that Gaos's Iberoamerican project allowed Mexico to embrace a broader identity without having to sacrifice its own (*Discurso*, 12).

Clarifying Zea's formulations of "authenticity," Villoro argues that the above definition of authentic philosophy, as attention to one's concrete circumstance and the creative appropriation of foreign ideas in so far as they respond to genuine needs in one's circumstance, is Zea's most consistent definition of authenticity (*entre libros*, 95). Villoro contrasts this Gaussian influenced definition with authenticity as attention to one's own in opposition to the foreign, an inconsistent definition of authenticity that Zea also employs at times (*entre libros*, 94). I argue that Zea maintains his more "authentic" definition of authenticity in accusing Zapatismo of defending an "inauthentic" notion of cultural identity, namely, the belief that "authentic" identity involves exclusion of the foreign.

#### B. Zea and Authenticity as Solidarity in Post-Revolution Mexico

Zea published his dissertation in 1943 when the PRI was well established. President Lázaro Cárdenas solidified post-Revolution Mexico in 1938 by nationalizing basic industries and by finally instituting land reforms promised in Mexico's 1917 Constitution. The Revolution of 1910 began as an uprising against feudal elements that persisted after Mexico's 1821 Independence, leading peasant rebel Emiliano Zapata to demand redistribution of agricultural lands. However, prior to

the diversion that World War II provided, politicians failed to fulfill Mexico's post-Revolution constitution, fearing reprisal from the United States. In contrast, Cárdenas successfully assimilated the revolutionary classes into a corporatist economy. The PRI's corporatism involved subsidies and centralized peasant and labor organizations, stimulating agricultural and urban industry and making Mexico an inspiration for African and Asian decolonization in later decades.

During the 1940s, Zea became the intellectual leader of Iberoamerica's attempt to create an alternative to the decadence of Western colonialism that World War II represented.<sup>5</sup> Zea became directly involved with the PRI between 1958 and 1968 but not as a passive follower of PRI policy. His attempts to democratize the party were resisted, leading him to focus on building international solidarity instead through several diplomatic visits to decolonizing Africa and Asia.<sup>6</sup> That Zea merely represents the ideology of PRI elites is not clear from his writing and political activity.

His dissertation critiques the post-Independence bourgeoisie for adopting French and British positivism to maintain the status quo as a "scientific" order against "irrational" revolutionary tendencies. More specifically, Zea criticizes the use of positivist ideology to justify violence against the indigenous of Mexico on the basis that they represent an inferior race with an emotional attachment to land contrary to progress.<sup>7</sup> The same work defends the Revolution's agrarian movement against bourgeois cooption and praises Cárdenas for his land reforms (*positivismo*, 433). In *Discurso desde la marginación y la barbarie*, the culmination of his thoughts on authenticity, Zea celebrates the "regionalism of groups that no longer identify with one determinate concept of a nation" (*Discurso*, 243) for seeking authentic solidarity in the decolonizing process without sacrificing any particular language and culture.

Zea argues that decolonization created an identity crisis for former colonial powers forced to recognize their incompleteness in respect to other cultures (*Discurso*, 241). Promoting global solidarity, Zea argues that the Anglo-American world can learn from the communities in Latin America and Mexico's multicultural nations (*Discurso*, 237). For Zea, Post-Revolution Mexico created a new sense of solidarity, or *mestizaje*, across cultures, through merging pre-colonial and Spanish traditions; an alternative to the more exclusionary route of the Anglo-Saxon world.

Despite praising regionalism, Zea's *Discurso* does not discuss the indigenous communities within Mexico specifically or recognize that Mexico's multicultural state has involved an internal colonization through the very communal structures supported by the PRI (Sáenz, 307). Sáenz argues that Zea's fails to distinguish "the alienation experienced by the Latin American elites as they become materially and spiritually dependent on empires," and "the type of alienation experienced by the Latin American masses who are economically exploited by multinational and national economic powers, and who are also often culturally oppressed by their own national bourgeoisies" (Sáenz, 308). Zea is not simply a bourgeois or PRI spokesman. Nevertheless, his post-Cold War work denies persisting racial marginalization in Mexico, ignoring the internal alienation that has marked Mexico's post-Revolution history.

## II. Zea's Turn: Anti-Regionalism in Post-Cold War Mexico

### A. Neo-Isolationism in the North and Exclusive Regionalism in the South

Following his culminating work, Zea's post-Cold War writings shift in focus after the 1989 fall of the Berlin wall, intended to keep citizens from leaving, led former colonial and current

neo-colonial powers to "build walls to prevent people from entering"<sup>8</sup> Zea laments that European and North American representatives in two major conferences on ecology and development refused to recognize any responsibility for having developed by exploiting southern labor and resources, suggesting that the state of the environment may prevent the South from reaching the North's level of development (*siglo XX*, 40). Zea's *Discurso* on how to avoid assimilation as imitation responds to the capitalist world's concern with building allegiance during the Cold War. Facing new isolationist tendencies, Zea's post-1989 worry is the inability to integrate.

Discussing Zea's post-NAFTA work, *Fin del siglo XX ¿Centuria perdida?* Sáenz accuses Zea of abandoning previous critiques of Eurocentric modernity by reducing Mexico's situation to the ability or inability to modernize (Sáenz, 312). However, Zea's previous concerns are still latent. The *Discurso* as well as *Fin del siglo XX* celebrate the "Tigers of the Pacific" for demonstrating that introducing foreign technology, products, and ideas does not necessarily imply a loss of cultural identity (*Discurso*, 248). For Zea, Asia's modernization without "Americanization" offers an alternate to the route of nineteenth-century Latin American positivists who attempted to erase their Spanish and indigenous heritage in embracing the scientific progress of Europe and the United States (*siglo XX*, 69).

Nevertheless, Zea introduces a new critique of certain identity struggles. Zea's *Discurso* argues that the anti-colonial regionalisms in Africa and Asia represent the efforts of "concrete humans struggling to make their identity patent, but not in order to separate themselves from other humans, but rather to participate with them as equals" (*Discurso*, 244). In contrast, *Fin del siglo XX* argues that Post-Cold War ethnic separatism, as witnessed in former Yugoslavia, excludes the other (*siglo XX*, 129). For Zea, Zapatismo exemplifies such separatism, counteracting the needed integration of the North and South in the face of neo-isolationism.

### B. Zea: Indigenous Liberation (Preservation) as Inauthentic Ethnic Separatism

Discussing the threat of ethnic separatism, Zea recounts an experience in 1988 when a group of "indigenous," some blonde and blue-eyed, interrupted a symposium and demanded that "everything the whites imposed on us be eliminated, their cathedrals returned to their lands, and that they no longer contaminate our blood" (*siglo XX*, 116). This is an example of what Villoro terms an "inauthentic" defense of ethnic particularity through an inaccurate understanding of cultural identity as a static entity, defined in exclusion to the identities of other cultures.<sup>9</sup> According to Villoro, essentialist definitions of cultural identity often reinforce inherited privilege in detriment to the concrete needs of the entire community: "the unreflected repetition of inherited conventions is as powerful of a factor in alienation as the blind imitation of foreign ways of life" (*pluralidad*, 119).

Affected by his personal confrontation with separatist tendencies, Zea labels Zapatismo a misguided movement. He advocates Mexico's agricultural revolution as an ongoing struggle to raise living standards but criticizes the Zapatistas for turning the conflict into an ethnic issue. According to Zea, *mestizo* Mexico no longer exhibits a social-economic division between Indians and non-Indians since one finds urban elites with indigenous features and peasants with blond hair: "we are dealing with Mexicans and nothing more, of one color of skin or another" (*siglo XX*, 100). By creating ethnic strife and resisting modernization, Zea argues that the Zapatistas merely feed into U.S. agricultural interests who oppose NAFTA for threatening profits.

### C. Racial Discrimination in Mexico and the Relevancy of Zapatismo

Much of Mexico's history challenges Zea's assessment that a movement concerned with racial discrimination is irrelevant. On the one hand, indigenous communities granted land through Mexico's 1917 Constitution remained subjected to PRI-controlled institutions. On the other hand, the most impoverished communities of Chiapas, which the Zapatista movement grew out of, never even received land. Overlooked, Chiapas lacked transportation infrastructure into the 1970s. Statistics from 1980 show that only half of the male population and a minute percentage of women spoke Spanish and half of the households lacked electricity as well as running water.<sup>10</sup> Even in the 1980s, when Chiapas became a significant producer, land remained in the hands of a few wealthy landowners. Frequent attempts to occupy promised territory resulted in state and paramilitary violence. An especially bloody confrontation was General, and future Chiapas governor, Absalon Castellanos's massacre of Tzeltal Mayans in 1980.<sup>11</sup>

Despite increased infrastructure and market integration in the 1980s, structural adjustment policies following Mexico's debt crisis cut wages, eliminated subsidies, and further impoverished the region. Statistics report that eight out of ten homes were overcrowded, 80 percent of children suffered from malnutrition, and an estimated 14,500 people died from curable diseases.<sup>12</sup> The steady decline of the region resulted in the formation of the Zapatista National Liberation Army (EZLN) in 1983 to "protect the peasants from attacks of the police, army, and ranchers' guardias blancas" (La Botz, 38). Basing their hopes on the Constitution's promised agrarian reform, they named themselves after the famous peasant revolutionary. In 1993, the PRI cleared the ground for the Zapatista revolt by undemocratically altering the Constitution to comply with NAFTA requirements, officially privatizing communal farmlands (Collier, 8).

Zea argues that the Zapatistas revolted unprovoked, inciting a media spectacle of military violence to destabilize the country during a peaceful transition to a multiparty democracy after the PRI had spared Mexico from violence for seventy years (*siglo XX*, 133). In contrast, Don Samuel Ruiz, the bishop of Chiapas from 1960 to 1999, explains that at least three armed movements had already emerged in the region. Ruiz recounts that those working with the church to reduce the flood of arms into rebellious communities sensed the desperation of the population: "we saw that the repression was no longer causing fear, and we said to each other, 'we're at the edge. Something is going to happen here.'"<sup>13</sup> They were pleasantly surprised, as opposed to Zea, that the Zapatistas used the revolt to attract international attention to Mexico's lack of democracy instead of violently seeking state power as feared when the various movements appeared.

### D. Villoro: Zapatismo as an Authentic Search for Solidarity

Contrary to Zea's criticisms, Zapatismo's response fulfills Zea's very criteria for "authentically" addressing a situation. Villoro argues that the identity of the communities of Chiapas that Zapatismo defends is not based on "characteristics that distinguish [the communities] from the rest," but rather on their "concrete manner of expressing, in a given situation, their needs and desires, and manner of manifesting their projects, whether or not these are exclusive to them alone" (*pluralidad*, 75). The Zapatistas do not oppose "elements coming from outside that respond to new historical needs" (*pluralidad*, 76) of Chiapas communities and have established national and international solidarity. The authentic defining of a group's identity that Zapatismo exemplifies is strikingly similar to Zea's notion of respect for the concrete identities of peoples in solidarity with other peoples.

Zapatista literature defends a general notion of human rights "without regard to color, race, sex, economic position, ideology, religious belief, size or age"<sup>14</sup> responding to Zea's request to defend all victims of economic oppression, instead of defending a certain quantity of indigenous blood against contamination by white blood (*siglo XX*, 100). However, Zapatismo also defends victims of racial, cultural, and linguistic oppression as well as the autonomous structures of indigenous communities that have developed and continue to develop in response to colonial and neo-colonial violence.

### **III. Conclusion: Uniting Zea's and Villoro's Projects for Post-NAFTA Mexico**

Despite their differences over Zapatismo, Zea and Villoro are in agreement on many issues. Villoro, like Zea, seeks national unity as well as continental solidarity and supports NAFTA as long as the terms are equitable.<sup>15</sup> Zea argues that NAFTA can benefit Mexican agriculture as long as the nations of Latin America unite and force just terms of trade on the United States (*siglo XX*, 139). However, he does not discuss the concrete consequences of NAFTA nor concrete solutions to the situation at hand.

