

Challenging Dehumanizing Representations

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Socially *Undocumented: Identity and Immigration Justice* takes up the problem of the dehumanizing representation of migrants who are read as undocumented in the U.S. The book examines the lived experience of those who embody this identity and offers an account of how this identity is produced. We learn that it is produced by a militarized border that has led to the perilous migrant journey. It is also the result of a history of immigration laws that have denied membership on the basis of race, gender, class, and sexuality. And it is shaped by politicians and others with a platform, who portray Latinx people as criminal and as a threat.

Reed-Sandoval's principle aim in this book is to identify and ameliorate the injustice of undocumented social identity. Her discussion of policy, then, takes place on the level of thinking about how to transform the structures that contribute to socially undocumented identity. She proceeds by delinking socially undocumented identity from legally undocumented identity. She argues that "the constraints stemming from being legally undocumented are not necessarily oppressive" and that it is possible to "recognize that borders are, in at least some respects, just, but also maintain that unduly physically harming undocumented migrants at the border and elsewhere—or denying them access to health care or other vital social services—unjustly oppresses them."¹ In short, her strategy is to show that 1) open-borders positions can be consistent with socially undocumented identity-based oppression and that 2) there are ways in which we can alter our existing immigration policy to reduce many of their currently harmful effects, without questioning the legitimacy of borders altogether. I will begin my commentary by briefly highlighting the methodology of this work, which is one of the features I appreciated most. Then, I will raise some concerns about Reed-Sandoval's critiques of open borders thinking. Lastly, I will turn my attention to the nature of socially undocumented identity.

One of the most significant aspects about Reed-Sandoval's book is that it seeks to offer a "bottom-up approach," making adept use of phenomenology and ethnography to reveal aspects of the experience of being rendered socially undocumented. It thus centers the perspective of the subject about which we are theorizing. Too often, academic work about immigration is conducted in ways that seem detached from the perspectives of migrants themselves. When this work does not begin with concerns and intuitions that are widely held within immigrant communities—that is, when the "we" it assumes is that of the citizen whose belonging is uncontested, or that of the culturally dominant group—it is doomed to overlook the ethical sensibilities and political understandings that are widely held within immigrant communities. In contrast, some of Reed-Sandoval's descriptions of socially undocumented identity resonated with my own experiences of the injustice of the U.S. immigration system as it has impacted members of my family. Reed-Sandoval has created a conceptual tool for better articulating and understanding some these experiences, and for that I applaud this work.

I turn now to Reed-Sandoval's discussion of policy. One of Reed-Sandoval's central criticisms of open-borders approaches is that they are ideal theories. As Reed-Sandoval explains, the problem with ideal theory is that it theorizes about justice in a way that abstracts from, and so erases, the reality of identity-based oppressions. Ideal theory cannot explain real injustices because these injustices do not reflect the ideal conditions being assumed by the theory. To avoid this problem, our theories of justice should instead begin by identifying injustices and then work towards solutions. Reed-Sandoval argues that open borders positions do not represent a realistic approach to pursuing social justice, insofar as the current political order is, in fact, a world with coercive borders. We need to focus on taking concrete steps to improve real people's lives now.

While I am sympathetic to the general critique of ideal theory, I am not sure that open borders positions are necessarily forms of ideal theory that problematically assume just background conditions. Instead, they may be better described as *idealistic*, or radical, positions that could be in dialectic with the current closed borders order. That is, they are not in principle silent on the problem of existing social inequality. Indeed, it seems that we must challenge borders if we take seriously the connection between Western nations' immigration policies and the preservation of white supremacy. The real fiction, one might argue, is the idea of Western nation states that are not, at bottom, based on racial exclusion.

Rather than rejecting open-borders positions altogether, perhaps we should think of both open-borders and borders-based frameworks as being on a spectrum of openness to restrictiveness. After all, as Reed-Sandoval observes, open borders positions tend to be accompanied by restrictions, and positions which assume the legitimacy of borders can include very few restrictions on the freedom of movement, as well as many protections of immigrants' rights.² We might even describe

Reed-Sandoval's own position as a "non-ideal, almost-open borders stance." Reed-Sandoval argues for "developing porous, demilitarized borders—borders that are *literally* more 'open.'"³ This means that people can cross without inspection⁴ and not be deported.⁵ She argues that Spanish-speaking people, regardless of immigration status, should have translation services⁶ and should have access to services that citizens enjoy, whether essential or non-essential.⁷ In addition, they should be given documentation (in the form of municipal id cards), which would allow them to carry out activities of daily living, such as opening a bank account, in an unencumbered way. People should also have access to "interact as a moral equal with others in the context of restaurants, parks, libraries, schools, and other parts of" social life.⁸ An immigration policy that permits people to come in and out freely and which does not subject people to deportation is, practically speaking, an open border policy. Sure, there may be restrictions on this free movement but, as Reed-Sandoval notes, self-described open borders positions also have restrictions.