When the Zapatistas called NAFTA a "death sentence" for Chiapas, they did not mean the fruits of modern technology and integration endanger the pre-modern identity of indigenous communities. Rather, NAFTA was understood as a threat to their "capacity to project and realize an ideal image of themselves in which they could recognize themselves [and] in which the past could be integrated with present reality" (*pluralidad*, 150). Between 1994 and 2000, U.S. agricultural subsidies increased by 350 percent while the Mexican government eliminated support.<sup>16</sup> Consequently, over 600,000 farmers abandoned their lands.<sup>17</sup> Villoro argues that "neoliberal policy...has augmented the distance between 'Westernized' Mexico and 'deep' Mexico more than ever" (*pluralidad*, 46), threatening the national unity for which Zea praises the PRI.

Now that the treaty is in force and support has disappeared, Zapatismo's demands for collective autonomy and economic rights continue to play an important role, influencing creative responses to the current situation. Autonomous peasant cooperatives are emerging, replacing the PRI's bureaucratic organizations with decentralized, non-party affiliated structures based in the communitarian traditions of indigenous communities.

In 1995, peasant communities responded to U.S. grain dumping by forming ANEC (National Association of Commercializing Enterprises), linking farmers across twenty Mexican states (*Globalization*, 141). Olivia Acuña Rodarte from UNAM explains the function of such organizations: "By joining to store and bring their crops to market, producers achieve economies of scale in distribution and transport, and manage supplies of key crops in local and regional markets, avoiding market gluts and responding to market shortages—and ultimately earning better prices" (CG, 140). ANEC members have earned a 10 to 15 percent price premium and poorer regions have evaded food crises through redistribution efforts (*Globalization*, 141).

In Oaxaca, coffee growers responded to market saturation and withdrawal of subsidies by forming the State Coalition of Coffee Producers of Oaxaca (CEPCO) in 1989 (*Globalization*, 149). CEPCO bypasses distribution intermediaries and has secured a niche in the organic "fair-trade" coffee market that offers a premium for their high-quality beans (*Globalization*, 162). The organization is structured in a non-hierarchical manner based on communal land ownership and the socialization of profits and losses (*Globalization*, 218).

These cooperatives exemplify Zapatismo's view that "[a]utonomy is not separation; it is integration of the most humble and forgotten minorities of contemporary Mexico."<sup>18</sup> That Mexico's indigenous communities are seeking integration rather than separation supports Villoro's thesis that national power remains important in the transition to a multicultural framework by providing internal support to autonomous groups facing transnational competition (*pluralidad*, 52). Peasant organizations have produced a document called "Alternative for the Americas" concerning the terms of free trade agreements:

We are not opposed to the establishment of rules for regional or international trade and investment. Nor does our criticism of the dominant, externally imposed form of globalization imply a wish to return to the past, to close our economies and establish protectionist barriers, or to press for isolationist trade policies. But the current rules have not helped our countries overcome, nor even reduce our economic problems. (*Globalization*, 232)

Zea's proposal for ensuring equitable trade relations is to unite Latin-American nations. However, Zapatismo promotes international solidarity more effectively through its sensitivity to the sectors that are most adversely impacted by the current economy and through its understanding of the sources of internal divisions within nations. Only in solidarity with these initiatives from below will Mexico achieve the benefits of integration that Zea desires.

#### Endnotes

1. I would like to express my gratitude to Amy Oliver and Michael Schwartz for their comments on early drafts of this essay. A special thanks goes to Eduardo Mendieta for several years of advice and patient reading of my writings on post-NAFTA Mexico.
2. Sáenz, Mario, *The Identity of Liberation in Latin American Thought: Latin American Historicism and the Phenomenology of Leopoldo Zea*, 307. Hereafter cited as "Sáenz."
3. Villoro, Luis, *En México, entre libros: Pensadores del siglo XX*, 77. Hereafter cited as "entre libros." All quotes in English are provided merely as references to the corresponding page of the Spanish original.
4. Zea, Leopoldo, *Discurso desde la marginación y la barbarie*, 197. Hereafter cited as "Discurso." All quotes in English are provided merely as references to the corresponding page of the Spanish original.
5. Gómez-Martínez, José Luis, "Leopoldo Zea: El hombre y su obra." Proyecto Ensayo Hispánico, <http://www.ensayistas.org/filosofos/mexico/zea/contexto.htm> (accessed June 1, 2007).
6. Matamoro, Blas, "Leopoldo Zea: Biografía." Centro Virtual Cervantes, <http://cvc.cervantes.es/actcult/zea/biografia.htm> (accessed June 1, 2007).
7. Zea, Leopoldo, *El positivismo en México: Nacimiento, apogeo y decadencia*, 295. Hereafter cited as "positivismo."
8. Zea, Leopoldo, *Fin del siglo XX ¿Centuria perdida?* 50. Hereafter cited as "siglo XX." All quotes in English are provided merely as references to the corresponding page of the Spanish original.
9. Villoro, Luis, *Estado plural, pluralidad de*, 74. Hereafter cited as "pluralidad." All quotes in English are provided merely as references to the corresponding page of the Spanish original.
10. Collier, George A., *Basta! Land and the Zapatista Rebellion in Chiapas*, 93. Hereafter cited as "Collier."
11. Reding, Andrew, "Chiapas is Mexico: The Imperative of Political Reform," *The World Policy Journal*, 94.
12. La Botz, Dan, *Democracy in Mexico: Peasant Rebellion and Political Reform*, 22. Hereafter cited as "La Botz."
13. From a personal interview with Don Samuel Ruiz in Querétaro, Mexico, July 2006. My translation.
14. General Command of the Zapatista Army of National Liberation, "EZLN Decides to Leave Mexico City," Mexico, March, 2001, <http://www.zmag.org/chiapas1/mar1901.htm> (accessed June 1, 2007).
15. Villoro, Luis, *De la libertad a la comunidad*, 107.
16. Wise, Timothy A., Hilda Salazar, Hilda, and Laura Carlen, *Confronting Globalization: Economic Integration and Popular Resistance in Mexico*, 137. Hereafter cited as "Globalization."
17. Hart, John Mason, *Empire and Revolution: The Americans in Mexico since the Civil War*, 500.
18. General Command of the Zapatista National Liberation Army, "III Declaration of the Lacandon Jungle," Mexico, January 1995, <http://www.ezln.org/documentos/1995/199501xx.en.htm> (accessed June 1, 2007).

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## Response to Roberto Toledo, The Authenticity of Indigenous Rebellion in Mexico

Gregory D. Gilson

The University of Texas Pan American

Roberto Toledo's prize winning essay greatly enriches and improves upon Mario Sáenz's criticism of Leopoldo Zea's support of NAFTA and subsequent rejection of Zapatismoism. In *The Identity of Liberation in Latin American Thought*,<sup>1</sup> Sáenz

accuses Zea of being taken in by the misguided class elitism of the PRI, political corruption, and mistakenly linking the basis of authenticity with neo-liberal ideals, economic progress, and utilization of nature. In short, he accuses Zea of drastically changing, ignoring, or misinterpreting his earlier doctrine of authenticity.<sup>2</sup> In contrast, Toledo's critique of Zea proceeds more cautiously. Toledo explicates Zea's anti-Zapatismoism in a way that theoretically squares with his doctrine of authenticity. According to Toledo, the primary mistake made by Zea is neither his association with the PRI nor a theoretical change regarding the doctrine of authenticity but, rather, and more simply, a misunderstanding and mischaracterization of Zapatismoism itself.

Let's start with what is agreed upon by Toledo and Sáenz. Zea's philosophy of authentic liberation grows out of his historical criticism of positivism both as a philosophical and political-social endeavor. Zea's criticism is that positivism proceeds from what he calls a historical zero and attempts to produce an abstract universal that applies to all human beings regardless of their particular concrete situation. In contrast, Zea maintained that authentic liberation requires people to assimilate or assume their particular historical situation to create a concrete but nevertheless universal philosophy of liberation. For Latin Americans this requires recognizing and selectively appropriating Western institutions and ideas as well as respecting and promoting the diversity and plurality of the Latin American Reality. Zea calls this the assumptive project and characterizes it as a kind of Hegelian synthesis, the product of which is to be transcended and selectively negated in dialectical fashion.

Zea thinks that the explicit path for liberation that the assumptive project prescribes for Latin America has three components. First, Latin America needs to unite to form a diverse and pluralistically free union of American peoples. He calls this the process of *mestizacion*. Second, education and modernization must be promoted, and finally, Latin America needs to integrate with the rest of the world as an equal partner.

Zea claims that Zapatismoism is in direct conflict with authentic liberation. He supplies several reasons for this claim. First, Zea believes that the movement threatens the integration of Mexico with the modern world. Second, he thinks the goal of the movement is to perpetuate an unreflective static ethnic identity that is to forever remain separate from the rest of Mexico. Finally, Zea claims that the Zapatista movement is not a grass-roots organization but, rather, the result of a conspiracy among radical environmental groups, inept left-wing Mexican politicians, and conservative isolationist members of the United States Congress, who are exploiting the indigenous peoples of Chiapas.

Though both Toledo and Sáenz think Zea is mistaken in his claims about Zapatismoism, they have very different ideas about the nature of Zea's mistake. Sáenz believes that Zea's view results from "a fundamental weakness in Zea's scheme in the elitist formulation of the assumptive project. ...the problem with Zea's formulation is that it limits itself to a conception of *mestizaje* that does not take into account the social and economic dimensions of political power, as well as the class relations existing in Latin America."<sup>3</sup> Sáenz calls this approach *mestizaje* from above (or from the first world point of view), whereas the process needs to take place from below or from the third world point of view. As one moves from *mestizaje* from below to *mestizaje* from above, there is a shift from synthesizing liberty with equality (or difference) to synthesizing liberty with solidarity. Only *mestizaje* from below

properly respects equality and difference, and hence produces a just, diverse, and pluralistic Latin American unity.

Toledo defends Zea and his conception of the assumptive project against this broad charge by citing Zea's later writings and political activity. He shows that Zea has been consistently sensitive to the importance of promoting regionalism and cultural diversity as a society works toward development and integration with the wider world. Toledo persuasively argues that it is merely Zea's misunderstanding of the nature, origin, and goals of Zapatismoism that leads him to his false conclusions. The point is important because it illustrates the need to make the nature, origin, and goals of Zapatismoism more clear to the rest of the world. Toledo turns to this task in the final section of his paper.

In my view, the final section of Toledo's paper is the most valuable because it advances the very difficult project of concretely illustrating how *mestizaje* from below or authentic liberation can simultaneously advance the three goals of the assumptive project: unity, diversity or pluralism, and authentic integration with the rest of the world. I would like to finish by briefly mentioning and expanding upon one of Toledo's illustrations. The example I have in mind is how the State Coalition of Coffee Producers in Oaxaca shifted from a dependence on state subsidies to independent integration into the organic, "fair trade" coffee market. This shift represents a direct integration of the Oaxaca coffee producers with individuals and groups that value and respect their cultural identity and practices. Thus, the coffee producers simultaneously preserve their cultural and economic identity while integrating themselves into the wider world community. Finally, it is the largely nonviolent actions of groups like the Zapatistas that creates the international awareness and internal cohesion required to produce and sustain this sort of project.

My only concern with this sort of project is that it seems to be an example of the capitalist market appropriating and arguably containing what ought to be a social or governmental responsibility. Shifting the subsidy from the Mexican government directly to the international consumer absolves Mexican society from its problems of integration and puts the Oaxaca coffee growers' welfare at the whims of the heavily marketed capitalist consumer. This is not to say that the program is not worthwhile and preferable to any likely alternative, but it does seem to me to be yet another example of capitalism appropriating any movement or system that threatens it.

#### Endnotes

1. Mario Sáenz. *The Identity of Liberation in Latin American Thought* (Lexington Books, 1999).
2. *Ibid.*, 307-20.
3. *Ibid.*, 309.

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## ***Immigration and the Territorial Powers of Nation-States***

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In recent years immigration has been one of the most widely and intensely debated issues in television news programs, newspaper opinion pieces, political debates, community organizations, and university forums. Discussions about immigration often center on such issues as the economic liabilities or benefits created by immigrants, the potential threats to national security of poorly protected borders, the cultural impact of increased immigration, or the protection of

immigrants' human rights. These discussions generally take for granted that nation-states have the unconditional right to regulate the terms and conditions under which people can enter into their territory. The question of what justifies the territorial powers of nation-states is rarely raised. Yet, the justification of the territorial powers of nation-states is of central importance for the moral legitimacy of immigration policies. From a moral standpoint, it is important to inquire about what could justify the practice of nation-states to routinely employ physical barriers and the threat of force to enforce their territorial boundaries. The power of exclusion is particularly important because preventing people from poor countries from accessing the labor markets of affluent nation-states can in some cases doom them to a life of extreme poverty and deprivation.

Immigration is a transnational issue because it involves the movement of people across national boundaries. Since this movement is regulated by the coercive power of governments, immigration also involves issues concerning moral relations between nation-states. In this essay I maintain that the justification of the territorial powers of nation-states, and the transnational obligations to which it gives rise, are of central importance for understanding the potential role of immigration policies in creating a more just global order.

This essay is divided into three parts. In the first part, I briefly examine the implications of some prominent theories of justice for the view that immigration is a human right. In the second part, I examine the moral rationale for the territorial powers of nation-states within the context of global justice, and, in the final section, I propose immigration policy guidelines that are based on the view of global justice outlined in the second part of the paper.

## 1. The Ethics of Immigration

An important contemporary view of justice that has implications for immigration policies is the human rights approach. This conception of justice is enshrined and articulated in international documents such as the United Nation's Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and the International Covenant on Civil and Political Rights. One of the rights articulated in the Universal Declaration of Human Rights is the right of emigration. According to section 2 of Article 13 of this document, all people have the right to leave any country, including their country of origin, and to return to their country. The right to leave one's political community goes to the heart of political legitimacy because it presupposes that one's membership in that community is a matter of freely granted consent. A political community cannot claim to exercise legitimate authority if it uses physical constraints, the threat of violence, or other forms of coercion to ensure that a person remains within its boundaries.

Some political philosophers (Pecoud and Guchteneire 2005, p. 7, Dummert 1992, p. 173) argue that the human right to emigrate implies that there must exist a complementary right to immigrate, because emigration cannot be exercised in the absence of other political communities to which one can immigrate. That is, the right of emigration is meaningless and cannot be exercised in the absence of a right to immigration (Dummert 1992, p. 173). The argument that the right to emigrate logically implies the right of immigration at first sight appears straightforward and convincing. However, it is far from compelling. We should first of all note that even if the right of emigration implied a right to immigrate, it would not imply a universal right to immigrate to any country you desire; at best it would only imply a right to immigrate to a country willing to accept you. One can reasonably argue, however, that the right of emigration does imply the right to move to another country that

does not present you with the same political harms or threats as the country you are leaving. There would be little point, for example, in moving from one dictatorship to another.

These observations lead us to a deeper understanding of the moral underpinnings of the right to emigrate. Surely when the Universal Declaration of Human Rights was drafted in 1948 the right of emigration was intended primarily to protect individuals from totalitarian regimes and not to provide them with unrestricted access to any country of their choice. If the drafters of the declaration wanted to declare immigration as a human right, they could have explicitly done so. The principal moral concern behind the right of emigration would seem to be to protect people from the harms of political coercion. Even though the right of emigration is probably also morally motivated by the notion of freedom of political association, it is hard to imagine that this notion would have moral priority over protection from the serious harms of politically coercive regimes. People should be protected from totalitarian regimes and the world community has a strong moral obligation to provide such protection by providing refuge to people fleeing such regimes. But many countries already have provisions, though these may not always be entirely adequate, to provide protection to those seeking political asylum. These provisions, however, need to be formalized in international agreements so that nation-states make a definite collective commitment to accept the most necessitous seeking asylum. In any case, the primary moral concerns behind the right of emigration do not necessarily commit us to a universal right to immigrate to any country of our choice, but can be addressed by the provisions of nation-states for accepting people avoiding totalitarian governments.

One could push the emigration argument and maintain that regardless of the motivations of the drafters of the human rights declaration, we should recognize that extreme poverty presents at least as serious a threat to one's welfare as totalitarian regimes. The inability to obtain work, the lack of access to medical care, and the absence of adequate shelter or potable water, for example, can be as detrimental to one's welfare as living in a politically coercive regime, if not more so. If the right to emigrate is primarily justified to the extent that it protects people from serious harms—such as political coercion—which they face by living in a particular society, then it should also protect them from other serious harms such as extreme poverty. So if people have a right to escape politically coercive regimes by moving to another country that is not politically coercive, then they should also have the right to escape a severely impoverished society by moving to one that offers them the opportunity to live a minimally decent material existence. Thus, once we recognize that extreme poverty can present as serious a threat to one's welfare as a totalitarian government, we will see that the right to emigrate does after all imply a right to immigrate.

This reformulated version of the argument still fails to show that the right to emigrate implies a complementary universal right of immigration. Since, according to this argument, the principal moral basis for justifying emigration is the avoidance of serious harms (whether political, economic, or some other kind) to which one is exposed by living in a certain society, we would be morally obligated to grant priority in immigration policies to those who are facing the most serious harms. But, at least in the case of harms caused by serious economic deprivation, there will be many more individuals from developing countries wanting to immigrate to affluent countries than the latter can reasonably accommodate. Favoring the neediest means that entrance to countries of choice will likely be denied to more affluent applicants. However, favoring

the neediest, even though it would be justified from a moral point of view, is incompatible with the idea that immigration is a universal human right because if an entitlement is truly a human right, then everyone is equally entitled to it. The recognition and granting of a human right should depend solely on one's status as a human being and not on one's economic status. Thus, moral considerations coupled with real-world empirical constraints show that immigration as a universal human right cannot be consistently implemented and should not be recognized as such. Understanding the moral concerns underpinning the right to emigrate should lead us to support a policy of regulated, not open, borders.

As we have seen, the primary moral rationale that underpins the right to emigrate is to protect individuals from harms they face by living in a certain country. This should not surprise us because, generally speaking the function of human rights is to safeguard the vital interests of individuals by providing them with basic protections or goods that are essential to human well-being. This suggests that there may be other ways to protect individuals from the harms they are trying to avoid through emigration than to provide them with guaranteed residence in other countries. For individuals emigrating to escape extreme poverty, promoting the economic development of their home country would be another way to help them avoid economic destitution. Actually, economic development of poor countries would be a better way of dealing with the moral dilemma of global poverty because not everyone from poor countries can immigrate to economically prosperous countries. An open borders immigration policy would help primarily those individuals who are able and willing to immigrate but would not help those who remain behind and do not receive remittances from those who immigrated. Those left behind who do not receive remittances would still face the harms caused by serious poverty and deprivation. Thus, assuming that we want to fulfill our moral responsibility to help all of those who face economic harms, we could achieve this objective more effectively not by declaring immigration as a human right but by focusing on economic development and by using immigration in a systematic manner to reduce world poverty and economic inequalities. This alternative is the one I propose in the last section of this essay.

Another way in which the appeal to human rights has been used to try to establish a right to immigration is the freedom of movement argument. Some political philosophers have argued that the right to move freely across international borders should be recognized as a fundamental human right (Nett 1971, pp. 212-27, Carens 1992, pp. 25-47). One way in which a right of immigration could be justified is by appealing to the idea of freedom of movement. A claim underpinning this position is that physical mobility, including a change of residence, is a form of freedom that people are naturally entitled to enjoy. Just as people are generally free to move without restrictions within their country of residence, so they should be free to move across international boundaries. Advocates of this argument see national borders as artificial barriers that prevent people from exercising their natural right to freely move about.

These claims are said to support the argument that immigration should be regarded as a human right, but do they actually do so? We should first note that the argument we are considering at this point appeals merely to freedom of movement to justify immigration as a human right. It should be distinguished from other arguments, which we will consider later; that try to reach the same conclusion through the use of additional premises, such as the claim that the territorial powers of nation-states are morally unjustified or that all people should have an equal opportunity to flourish. Given this qualification,

we should note that the appeal to freedom of movement in itself does not provide much support for the claim that immigration is a human right. Freedom of movement is not in general an unconditional right, but is constrained in numerous ways. We may not, for example, move into someone's private property without the owner's permission, or decide to live in publicly owned land such as a public park. Neither may we reside in a public building such as a city library or walk down the middle of a busy freeway. And, surely, we may not drive our car on the street at any speed or any direction we like, or park in places that may endanger public safety. What all of these examples show is that our freedom of movement is constrained by the ways in which it affects the interests or rights of others and that we cannot simply assume that a given form of movement will not affect them in a negative way. Thus, in order to decide that a given form of movement should not be constrained or prohibited, we need to examine what the probable consequences of engaging in that kind of movement will be. In other words, appealing simply to the idea of freedom of movement will by itself not establish that we have the right to undertake the form of movement involved in immigration.

Another prominent conception of justice that could have implications for immigration is articulated by John Rawls in his classic text *A Theory of Justice*. The core idea of his theory is that the principles of justice for a well-ordered society are those that rational, free, and equal moral agents would choose in a deliberative scenario in which they did not know their personal characteristics, such as their gender, talents, handicaps, etc. By eliminating the knowledge that the agents in this hypothetical scenario (known as the "original position") have of their personal characteristics, we would eliminate the bias they might have for choosing principles of justice that favor individuals with those characteristics. Reflecting under this "veil of ignorance" of their own features, the agents in the original position are thus forced to be impartial regarding the selection of the principles of justice that govern the society's institutions. That is, since they do not know what positions they will occupy in society, they are compelled to take into account how all social groups would fare under alternative principles of justice, for it might turn out that they are among the most disadvantaged members of society. Rawls maintains that agents in the original position would agree to two principles of justice. The first principle states: "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all" (Rawls 1999, p. 220). The second principle asserts that society should arrange social and economic inequalities so that they are: "(a) to the greatest expected benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity members of society" (Rawls 1999, p. 72).

What are the implications for immigration of Rawls's theory of justice? In inquiring into this matter it is important to note that Rawls himself did not think that his theory could be applied at the global level. He maintained that his theory applied only to collectivities, such as nation-states, within which there is a high level of member cooperation and coordination, and he did not think that the latter conditions existed at the global level. Nevertheless, despite Rawls's reservations, some political philosophers maintain that his theory has implications for immigration (Carens 1987, pp. 255-62, Pritchett, p. 81). Joseph Carens, for example, argues that if we apply the original position at a global level it will lead us to advocate a policy of open borders. In his argument, Carens employs Rawls's distinction between ideal and nonideal theories. In ideal theory we are concerned with articulating a conception of a just society in which everyone complies with principles of justice, and we do not take into account historical contingencies and injustices that

may constrain the application of our ideal moral principles. In nonideal theory we make adjustments to our ideal theory by taking into account natural human and social limitations and empirical conditions of injustice and inequalities.

Carens first considers what immigration policies the agents in a global original position would advocate under ideal theory. He contends that if we assumed that nationality and place of birth were among the characteristics covered by the veil of ignorance, they would never agree with the imposition of territorial boundaries that would prevent people from accessing countries where their life opportunities would be enhanced. According to Carens, the agents in the original position would recognize that there might be good reasons why people would want to immigrate to other countries (even under relative equality between nation-states) such as better economic opportunities in their particular profession or wanting to be with someone they fell in love with. Reasoning from the perspective of the most disadvantaged individual, presumably the person wanting to immigrate, the agents in the global original position would never agree with the territorial boundary restrictions we find in the contemporary world. They would instead opt for a policy of open borders among nation-states.

There is a basic problem with Carens's argument, namely, that in ideal theory the agents in the global original position would evidently not take into account historical developments and injustices that could affect the justifiability of immigration policies. They would probably not support an open borders policy if they knew that evidence suggests that the position of many of the most disadvantaged people in the world would likely be worsened by a policy of open borders (Kapur and McHale, p. 306-7). They might be skeptical of open borders if they were aware of the "brain drain" that occurs when some of the most enterprising, gifted, and educated citizens of poor countries migrate to affluent countries, to the detriment of those left behind who are worse off by losing out on the economic, social, and political improvements that their most gifted citizens could have made to their society. Their skepticism would likely be reinforced by the knowledge that the people least likely to take advantage of open borders would be a country's most vulnerable citizens, such as the sick, the elderly, the infirm, and the extremely poor. And the agents in Carens's global original position might be reluctant of advocating open borders if they were aware of the political problems and cultural conflicts that would likely arise as a result of the sudden influx of large numbers of immigrants to choice countries of destination. In short, under ideal theory an agent's choice of immigration policies would be hindered by a lack of knowledge regarding factors relevant for making morally appropriate choices for the actual world.

These considerations suggest that we would do better by examining the implications of Rawls's theory for immigration policies under nonideal theory. As Carens himself admits, nonideal theory is more relevant to actual policy-making than ideal theory, for here we lift the veil of ignorance and consider the real-world complexities regarding immigration. But Carens maintains that in nonideal theory we would also opt for open borders because even if evidence shows that those left behind were the most disadvantaged and their position was made worse by open borders, the liberty of those wishing to immigrate would take priority over their interests. In support of his position Carens notes that Rawls emphasizes the priority of liberty even in nonideal theory (Carens, 1987, p. 260).

The problem here, however, is that Carens's appeal to the priority of liberty would not justify granting equal moral urgency to the claims of all of those wanting to immigrate and to those whose basic liberties are denied by totalitarian

regimes. Surely among those willing to immigrate there will be many who want to do so for less compelling reasons than fleeing totalitarian regimes. Given that more people would want to immigrate to choice countries of destination than can be reasonably accommodated, priority should be given to those fleeing totalitarian governments, for their *fundamental* liberties are being denied. Since restrictions of liberty are involved in the claims of both groups, it seems reasonable to grant priority to those individuals facing greater harms because their basic liberties are threatened. We should note that those facing extreme poverty in which they cannot meet their subsistence needs would also have a strong case for priority in immigration over those wishing to immigrate for less compelling reasons. As Henry Shue has famously argued, subsistence rights such as access to food and medical care are more basic than other rights because without meeting one's subsistence needs one could not enjoy any other rights, including liberty rights (Shue 1980). If Shue's claim, which certainly seems reasonable, is correct, then Carens's advocacy of open borders is misguided because it does not allow for group prioritizing in immigration, which only a policy of regulated borders would permit. And this seems to be the case regardless of Rawls's view of the priority of liberty over other interests.

Thus far we have seen the failure of the human rights approach and the Rawlsian approach in justifying an open borders policy. A policy of regulated borders is needed to prioritize, in a morally principled way, access for those groups with the most urgent needs. But the advocates of open borders might try a simpler, more direct approach. They could argue that there is no legitimate moral basis for the territorial powers of states, including the power of exclusion, and therefore nation-states are not justified at all in excluding people from their territories. They could strengthen their position by claiming that an open borders position is the only position that is consistent with a commitment to the liberal egalitarian principle of granting equal moral consideration to all people and not merely members of one's national community. In the next section, I discuss these two claims within the context of an examination of the moral basis for the territorial powers of nation-states. As a result of this analysis, we will see that there are compelling reasons for granting nation-states territorial powers, including the power to set conditions for entrance and membership. We will also see, however, that the recognition of these territorial powers is accompanied by strong moral obligations between nation-states.

## 2. Challenging the Territorial Powers of Nation-States

Central to the question of whether nation-states can legitimately exclude people from entering their territory is the issue of the moral justification of their territorial powers. If we make the eminently reasonable assumption that every human being should be able to use the earth's natural resources to satisfy his or her basic material needs and flourish, what gives nation-states the power to tell the rest of the world community that they have the exclusive right to use and control those parts of nature that make up their national territories? They can hardly claim that they have a morally unconditional right to exercise these territorial powers, since it is historically well established that practically all nation-states acquired their territories through conquest, invasive settlement, broken treaties, partitioning between imperial powers, and other morally illegitimate means. Even those nation-states that might have acquired their territories peacefully and without displacing pre-existing communities cannot claim to have acquired their territorial powers legitimately, since they did not obtain the consent of the world community to obtain exclusive control of their land and natural resources.

The central issue here is how to respond to the realization that the territorial powers of nation-states cannot be justified in a morally unconditional way. We could try to reconfigure the existing distribution of land and natural resources among the world's people using some principle of justice that would ensure a fair distribution. This alternative, however, is highly unrealistic and would be practically impossible to implement. People have deep connections to their national homelands and it is utopian to believe that they would be willing to relocate en masse to satisfy some abstract principle of justice. National economic interests in maintaining control of land and natural resources are so strong that we cannot start from scratch and carry out a process of global land and resource redistribution. Moreover, it is not at all clear what principle of justice we would use to carry out this distribution to ensure that it produced a fair outcome for all of the world's people. Finally, no global political authority presently exists, or could realistically be developed in the foreseeable future, that could carry out such redistribution in a way that ensured that it would be universally acceptable.

But just because the territorial powers of nation-states cannot be justified in a morally unconditional way does not mean that we cannot provide a conditional justification for them. That is, there may be compelling reasons why we may want to recognize the territorial powers of nation-states, albeit in a way that places strong moral conditions on such recognition. It is particularly important that these reasons be consistent with the basic liberal egalitarian principle of showing equal moral concern for all people and not merely members of our own country. We would then show that we are not recognizing these territorial powers merely for pragmatic reasons that do not give sufficient considerations to the plight of others. Our case for the conditional legitimacy of the territorial powers of nation-states must therefore involve both pragmatic and normative considerations.

Perhaps the best way to begin a conditional recognition of the territorial powers of nation-states is to realize that it is a practical necessity for people to organize and coordinate their activities for the purpose of employing the world's land and natural resources to satisfy their material needs. That is, it is an unavoidable real-world problem for people to find some socially organized way to extract, refine, develop, and employ the earth's land and natural resources. Moreover, economic development occurs within sociopolitical and cultural contexts. Laws governing the ownership and use of property, the terms of legal contracts, the provision of credit and capital, informal norms governing economic transactions, and many other features of an economic system are embedded within particular political communities. Political communities provide the stable socio-cultural and legal institutional frameworks within which short- and long-term economic planning and development occur. Despite the fact that globalization has weakened the economic and political autonomy of countries, particularly those in the developing world, to chart their own futures, it is still the case that territorialized political communities, particularly nation-states, are the primary form of political organization in the world.

Furthermore, if the institutional frameworks that make economic activity and political governance possible are to be normatively legitimate, they must be grounded on processes of self-governance that are ultimately accountable to the members of these political communities. The institutions and forms of sociopolitical organization of a society should be subject to revision and adaptation as people respond to the ongoing problems and issues that they face collectively as a political community. Self-governance can be seen as the process through which people in political communities

legitimize their collective decisions, coordinate their activities to successfully adapt to changing circumstances, and determine the course of their future. Also involved in self-governance is the capacity of a political community to determine who falls within its jurisdictional reach, who can participate in its decision-making procedures, and to whom its leaders owe democratic accountability.

In the absence of a world government that provides the political, economic, and socio-cultural administrative structures to develop the earth's natural resources, self-governing territorialized political communities such as nation-states seem to be reasonable alternatives. That is, nation-states could be seen as administrative units that provide the economic and sociopolitical structures needed for people to develop the earth's resources and collectively govern their lives (Coleman and Harding 1995, pp. 37-8). This is not to say that nation-states are the only form of political organization that could fulfill these functions. In the indefinite future alternative forms of political organization could emerge that supplant nation-states. At this point in history, however, despite overstated claims regarding the "demise" of nation-states, they still remain the principle form of political organization that people employ to govern themselves. And in the foreseeable future there are no feasible plans to dismantle or radically transform nation-states. In fact, important recent developments, such as greater concerns about terrorist threats and the increase in value of scarce natural resources, has strengthened nation-state claims regarding ownership of their land and natural resources (Valadez 2007, p. 321-24). These developments make it unlikely that the territorialized nation-state will soon disappear.

However, in order to function effectively as administrative units in developing the earth's land and natural resources and exercise self-governance, territorialized political communities must be able to regulate entrance and membership. It is very difficult to see how political communities could undertake effective long-term economic planning—like determining a national savings rate to meet future economic needs and contingencies, for example—if they did not have accurate projections of the size of their population. Rapid and dramatic increases in population would make economic calculations inaccurate or useless. Similarly, strategic investments in research and development would be very hard to reliably carry out without accurate knowledge of the makeup and size of the national population. The problems that would arise from sudden large influxes of immigrants are not mere theoretical possibilities, for there are empirical indications that the numbers of people from developing countries willing to relocate to affluent countries are very great (Pritchett 2006, pp. 72-3). Some advocates of immigration as a human right assume that global migration would be "self-regulating" under open borders, so that as economic opportunities in affluent countries diminished people from the developing world would stop migrating to rich countries. They point out that at the turn of the twentieth century, when borders were effectively open in many Western countries, no serious problems developed even as great waves of people immigrated in search of a better life.

But there are several reasons why there is cause for concern about an open borders policy, primarily because the contemporary situation is not parallel to the world at that earlier time. First, wage inequalities between developing and affluent countries, particularly for unskilled labor, are much greater than during the turn of the century so that the incentives for migration are correspondingly greater. Second, global inequalities have increased so much that people from poor countries would realize that even if they did not find full employment in affluent countries their opportunities for economic survival would likely

be much better than in their home countries, given that most affluent countries have much better social safety nets for the unemployed.

Third, the social and physical costs of relocation have greatly decreased in contemporary times. Changes in communication make it much easier for people to stay in touch with those left behind while modes of transportation have made travel faster, more comfortable, and more convenient than at the turn of the century. These developments make it much easier for people to migrate than in earlier times. Of course, migration is costly and often dangerous to illegal immigrants but these problems would be removed by the universal legalization of immigration. Finally, the sheer number of people willing to relocate to affluent countries from different parts of the world is much greater than during the early part of the century. While most of the immigrants coming to the United States, for example, came from Western Europe during the great migration period, now they would come from many different parts of the world.

We can now recognize why advocating open borders as a response to the moral illegitimacy of the territorial powers of nation-states is not acceptable. A policy of open borders would present significant problems for self-governing political communities because it would undermine their administrative capacity.

The considerations presented thus far show that there are strong reasons for recognizing the territorial powers of nation-states, including the power of determining the conditions for entrance and membership. But what moral obligations, if any, follow from recognizing these territorial powers? A morally principled way to grant conditional legitimacy to the territorial powers of nation-states is by imposing significant transnational moral responsibilities between nation-states and the world community. Nation-states incur a profound moral debt to the world community when it recognizes their territorial powers despite the morally illegitimate ways in which they were acquired. This moral debt creates a relation of moral reciprocity between nation-states that involves transnational obligations. More specifically, nation-states are morally obligated to reciprocate by respecting certain provisions in three areas of global justice dealing with nondomination, compensation, and ecological integrity. These areas of justice jointly constitute a conception of global justice holding among nation-states. In the final section of this essay I briefly discuss this conception of global justice and its implications for immigration policies.

### **3. Immigration Policies and Global Justice**

The conception of global justice that I outline here is grounded on the idea that nation-states are bound to the world community, and therefore to one another, by a nondiscretionary relation of moral reciprocity that arises from the recognition by the world community of their territorial powers. The continued recognition of these territorial powers, however, should be seen as conditional on nation-states respecting the nondomination, compensation, and ecological integrity provisions mentioned above. These provisions are designed to support the functions that territorial powers enable nation-states to perform, namely, the development of the earth's land and natural resources within the context of self-governing political communities. It makes sense to impose these conditions for the continued legitimacy of territorial powers because they support the reasons for granting these powers in the first place.

The nondomination provision requires nation-states to support fair conditions of participation for all other nation-states in the global economy. Given that the economic prosperity of most nation-states now depends on their successful participation in the global economy, it is imperative that they

be able to participate on fair terms. They must be able to participate in the international economic system without, for example, unfair conditions of trade, finance, or intellectual property ownership imposed by more powerful nation-states, who typically try to employ their greater economic and political strengths to secure unfair advantages. Powerful nation-states, for example, limit access by developing countries to their markets and heavily subsidize some of their domestic industries, making it practically impossible for developing countries to compete against them in the global market. Even though poor countries also subsidize some of their industries, these modest subsidies pale in comparison to the large subsidies of affluent countries, which use their greater economic resources to provide their industries with significant advantages. Since the rationale for recognizing the territorial powers of nation-states is to enable them to develop a portion of a common global resource base, it is just to require that all nation-states support fair conditions for economic development and participation in the global economy. The best way to ensure that this provision is met on an ongoing basis is through the creation of a just global system of trade, production, finance, and intellectual property.

According to the compensation provision, nation-states have an obligation to rectify certain inequalities and resource deficiencies that prevent nation-states from participating successfully in the international economic system. The creation of the existing system of nation-states sometimes involved unjust historical processes of conquest, forced labor, and resource extraction. These unjust processes have played an important role in the present incapacity of some nation-states and political communities to develop economically and to participate successfully in the global economy. The responsibility here falls mainly on those nation-states that benefited from historical exploitative practices. In some cases in which systematic exploitation was not involved, certain nation-states emerged, as a result of contingent historical processes, with an impoverished resource base. These nation-states still merit economic aid because of their participation in an administratively beneficial global partitioning of land and natural resources in which they emerged with material endowments of relatively lesser value. In either case, the world community has a moral obligation to provide economic and technological aid to impoverished nation-states that as the result of systematic exploitation or contingent processes are unable to flourish materially and participate on fair terms in the global economic system. To ensure that such aid is employed effectively, its provision could be tied to the implementation of non-corruption measures by developing countries.

The ecological integrity provision imposes on nation-states the obligation to refrain from environmentally destructive practices that degrade the common resource base on which we all depend for our survival and well-being. Nation-states have the responsibility, according to this provision, to safeguard the ecological integrity of the territories that the world community has entrusted them with. Since territorial powers in effect grant nation-states proprietary control over those parts of a common biosphere that comprise their territories, these powers could be seen as a kind of ecological stewardship. Moreover, nation-states should abstain from practices that have a negative environmental impact on territories outside of their own. Many ecological problems transcend national boundaries, and thus the economic practices of nation-states may affect other political communities as well. It is imperative that all nation-states do their part in promoting the ecological sustainability of our common global resource base.

Even though all three provisions are important for global justice, the nondomination and the compensation provisions are

particularly important for developing fair immigration policies. To the extent that it can be established that economically and politically powerful nation-states have undermined the capacity of weaker nation-states to flourish economically and participate effectively in the global economy, compensation is due to them. Even though, given limitations of space, I will not make a detailed case for this claim here, it is reasonable to maintain that powerful nation-states have in fact done this (Pogge 2002). As we observed earlier, wealthy countries have closed off some of their markets to competition from developing countries and have heavily subsidized some of their industries, to the detriment of the economic progress of the developing world. Moreover, the expropriation of enormous amounts of valuable resources such as gold and silver by European countries from Latin America play a significant role in the former's economic and technological advantage, which it maintains even to the present (Valadez 2003, p. 86). And as noted earlier, even those countries that did not experience the brunt of colonial domination merit aid, for they are participants in the generally beneficial global administrative division of labor needed to develop the earth's material resources. Within the context of the theory of global responsibilities that I outlined here, more liberal immigration policies could play an important role in the economic and social development of poor countries.

In countries such as Mexico, remittances provide a source of foreign currency inflow that is surpassed only by petroleum. In 2005 more than \$150 billion in remittances were sent by immigrants to their home countries, and this amount is three times greater than the total amount of official development aid received by developing countries (Summary of the Report of the Global Commission on International Migration 2006, p. 3). Remittances should be considered as a major component of development strategies for the developing world. In addition, those immigrants that return home provide important financial and social capital to their countries. Their knowledge, contacts, and experiences can provide much needed entrepreneurial impetus to their home economies and help improve their country's social and political institutions.

Immigration policies that promote global development should focus on temporary immigration of low-skilled laborers from developing countries, which usually have high unemployment rates. These laborers are needed by the increasingly educated population of more economically developed countries. Demographic projections indicate that most affluent countries, due to declining birthrates and aging populations, will need a significant influx of additional laborers to fill the jobs that will be created in their low-skilled economic sectors (Pritchett 2006, p. 6). Even though at present there is considerable political resistance in wealthy countries to liberalizing immigration policies for low-skilled workers, these economic considerations should make these immigration policies more politically feasible. An additional advantage of temporary labor migration is that it does not undermine self-governance, since nation-states will be able to regulate migrant flows more effectively if they realistically take into account the economic forces that drive the global movement of people. Further, by combining the legalization of foreign workers with strict enforcement of legal penalties for employers hiring undocumented workers, nation-states could more adequately deal with the security problems created by not knowing whom those individuals are who are living within their borders illegally. Temporary migration policies, however, should include provisions that safeguard the human rights of laborers. Migrant worker programs are notorious for the exploitation of workers, and provisions should be put in place to prevent such abuse. Temporary workers have the right to work in the country of destination without fear of

being exploited by their employers and others who may take advantage of their vulnerability.

Finally, we should note that the immigration policy of regulated openness I advocate is more in line with the basic liberal egalitarian principle of expressing equal moral concern for all people than the open borders position. The realization that we owe a moral responsibility to *all* of the people in poor countries and not merely to those able and willing to immigrate is of fundamental importance for understanding why an open borders policy ultimately fails to respect this egalitarian principle. While the open borders position would help those with the resources and capacities to immigrate and those who receive remittances from them, it would not help the more vulnerable people with fewer resources who stay behind and do not receive remittances from those who have left. Further, equality of opportunity to flourish should be understood within the context of the real world constraints imposed by the need for self-governing political communities to effectively exercise their administrative functions.

Programs involving more fixed-term work visas would ultimately help to create more economically viable communities in developing countries, particularly if temporary worker programs systematically reinforce the connections between temporary workers and their home communities. Some countries in Latin America, for example, are already implementing such programs, in which immigrant donations to the civic improvement of their communities are matched by state and municipal funds (Kapur and McHale 2006, p. 319). Returning immigrants could use their capital, knowledge, and connections, as noted earlier, to contribute to the economic and social development of their countries and communities. In short, my position promotes the egalitarian principle of expressing moral concern for all people more than the open borders position because it works towards a vision of global justice in which *all* human beings are able to flourish in self-governing political communities without having to uproot themselves from their friends, families, and societies in order to achieve a decent material existence.

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## **Comment on Jorge Valadez's "Immigration and the Territorial Powers of Nation States"**

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In October 2007, the right-wing Swiss Peoples' Party won a surprising number of seats in the Swiss parliamentary elections, becoming one of the major leaders in the legislature. In weeks leading up to the elections, the party had become embroiled in controversy over the thinly veiled racism used in the election campaign. The most notorious example of this racism involved the use of a poster that depicted three white sheep kicking a black sheep out of an area made up of the Swiss flag. Many people around Europe complained about the imagery, but clearly one message resonated with a significant plurality of the Swiss: Switzerland ought to begin a political effort to protect its national integrity from foreign influences.

One might object to the particular tone of this campaign message, but it would seem a fairly uncontroversial thesis that a sovereign nation has the legitimate right to articulate its territorial borders, engage in border enforcement measures, and define the terms of membership and exclusion in its political community. Nonetheless, several political philosophers argue that such powers are not so obviously legitimate. Instead, these theorists maintain that only a policy of "open borders," in which nation states do not police their territorial boundaries, or distinguish between citizens and foreigners in the allocation of political rights and resources, is compatible with the liberal egalitarian principle of granting equal moral consideration to all persons. Jorge M. Valadez seeks to refute these arguments and find an ethical justification for the "territorial powers of nation states, including the power of determining the conditions of entrance and membership" (11). The key to this justification, according to Valadez, is to locate the nation state in a nexus of reciprocal moral obligations with other nation states. In short, the border enforcement powers of modern nation states can only be legitimate in the context of global justice.

This is a masterful essay, connecting the issue of immigration policy to an original understanding of the requirements of global justice. I do not wish to oppose Valadez's overall project, which I find incredibly important and original, but I would like to raise a couple of concerns in hopes of helping to strengthen his argument. First, I wish to question his characterization of the nation state as primarily an "administrative unit" and whether such an organization actually faces the kinds of pressure from immigration that Valadez describes. Second, I want to question whether or not the principles of global justice Valadez articulates actually require the liberal immigration policies he recommends in the end.

## **Immigration and the Administrative Capacity of the Nation State**

By demonstrating the shortcomings of the open borders position, Valadez seeks to show why nation states can exclude people from entering their territory. Such an argument, he says, must be consistent with the liberal egalitarian principle of equal moral concern for all people and not just for compatriots. With this principle informing his view, Valadez writes that we ought to understand the modern nation state as an "administrative unit" with two distinct features. First, the nation state constitutes a legal, economic, and political framework for natural resource extraction, development, and distribution of the goods and services for a given political community. Human beings must organize to use natural resources to satisfy their material needs, and the nation state is the most efficient institutional matrix that currently exists to coordinate these efforts. The second feature of the nation state is that it provides a context for a political community to engage in the practice of self-governance: "Self-governance can be seen as the process through which people in political communities legitimize their collective decisions, coordinate their activities to successfully adapt to changing circumstances, and determine the course of their future" (10). Self-governance, Valadez holds, also includes the power to determine the conditions of membership in and exclusion from the political community.

Valadez's main argument against an open borders policy is that a flood of immigrants might undermine the "administrative capacity" of a nation state. The state, as the main social administrative unit, needs to be able to plan how to extract resources, invest in research and development, and engage in other long-term economic planning measures. In order to do this, it needs to have a fairly reliable notion of the size of its national population and the character of its needs. Given the enormous inequality of wealth and access to resources in the world today, it is the case there are thousands of people who are eager to become immigrants and seek better opportunities in the developed world. A constant influx of these immigrants would make state planning virtually impossible. Valadez cites evidence to the effect that the number of people from developing countries who are willing to locate to more developed ones is quite great, making this worry about the carrying capacity of the nation state more than just a theoretical possibility.

Yet, being *willing* to emigrate from a developing country is not the same as being *able* to do so. Valadez admits that it is the most needy in those nations who are the least likely to be able to leave (9). The people who migrate to developed nations tend to be those that have access to resources, either material, or in terms of education, language training, or involvement in social networks in the developed societies, that the most vulnerable do not (Pogge, 711). The number of individuals who are in need and express a desire to leave their country for a better life is probably greater than those who actually could do so at any one time. Thus, the estimates that Valadez offers might not give an accurate understanding of how many immigrants a nation state can absorb.

It also seems likely that whether or not a country's administrative capacity can be overwhelmed will vary from case to case. For instance, the United States has been able to absorb approximately twelve million undocumented immigrants and maintain levels of official unemployment that are well below other Western democracies. As Eduardo Porter points out in his article in *The New York Times* (April 5, 2005), these immigrants, rather than overwhelming the socioeconomic system and its planning capacity, are maintaining its solvency by contributing billions of dollars to social welfare funds, such as Social Security. Of course, the situation for other developed nations

might be different than the United States. That should indicate, however, that the argument about the administrative capacity of developed nation states is an empirical matter that will depend on unique facts and circumstances surrounding each one and is not a matter of principle about nation states as administrative units *per se*. In other words, some nations might be undermined by the influx of immigrants, some might not be.

Michael Walzer and Will Kymlicka justify restricted immigration policies along similar lines, but their emphases touch on an aspect of the immigration debate that Valadez, unfortunately, does not address. Ever since its consolidation as a unit of political organization in 1648, under the Treaty of Westphalia, the nation state has been more than just an administrator of economic resources. State institutions have also been understood as means to preserve and protect a nation, that is, a coherent group of people united by cultural traditions, language, ethnicity, and history. Immigrants to nation states bring new ways of life and new ideas. Walzer and Kymlicka hold that a nation may be justified in exercising its territorial power to exclude immigrants in order to preserve and protect its cultural integrity (Walzer 61-63; Kymlicka, 340). This kind of thinking underscores the nativist movements in Europe and the United States, which are represented by groups such as the Swiss People's Party and the Minutemen Militia, and nativist tracts such as Patrick Buchanan's *State of Emergency: The Third World Invasion and the Conquest of the United States* and Samuel Huntington's *Who Are We?* However, Valadez does not take up the cultural dimension of the administrative capacity argument. In not doing so, he misses an opportunity to provide philosophical guidance on responsible public discourse and on major policy debates (such as the question of the veil for Muslim school girls in France, or entry of Turkey into the EU, which some have opposed because of the possibility of Turkish immigrants, with their cultural differences, being able to emigrate into European nations with greater ease).

A second concern about Valadez's description of the nation state has to do with its right of self-governance. One of the features of the liberal tradition is that the power of the state, particularly the capacity for the state to coerce people or abridge their autonomy, must be justified to the community subject to that power. The exercise of territorial power—border enforcement—may subject people, namely, immigrants, to various forms of coercion, including arrest, search and seizure of possessions, or imprisonment. Moreover, Valadez grants that a sound immigration policy must be guided by the liberal egalitarian principle that equal moral concern must be given to all people, not just to one's fellow citizens. It would seem, then, that the territorial powers of the state must be justified not only to citizens, but also to immigrants who may be subject to those powers. That is, by the same liberal principles accepted by Valadez, immigrants ought to be a part of the processes of self-governance by which the national community justifies its decisions, holds leaders accountable, determines its future, and, most importantly, enforces its borders. Another way to think of this is that the territorial powers of the nation state are not justified if those persons who are subject to its coercion have no say in determining their legitimate use. Some take this conclusion to imply that what is required today are cosmopolitan democratic institutions, above the level of the nation state, that would allow natives and foreigners to engage in deliberative discussions that set frontiers and exit and entry requirements (Abizadeh, 29). Such a requirement is not actually that far afield from Valadez's interest in tying the justification of the nation state's territorial powers to its ability to uphold certain conditions of global justice. Yet, it is clear that a commitment to both liberal egalitarianism and democratic self-governance

may involve much different forms of border enforcement than Valadez suggests in his essay.

### Immigration and the Copenhagen Paradox

One final consideration has to do with the kind of immigration policies Valadez believes are endorsed by his principles of global justice. A nation state abiding by rules of nondomination, compensation, and ecological integrity, he argues, would be one that tries to alleviate the grinding poverty that gives rise to the need to emigrate. Using worker remittances, temporary guest worker programs, and fixed term visas for labor, a nation state could retain the ability to control exit and entry into its labor force so as not to overwhelm the administrative capacity of the state, and also have a means by which to contribute economic aid to workers' home countries.

However, it is possible to be committed to policies of global justice such as these and have very closed borders. Denmark, for instance, is one of the most generous of the industrialized nations, giving a higher percentage of its GNP in foreign aid to developing nations than most. It also has some of the most restrictive immigration policies in Europe. It does not see liberal immigration rules as part of its commitment to alleviating global poverty. The worry with such restrictive rules is that a closed society is "implicitly treating some individuals already present within society as second class citizens. Seeking to eliminate the presence of a given group from your society by selective immigration is insulting to members of that group already present..." (Blake, 233). The percentage of foreign-born people in Denmark is less than 7 percent, yet the state has made it clear to them that more non-Danes are not necessarily welcome in that society.

Perhaps this suggests that a full conception of global justice not only involves principles for the fair distribution of economic and social goods but also, following Iris Young's lead, some component of just recognition and respect for group difference (Young, 1990). In his previous work, Valadez has integrated such concerns into his conception of justice for multicultural societies (Valadez, 2001). How immigration policies can play a role in fulfilling that global "justice of difference" is uncertain. Nonetheless, Valadez continues to do important work in getting us to think about what measures might contribute to a systematic plan to rid the world of misery and injustice.

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## Response to Orosco's Comments

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First of all I would like to thank José-Antonio Orosco for his fair and insightful commentary on my paper. Responding to his comments will enable me to clarify some aspects of my position on immigration as well as indicate why I did not pursue some familiar lines of argument commonly used in discussions of this issue.

My primary purpose in the paper was to examine immigration from the perspective of global justice because I believe this is the most appropriate context within which to understand this complex issue. Since immigration involves the regulation of the movement of people across national boundaries, from the outset it should be recognized as an issue involving transnational relations. But immigration involves more than the regulation of peoples' movement, it also involves, *inter alia*, issues of membership in political communities, self-governance, and access to opportunities that affect human well being in fundamental ways. Thus enter considerations of global justice and, more particularly, moral obligations between the organizational units that exemplify the primary form of political organization in the world today, namely, nation-states. An advantage of seeing immigration within the context of global justice is that it enables us to draw important connections between immigration and other justice issues such as unjust territorial acquisitions, exploitative international systems of economic production and exchange, military interventions that have resulted in displaced populations, refugee problems created by environmental degradation, and so forth. Though I did not touch on most of these issues in my paper, a fully developed theory of immigration would illuminate the normative relevance of issues like these on immigration. My paper could be seen as a first step towards developing such a theory by examining immigration within the context of transnational moral obligations.

Even though I argue that the legitimacy of the territorial powers of nation-states depends on their observing certain justice conditions concerning interstate relations, I also maintain that there are strong pragmatic and normative reasons for *conditionally* recognizing these territorial powers, including the power of determining conditions for membership and residence

(though not through a unilateral policy making process). One of the arguments I make against the open borders position is that more people would immigrate to developing countries than these countries would be able to integrate. If so, the administrative capacity of choice countries of destination would be undermined by such a large influx of new immigrants. Orosco points out that the number of people who have the necessary resources to immigrate is far less than the number of people who are willing to immigrate, and thus the concern that under an open borders policy the number of people actually immigrating to developing countries might be so great as to exceed their carrying capacity is overstated. What Orosco does not take into account, however, is that there may be many people with the resources and willingness to immigrate that do not do so because of the present restrictive immigration policies of economically developed countries. If we assume that only 5 percent (surely a low estimate) of the people in China, India, and Latin America would immigrate to developed countries if they were able to do so legally, we get a total of about 150 million people, since China has a population of 1.3 billion, India 1.1 billion, and Latin America about .5 billion. These figures do not even include the people in Africa, Russia, Eastern Europe, and the rest of Asia, which would surely raise the 150 million total substantially higher if they were included. Thus, if we work with a very conservative estimate of 200 million people willing and able to immigrate to countries of choice, it would appear that we should be concerned about the potential impact of such large population shifts in a short period of time.

And there is another consideration, of greater importance from a moral perspective, that Orosco does not take into account, namely, the social and economic impact that the exodus of a country's most educated, talented, and skilled citizens would have. As I point out in my paper, empirical evidence indicates that those that immigrate are not likely to be a country's most vulnerable citizens, such as the extremely poor, the elderly, the sick, the infirm, or the very young. Some developing countries, particularly those in Africa, have been devastated by the departure of some of their most educated, skilled, and talented citizens. This trend would likely be exacerbated under an open borders policy. If we are truly committed to the egalitarian principle of expressing equal concern for all people, we should also be concerned for the welfare of those left behind and not merely those willing and able to immigrate.

And while it is true, as Orosco points out, that the U.S. has been able to absorb about twelve million undocumented immigrants over several decades, this is a very different scenario from accommodating tens of millions of new immigrants in a much shorter period of time. Given the numbers of people involved and the great economic pressures that drive labor migration, it is hard to see how we can avoid the need to regulate immigration. A policy of open borders does not provide a morally principled way of identifying criteria to regulate the flow of immigrants, and one of the secondary goals of my paper was to begin to provide a moral basis for criteria of admission in more liberal immigration policies. Rather than talking about rights to unrestricted immigration, we should face the difficult issues concerning who should have priority in admission, the moral bases justifying such priority, and the moral responsibilities between nation-states that ground their obligation to employ immigration (among other measures) as a policy instrument to alleviate global inequalities and correct historical injustices.

Orosco also points out that admitting a large number of immigrants might be less problematic for some nation-states than for others so that whether a particular country's

administrative capacity would be overwhelmed is an empirical matter to be determined by particular facts and circumstances. It is no doubt true that the capacity to integrate a large number of immigrants will differ with different countries and that we need to look at the circumstances relevant to each particular country. To be sure, there are some empirical uncertainties here, but it is fair to say that caution is warranted concerning the potential effects of open immigration policies on countries of choice to which most immigrants would want to relocate. In any case, my intention in presenting the administrative capacity argument for regulating immigration was to refute the claim that an open borders policy is the most desirable or justifiable general immigration policy. Recognizing that the administrative capacity of some countries may be undermined by a large sudden influx of immigrants supports the claim that universal unrestricted immigration policies are ill advised.

Orosco is correct, however, when he suggests that there is a need to develop democratic institutions at the supranational level in which natives and foreigners would deliberate about immigration policies. This is a sound suggestion because since the territorial powers of nation-states cannot be justified unconditionally, members of the world community have a right to have input into the decision-making process through which immigration policies are determined. This suggestion complements the view expressed in my paper that some countries have particular obligations to other countries because of past injustices and that some countries may have special claims to aid from the world community because of the way they fared in the contingent and historically unjust processes that determined the global distribution of natural resources. Moreover, countries should not unilaterally determine the extent of their moral obligations to the world community, including those related to immigration, because they are likely to underestimate the extent of these obligations.

Orosco laments the fact that I did not discuss the national culture preservation arguments that are commonly invoked to justify restrictive immigration policies. I am aware of the salience of these arguments, but I did not discuss them because I do not believe they are particularly persuasive in justifying the power of exclusion of nation-states. Given limitations of time and space, I wanted to take the immigration debate in a new direction, one that places conditions on the legitimacy of the territorial powers of nation-states, that is, conditions that involve recognition of their moral obligations to the world community. This is not to say, of course, that it is not important to discuss issues concerning cultural “preservation.”

Finally, Orosco mentions the case of Denmark to illustrate that a country can be generous in its efforts to alleviate global poverty and yet have restrictive immigration policies. Presumably this example is meant to illustrate that the liberal immigration policies I endorse need not be a way to address global injustices. He also points out that it is insulting for the members of a group when a country limits the admission of more of its members because this shows that they are considered second-class citizens. In response to the first point, I should indicate that my policy recommendations have a prescriptive and not descriptive character. That is, they are not meant to describe what countries actually do but what they ought to do, so it should come as no surprise that some countries might act contrary to my recommendations. The obligation to employ liberal immigration policies as a means to address global inequalities will fall more heavily on some countries than on others depending on such factors as the demands of the global labor market, existing economic treaties between countries, a country's ability to absorb large numbers of immigrants, and the role that a country has played

in exacerbating dire economic conditions for other countries. For instance, since the U.S. has entered into NAFTA and since its large corn subsidies to its farmer have had a direct negative economic effect on Mexican farmers, one could reasonably argue that the U.S. has a moral responsibility to either allow more Mexican workers to work in the U.S. or provide significant economic aid to Mexico.

Regarding the second point, what is important is not that an immigration policy does not “insult” anyone but that it is just and that it expresses concern for the welfare of all within the constraints imposed by self-governance. A country could justifiably limit further immigration from certain groups for the sake of prioritizing entrance to others with more desperate needs or to whom the country owes special obligations. Further, liberal immigration policies are just one instrument through which a country can contribute to the alleviation of global poverty. A small country like Denmark could fulfill its obligations by generous (relative to GDP and technical resources) contributions to developing countries, as long as it also respected the three conditions of nondomination, compensation, and ecological integrity. In summary, the goal of just immigration policies should be to strategically manage global migration to promote global justice by enabling as many communities in the world to flourish. I believe that in a world with few economic inequalities, immigration would be self-regulating so that the administrative capacity of nations would not be undermined by large inflows of immigrants. Perhaps then the ideal of open borders could become a reality.

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## ***Race is a Pigment of Your Imagination: Hispanics, Immigration, and Race in the U.S. Census***

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Among people of Mexican descent, who make up more than 65 percent of Hispanics in the United States, the racial background includes a strong indigenous influence. Eva Blanco... said she wished there were a census box labeled “red.” “In college, a friend would call me a Mayan princess, because I have the nose you see in the pictures of Mayans... I feel there's nothing that describes my race per se. For the most part, I say I'm Mexican.”

– Mireya Navarro, *New York Times*  
November 9, 2003 (Navarro 2003)

## **Introduction**

Who is Hispanic, who is black, who is Native American, how do we know, and who gets to decide? While on the face of it, the answer to these questions may seem self-evident, in this essay we argue that historical, political, geographical, nationalistic, sociological, and philosophical criteria are often involved in the claim of a particular racial or ethnic identity. Moreover, since these identities are simultaneously *individual* (borne out of a personal claim or feeling of identity) and *social* (linked to membership in a social group with its own traditions and rules of membership), we demonstrate how these particular racial and ethnic identities are continuously negotiated between the

individual and a changing social context. Finally, we highlight the complexities of this negotiated process when movement across national borders (from Mexico to the United States) and between different social contexts (Mexican versus American notions of racial and ethnic identity) is involved.

We focus on the ways in which international migrants understand, reconfigure, and reconceptualize their own ethnic/racial identities in a shifting and tenuous transnational plane. How do racial and ethnic identities and identifications change for international migrants as they move back and forth between very different local and national contexts? Furthermore, how do they understand and negotiate new, more “pan-ethnic” identities such as Hispanic or Latino, imposed upon them in their new national context? In sum, we attempt to uncover the ways in which notions of race and ethnicity are negotiated and reconstructed through the process of international migration, given that such migration brings together very different and often competing understandings of race and ethnicity drawn from different contexts and developed under different historical conditions.

### I. “Foundational Fictions”: Race, Ethnicity, and Hispanic Identity in the U.S. Census, 1790-1990

The U.S. census’ questions on racial, ethnic, and ancestral identity have shifted over time based on demographic, scientific, economic, and political criteria, but date back to the first census of 1790. Following the mandate of the U.S. Constitution to conduct a decennial census for purposes of apportionment, the first census reflected the enduring American color line by distinguishing “free white males and females,” from “slaves” (who infamously counted as “three-fifths of all other persons”), from “all other free persons” (i.e., free blacks). What was considered at the time as the necessary distinction between free whites and free blacks has endured and, like the exclusion of the category of people, “Indians not taxed,” indicates that race and ethnicity are two of the most important “foundational fictions” of American society (Edmonston and Schultze 1995; Glazer 2001; Gauthier 2002).

The 1850 census included three descriptive questions seeking to know the respondent’s age, sex, and “color,” with white, black, and mulatto given as options. A separate question inquired as to the respondent’s place of birth, asking specifically for the respondent’s state, territory, or country of birth. Later, the 1880 census repeated the color question, but included Chinese and Indian as two additional “colors” from which to choose. The nativity question was also repeated here with the stipulation that the respondent also list the place of birth of their father and mother. The 1890 U.S. census even included such now offensive racial terms as “octoroon” and “quadroon” as categories (Anderson and Fienberg 2000). “By the 1890 census,” write Edmonston and Schultze, “the race item had expanded to eight categories: white, black, mulatto, quadroon, octoroon, Chinese, Japanese, and (American) Indian. The categories were a combination of color, tribal status, and Asian national origin” (1995, 142).

Interestingly, the Spanish-speaking U.S. population (concentrated almost exclusively in the Southwest until the mid-1940s) was not differentiated as a separate racial or ethnic group until the 1930 census. It seems that they (mostly of Spanish-Mexican-Indian ancestry) had been included in the “white” group before the 1930 census, despite decades of demonstrated prejudice and discrimination against them by Anglo-Americans. However, in the 1930 census the new influx of Mexican immigration caused by the aftermath of the Mexican Revolution led to the decision to designate as “Mexican” all “persons of Mexican birth or parentage who were not definitely

reported as white or Indian,” Negro, Chinese, or Japanese, and coded under the heading “other races” (Edmonston and Schultze 1995; Rodríguez 2000 quoted in Glazer 2001; Gauthier 2002).

Thus, the dilemma and confusion over whether Mexicans were properly a nationality, an ethnicity, or a race, and likewise whether they were “white,” “Indian,” or something else when present in the United States dates back to at least 1930. Glazer notes that the 1940 census reversed this decision, making Mexicans white once again, unless “they were Indian or some other race other than White” (Glazer 2001; Gauthier 2002). However, by 1950, due in part to the new influx of Puerto Ricans in the Northeast, a new category was created that combined Mexicans, Puerto Ricans, and an assortment of other groups, into a “Spanish-sumamed” group (Glazer 2001).

Of course, all this was but prelude to the later creation of the term “Hispanic” after the significant new influx of a greater diversity of Latin American and Caribbean immigrants following the Cuban Revolution and the significant changes in U.S. immigration law after 1965. The 1970 census introduced the term “Hispanic” (on the long form only) in order to reflect the growing racial/ethnic diversity that resulted from the increase in immigration from Latin America. However, as with the totalizing essentializing terms “American Indian” and “Native American,” the term “Hispanic” has always suffered from the uncomfortable tension over “whether or not one could make a single meaningful category out of [different national groups] separated as they are by culture, history, and to some extent by racial characteristics” (Glazer 2001, 4). In fact, when first used on the 1970 long form (sent to only 5 percent of all households), Hispanic was understood to be an “origin or descent” separate from the “race” question, which was asked of all respondents. The census changes of 1990 and especially 2000 attempted with some success to come to terms with this complex history, which has often confused color, tribal status, national origin, ancestry, and “race.”

While the U.S. Census has historically had enumerators identify the ethnicity and race of individuals and required that such categories be mutually exclusive, the 2000 Census was unique in that it recognized that all individuals do not fit easily into one of five or six discrete categories, and that they themselves are best able to identify their particular racial and ethnic identity (or identities). The 2000 census was also unique in that it specifically distinguished between (Hispanic) ethnicity and various races (not including Hispanic). The 1980 and 1990 censuses had also done this but the ordering of the questions was thought to have confused many respondents making the count of Hispanics inaccurate. The significant changes to the 2000 U.S. census arose from many factors, but the Office of Management and Budget (OMB), the federal entity that regulates government enumeration and statistics, justified the change based on “the increasing diversity of our nation’s population stemming from growth in interracial marriages and immigration” (OMB 1997; Anderson and Fienberg 2000; Edmonston and Schultze 1995; Gauthier 2002).

### II. Census 2000: Changes to the Ethnicity and Race Questions—Clarity and Confusion

Four specific changes were made to the 2000 census short form concerning racial and ethnic data: (1) the Hispanic ethnicity question was placed *before* the race question, (2) an allowance was made for respondents to mark a box labeled “some other race” and *write in* a race not listed, as well as to choose *more than one* race, (3) the “American Indian” and “Alaska Native” racial categories were combined into a single category, and (4) the racial category of “Asian” was expanded,

with separate boxes provided for a host of Asian nationalities, as well as “Native Hawaiians,” “other Asian (print race),” and “other Pacific Islanders (print race).” Thus, if a single race was chosen, there were six possible categories including White, Black, American Indian or Alaska Native, Asian, Native Hawaiian or other Pacific Islander; and some other race. But, of course, the “some other race” category expanded exponentially beyond six the possible number of racial categories. Finally, almost seven million people (2.4 percent of the total 2000 population of 281 million) chose more than one race. In the end, the census officially coded for sixty-two different racial and ethnic combinations.

Specifically, in the “Hispanic ethnicity” question (first added to the census only in 1970), respondents were provided with the three different specific categories, Mexican, Puerto Rican, and Cuban, along with the option of writing in another, unlisted national or ethnic group (Figure 1.1). Thirty-five million people identified themselves as Hispanic (12.5 percent of the total population of 281 million). Twenty-one million of these (58.5 percent of all Hispanics) specifically identified themselves as “Mexican, Mexican-American, or Chicano.” In comparison, the 3.4 million U.S. Puerto Ricans made up another 9.6 percent of the U.S. Hispanic population (not including the almost four million residents of Puerto Rico itself). Cubans were the third largest group, numbering 1.2 million and accounting for 3.5 percent of the U.S. Hispanic population. The remaining 28.4 percent of the U.S. Hispanic population (ten million people) was divided among all other Latin American immigrant groups with Dominicans, Salvadorans, and Colombians being the most numerous.

Figure 1.1: Hispanic Ethnicity Question – U.S. Census 2000

→ NOTE: Please answer BOTH Questions 7 and 8.

7. Is Person 1 Spanish/Hispanic/Latino? Mark  the “No” box if not Spanish/Hispanic/Latino.

No, not Spanish/Hispanic/Latino       Yes, Puerto Rican  
 Yes, Mexican, Mexican Am., Chicano       Yes, Cuban  
 Yes, other Spanish/Hispanic/Latino — Print group. ↴

Source: U.S. Census Bureau. U.S. Census 2000 Informational Short Form Questionnaire, 2000 (<http://www.census.gov/dmd/www/2000quest.html>)

The following, separate race question included the instruction “mark X one or more races” and provided the options, “White,” “Black, African Am., or Negro,” “American Indian or Alaska Native” (print name of tribe), “Asian” (with many sub-options and space to write in an unlisted race), “Native Hawaiian” or “Other Pacific Islander,” and “some other race” (with space provided to write in a race) (Figure 1.2). The 2000 census has generated much controversy and discontent from different constituencies who alternately claimed that it either went too far or not far enough in its distinction between race and ethnicity, its definition of race, its decisions about which races to include, and even over which groups it considers races in the first place.

For example, it seems quite arbitrary that Puerto Rican, Mexican, and Cuban are considered ethnicities, while Chinese, Japanese, and Filipino are all considered races, when in fact it would seem more accurate to refer to all as national origins or ancestries. The U.S. Census Bureau is not ignorant of this seeming inconsistency. Specifically, a memorandum made public at that time was clear in pointing out that racial and ethnic definitions and categories have changed over time

Figure 1.2: Race Question – U.S. Census 2000

8. What is Person 1’s race? Mark  one or more races to indicate what this person considers himself/herself to be.

White  
 Black, African Am., or Negro  
 American Indian or Alaska Native — Print name of enrolled or principal tribe. ↴

Asian Indian       Japanese       Native Hawaiian  
 Chinese       Korean       Guamanian or Chamorro  
 Filipino       Vietnamese       Samoan  
 Other Asian — Print race. ↴       Other Pacific Islander — Print race. ↴

Some other race — Print race. ↴

Source: U.S. Census Bureau. U.S. Census 2000 Informational Short Form Questionnaire, 2000 (<http://www.census.gov/dmd/www/2000quest.html>).

and are likely to change in the future. It also recognized the socially constructed nature of race as a concept, stating: “The concept of race as used by the Census Bureau reflects self-identification by people according to the race or races with which they most closely identify. These categories are *sociopolitical constructs* and should not be interpreted as being scientific or anthropological in nature. Furthermore, the race categories include *both racial and national-origin groups*” (our emphasis; U.S. Census Bureau 2000a; U.S. Census Bureau 2000b; OMB 1997).

Despite, or perhaps because of, the controversial nature of race in the United States, a significant amount of research, analysis, and debate took place leading up to the final changes to the race and ethnicity questions announced on October 30, 1997. Also, Kenneth Prewitt, the director of the 2000 census, took some pride in the fact that the change in wording of the race question indicated that the United States had finally reached a significant “turning point” in its understanding of the complexity and multiplicity of racial and ethnic identities. However, it is still unclear whether the new open-ended race question will lead to the strengthening of identity politics, the weakening of the government’s ability to detect racial discrimination, or the beginning of the end of race as a meaningful legal, political, and sociological concept (Prewitt 2002).

It is instructive to look at the particular definitions of each of the racial categories to understand the Census Bureau’s attempt to make demographic sense of an increasingly diverse population. For example, “whites” are defined as those persons “having origins in any of the original peoples of Europe, the Middle East, or North Africa.” Thus, apart from those who specifically marked the “white” box on the Census, the Bureau coded as white all those who reported their national origins or ancestries in ways that linked them to the above geographical areas, such as Italian, Lebanese, or Arab.

Significantly, the “some other race” category was most often used by U.S. Hispanics, specifically Mexican-Americans, who often did not identify with any of the racial categories provided. Thus, it was quite common for Mexicans (whatever their individual racial or ethnic ancestry or mix of ancestries) to check “Mexican, Mexican Am., Chicano,” under the ethnicity question (Figure 1.1) and then check “some other race” under the race question, writing in “Mexican” again as their race (Figure 1.2).

### III. Hispanics and Race on the 2000 U.S. Census

Now we turn to the impact these census changes had on the thirty-five million self-identified Hispanics in the U.S. Nearly half (47.9 percent) of the over thirty-five million American Hispanics indicated that they were white (16.9 million). In contrast, just 710,353 (2 percent) claimed black as their race, 407,073 claimed to be American Indians (1.2 percent), 119,829 were Asian (0.3 percent), and just 45,362 were Pacific Islanders (0.1 percent).

However, the second most common racial category for Hispanics was “Some other race,” chosen by 42.2 percent (or almost fifteen million) Hispanics (Table 1.1). In fact, 97 percent of respondents who chose the “some other race” option alone (without marking another racial category in combination) were Hispanics, making the “some other race” category an Hispanic racial category by default (the very same result obtained in the 1990 census). In other words, many of those who marked Hispanic in the ethnicity question used the following race question to further clarify what being Hispanic meant for them, writing in a specific race, color, ethnicity, ancestry, or national origin after checking “Some other race.”

Table 1.1: Hispanic Population by Race for the United States: 2000

Race	Hispanic or Latino		
	Number	Percent of Hispanic population	Percent of total population
Total .....	35,305,818	100.0	12.5
One race .....	33,081,736	93.7	11.8
White .....	16,907,852	47.9	6.0
Black or African American .....	710,353	2.0	0.3
American Indian and Alaska Native .....	407,073	1.2	0.1
Asian .....	119,829	0.3	-
Native Hawaiian and Other Pacific Islander .....	45,326	0.1	-
Some other race .....	14,891,303	42.2	5.3
Two or more races .....	2,224,082	6.3	0.8

Source: Grieco, Elizabeth M, and Rachel C. Cassidy. 2001. *Census 2000 Brief: Overview of Race and Hispanic Origin 2000*. U.S. Census Bureau, Census 2000 Redistricting (Public Law 94-171) Summary File, Tables PL1 and PL2. (<http://www.census.gov/prod/2001pubs/c2kbr01-1.pdf>).

Additionally, 2.2 million Hispanics (6.3 percent) marked more than a single race, often marking white and then writing in “Hispanic,” a particular nationality such as “Dominican,” or a Spanish-language racial or color term, such as “*indio*,” “*mestizo*,” “*moreno*,” “*trigueño*,” “*jabao*,” or “*mulato*,” in the space provided after “Some other race.” Though Hispanics (not a racial category) can be of any race and are often of a mixed racial heritage, they were not likely to mark more than one race, perhaps because they already had the option of marking a racial category in addition to claiming Hispanic ethnicity.

These numbers indicate that race in Latin America does not have the same meaning as it does in the United States, as almost half of all Hispanics did not feel comfortable with any of the five single racial categories listed on the U.S. census form. Long ago this disconnect between notions of race, color, and *mestizaje* (racial mixture) that are common in Latin America on the one hand, and American notions of racial *mutual exclusivity* on the other, gave rise to the tradition of Mexicans and later Mexican-Americans (and to some extent all U.S. Hispanics) referring to themselves as members of “*La Raza*.” Thus, the name of what is perhaps the most important Mexican-American/Latino political action organization in the United States is The National Council of La Raza. However, unlike the commonly exclusionary usage of the term “race” in the U.S., the term “*la raza*” as used by Mexicans is intended to be inclusive of all Mexicans (and increasingly all Latinos) who are understood to be *mestizo*, proudly sharing a mixture of European, native American, and African ancestries.<sup>1</sup>

Frustration over the available U.S. racial categories and the constant demand of having to label oneself racially is common among U.S. Hispanics as indicated in the opening epigraph from Eva Blanco, the Mexican woman of indigenous heritage who fruitlessly looked for a “red” box on the census form (Navarro 2003). Like many other Hispanics, Blanco turned her nationality into a default racial category, writing in “Mexican” as her race. Similarly, Dominican immigrants, many of whom have sub-Saharan African ancestry, are known to resist being labeled “black” in the U.S. Instead, they often prefer to use cultural (“Hispanic”), linguistic (“Spanish”), or national (“Dominican”) identifiers when asked to name their race (Bailey 2001). Likewise, the Puerto Rican Patria Rodríguez, quoted in the same article, articulated this frustration, saying, “I feel that being Latina implies mixed racial heritage, and I wish more people knew that. Why should I have to choose?” (Navarro 2003).

In response to this confusion, the noted Mexican-American intellectual Richard Rodríguez has recently written a book simply entitled, *Brown*, as a way to criticize the American proclivity for mutually exclusive racial categories and to celebrate the growth of the “in-between,” mixed-race America that is the result of increasing interracial marriages, immigration, and newfound conceptual flexibility. In her *New York Times* article, “Going Beyond Black and White: Hispanics in Census Pick ‘Other,’” Navarro reiterates this same dilemma: “While there are clearly white Hispanics and black Hispanics, many come from racially mixed stock, with white, black and American Indian or other indigenous strains. Even within one family, one sibling may look black by many Americans’ standards, another white, and another in between. And factors as disparate as hair texture, education, income and even nationality matter almost as much as skin color in racial self-image” (Navarro 2003).

### IV. Discussion: Racial Identity, Group Membership, and Official Categories

Unlike the U.S. census, which prominently features one question on (Hispanic) ethnicity and another, separate one on race (on the short form sent to all U.S. households), the Mexican census never uses the word race (*raza*) at all in any of its surveys. Furthermore, the Mexican census has relegated the indigenous linguistic question to a place toward the end of the short form and has placed the ethnicity question (restricted to only indigenous ethnicity) only on the long form.

We point out these differences not to find fault with the methodology or conceptualization of race/ethnicity on either census, but to highlight the important conceptual differences between the two censuses given the fact that “official racial categories have both influenced and reflected more widely used social categories” in both countries (Huizar Murillo and Cerda 2004, 279-80). That is, differences between the Mexican and U.S. censuses reflect deeper differences between the two countries in the very meanings of the terms race and ethnicity, as well as in how individuals understand their racial and ethnic identities. Understanding these differences is essential to determining how and why Mexican indigenous immigrants to the United States reconceptualize their racial and ethnic identities in a new and different national and social context.

Whereas the Mexican census understands “Indianness” in terms of “membership” in an “ethnic group” (using words like *pertenencia étnica* and *grupo indígena*), the U.S. census considers “Indianness” an individual racial (not ethnic) identity. Both countries link indigenous identity to group identity and in

the U.S. the idea of “membership” is more formalized under legal tribe enrollment criteria. The 2000 U.S. census form reflects this fact in the instruction, “Print name of enrolled or principal tribe.” However, individuals are free to claim one or more “American Indian” racial identities, along with another race (or races). This claim remains quite separate from actual legal tribal enrollment, which is normally based on one’s “blood quantum” and evidenced by one’s possession of a CDIB (Certificate of Degree of Indian Blood) card (Garrouette 2003, Snipp 2002).

This supposedly scientific standard was originally imposed on native communities by the federal government in 1934 through the Indian Reorganization Act. Because the Bureau of Indian Affairs (BIA) refused to trust Indian communities’ claims over tribal membership, it attempted to determine the degree of one’s racial purity by means of photographing and charting Indian families in order to determine blood quantum (Rickard and Tayac 2004). However, both the requirement of formalized tribal enrollment as well as the concept of “blood quantum” or “degree of Indian blood” are quite foreign to the notion of indigenous identity in Mexico and would very likely be considered insulting.

Mexico does, however, have its own history of battles over communal Indian lands (*ejidos*). In Mexico, as evidenced by our field research, cultural markers like language, dress, and participation in collective, syncretic religious rituals and traditions is much more often the central criteria of Indian identity than the often unknowable complexities of an individual’s biological and/or genealogical ancestry. In other words, given the extensive miscegenation that has characterized Mexico’s history and made most Mexicans *mestizos*, being “Indian” in Mexico is much more an *ethnic* reality based on one’s culture than a *racial* one based on phenotype or genealogy as is the case in the United States. The use of the words “*pertenencia étnica*” and “*grupo indígena*” instead of “*raza*” reflects this fact.

However, both Latin American and U.S. racial hierarchies are based on the racist assumption of white, European supremacy (and desirability). The difference is that in the U.S. any “taint” of Indian and especially African blood would disqualify someone from being white, while in Latin America (Mexico, the Caribbean, Brazil, etc.) this one-drop rule works in the reverse direction. It was thought that whiteness could perhaps be achieved over generations by gradually diluting “pure” Indian or African blood with admixtures of white ancestry, leading to the federal policies mentioned above that promoted white, European immigration. In other words, you could not be considered Indian or Black if you had “one drop” of white blood, whereas in the U.S. you could not be white if you had “one drop” of black or Indian blood.

In sum, U.S. racial ideology is based on the myth of white purity and exclusivity, while Latin American racial ideology is based on a myth of *mestizo* or mulatto inclusion in a national “racial democracy” (especially in places like Brazil, Cuba, and Mexico, which have experienced sustained racial and cultural mixing). Of course, we have tried to show some of the dilemmas and possibilities that arise when the increased presence of Mexican *indígena* communities in the United States brings these two racial ideologies and national myths into conflict.

### Conclusion: Race is a Pigment of Your Imagination

As we have attempted to demonstrate throughout this article, if what constitutes race and ethnicity is not even fixed within a particular place or national context, it is even less so across different geographical and national contexts. We also demonstrate through our brief review of the history of the way race and ethnicity have been defined and employed in the U.S. census that race is a term that has been both widely

used and widely abused. This has led to its being constantly qualified with the recent “other” and “more than one race” options. Knight has cited *The New Columbia Encyclopedia’s* lengthy definition of race in order to point to the common abuses of the problematic term. “The differences among races are essentially biological and marked by the hereditary transmission of physical characteristics,” begins the definition. However, which particular physical characteristics are singled out as markers for race has little or nothing to do with biology and everything to do with geographical, national, and historical context, power differentials, and social structure. For this reason the encyclopedia makes the necessary caveat (very similar to the one made by the U.S. Census Bureau cited above): “The term race is inappropriate when applied to national, religious, geographic, linguistic, or cultural groups, nor can the biological criteria of race be equated with any mental characteristics such as personality or character” (Quoted in Knight 1996, 9).

Thus, how one is defined (and even how one defines oneself) racially in one context (say in Mexico) will not necessarily square with one’s definition in another context (the U.S.). Such inconsistencies and anomalies in the use of the term have led at least one prominent immigration specialist to remark: “Race is a pigment of your imagination” (Rumbaut quoted in Knight 1996, 10). Of course, such a terse remark does not mean that race as a sociological concept simply does not matter or is completely illusory. On the contrary, realizing that race is more connected to “imagination” and context than one’s particular biology, genealogy, or phenotype forces us to investigate how and why its “connotation can shift significantly when moved across cultural frontiers” (Knight 1996, 10) or geographical boundaries. In its daily usage back and forth across the Mexican-U.S. border the term race takes on multiple meanings. And, despite the warning imbedded in the above definition, the meanings often invoke race to mean “national, religious, geographic, linguistic, or cultural groups.” In other words, on both sides of the border, for both Mexicans and North Americans, race is often used to reflect one’s social position in a particular context; that is, it is almost always a question of political power and social structure (Knight 1996, 10).

### Endnotes

1. This inclusive understanding of the term “la raza” originated with progressive Mexican intellectuals in the 1920s and 1930s, led by then Secretary of Public Education José Vasconcelos, who sought to celebrate the country’s inevitable reality of racial/ethnic pluralism as an asset rather than bemoan it as an insurmountable obstacle to modern development. This attitude of acceptance (mixed with a concerted and often paternalistic government effort to assimilate Indians) came after decades of experiments in Mexico and much of the rest of Latin America of trying to “whiten” the national population through the promotion of European immigration. It was Vasconcelos’ intellectual and political stature as the founding director of the National Autonomous University (UNAM) in 1920 and later as the author of the 1925 classic, *La raza cósmica* (*The Cosmic Race*), that more than anything else led to the popular understanding of the term “*La raza mexicana*” to denote a national identity of *mestizo* ancestry. Though it may have been a case of making virtue of necessity, this movement went a long way toward eradicating the Mexican racial caste system, described above, from Mexico’s popular imagination.

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## CALL FOR SUBMISSION

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### Call for papers

The Fall 2008 *Hispanic/Latino Newsletter* will accept submissions on any topic related to Hispanic/Latino philosophy. Submissions should be accompanied by a short biographical summary of the author. Electronic submissions are preferred. All submissions must be limited to 5,000 words (twenty double-spaced pages) and must follow the APA guidelines for gender-neutral language and *The Chicago Manual of Style* formatting.

### Call for book reviews

Book reviews in any area of Hispanic/Latino Issues are welcome. Submissions should be accompanied by a short biographical summary of the author. Book reviews may be short (500 words) or long (1,500 words). Electronic submissions are preferred.

Please send all articles, book reviews, queries, comments, or suggestions to:

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### Formatting Guidelines

The *APA Newsletters* adhere to *The Chicago Manual of Style*.

Use as little formatting as possible. Details like page numbers, headers, footers, and columns will be added later. Use tabs instead of multiple spaces for indenting. Use *italics* instead of underlining. Use an “em dash” (—) instead of a double hyphen (--).

Use endnotes instead of footnotes. Examples of proper endnote style:

- John Rawls. *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 90