Reed-Sandoval seems to hold open borders approaches to a different standard than she does her own position. One of her criticisms of the open-borders positions she considers in the book is that they include restrictions that, if applied inappropriately, could exacerbate socially undocumented oppression.⁹ For example, Kieran Oberman argues that states may deny translators to migrants demanding non-essential services under some conditions.¹⁰ Reed-Sandoval contends that such restrictions could perpetuate socially undocumented identity.¹¹ However, we must also consider the restrictions on migrants that are involved in Reed-Sandoval's position. For instance, Reed-Sandoval argues that non-citizens can justly be excluded from voting and serving on a jury. She also suggests that it is not, in principle, unjust to deny migrants the opportunity to work or own property. Yet, surely such restrictions could create a class of people that are economically disadvantaged and politically powerless, and this is arguably unjust. On the one hand, then, Reed-Sandoval rejects open-borders positions on the grounds that they would create some opportunities for oppression, even though her own position would also do so. On the other hand, she argues for the superiority of her own position on the grounds that it would "diminish a great deal of the violence, suffering and death that is currently characteristic of the migrant journey," even though open-borders positions would likely also meet this second standard.¹²

In addition to raising these concerns about open borders, I would like to further explore the nature of socially undocumented identity. Reed-Sandoval contends that her work "seeks to disentangle our understandings of socially undocumented oppression from discourse about anti-Latina/o/x racism."¹³ Part of her argument is that this identity has several aspects to it that go beyond Latina/o/x racial identity. One aspect is class, which she discusses in a way that is illuminating and persuasive—a truly vital contribution to contemporary discussions about social identity in the context of the relevant literature. She also mentions prejudiced at-

titudes relating to foreignness and criminality. Although socially undocumented identity has these different aspects to it, I am wondering whether it is still, ultimately, a racial identity? The parallels between socially undocumented identity and racial identity for Black U.S. Americans suggest that this may be the case. For one, the theme of not belonging arises for socially undocumented people and Black Americans alike. This is evident from all-too-common incidents of White people calling the police on their Black neighbors—whom they assume do not belong—at the community pool or park, at the apartment buildings where they live, in the university library, and so on. Reed-Sandoval also mentions propaganda about undocumented migrants in hooded sweatshirts as perpetuating the Latino Threat narrative.¹⁴ This point brings to mind Treyvon Martin, who was targeted as being suspicious while walking through a gated community in his hoodie. Following his murder, demonstrators participated in a “Million Hoodie March” to protest his unjust death. A third parallel emerges in Reed-Sandoval’s reference to Eduardo Mendieta’s work on the sound of race.¹⁵ For many U.S. Americans, the sound of the Spanish language signals the racialized identity of the speaker. A survey recently conducted by the Pew Research Center found that 34 percent of White U.S. Americans say they would be bothered by hearing people speak in a foreign language in public.¹⁶ The sound of race is not limited to the Spanish language, however. Linguistic oppression also occurs towards those who speak African-American English-language dialects. Whites may misunderstand some of these dialects and believe that they are broken and lack systematicity—a view which can have significant consequences for those who use these dialects.¹⁷ Since race seems to include things like class and perceptions about criminality and belonging in the case of Black Americans, in what way is socially undocumented identity something different from, or more than, a racial identity? What does Reed-Sandoval’s analysis of socially undocumented identity teach us about race that we may not have recognized before?

I conclude now with a note of gratitude for the opportunity to engage with this compelling, original, and ethically important book. At a time when so many politicians are pushing for a more “secure” border, it becomes clear that *Socially Undocumented* is subversive and timely. This book is thus a most welcomed contribution to the philosophy of immigration.

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NOTES

1. Amy Reed-Sandoval, *Socially Undocumented: Identity and Immigration Justice* (New York: Oxford University Press, 2020), 38.
2. *Ibid.*, 156.
3. *Ibid.*, 166.
4. *Ibid.*, 186.
5. *Ibid.*, 201.
6. *Ibid.*, 161.
7. *Ibid.*, 161–62.
8. *Ibid.*, 200.
9. *Ibid.*, 158–63.
10. *Ibid.*, 158.
11. *Ibid.*, 161.
12. *Ibid.*, 185.
13. *Ibid.*, 9.
14. *Ibid.*, 83.
15. *Ibid.*, 9–10. See Eduardo Mendieta, “The Sound of Race: The Prosody of Affect,” *Radical Philosophy Review* 17(1) (2014): 109–31.
16. Aris Folley, “About Half of White Republicans, Eighteen Percent of White Democrats Would Be Bothered to Hear Foreign Language in Public,” *The Hill*, May 8, 2019, <https://thehill.com/blogs/blog-briefing-room/news/442749-about-half-of-white-republicans-18-percent-of-white-democrats>.
17. For instance, a study finds that African-American dialects are often misinterpreted in U.S. courts, which can be used to challenge the credibility of Black witnesses’ testimony. See CBC Radio, “African-American Dialects are Often Misinterpreted in U.S. Courts, Study Finds,” CBC, January 29, 2019, <https://www.cbc.ca/radio/asithappens/as-it-happens-monday-edition-1.4995464/african-american-dialects-are-often-misinterpreted-in-u-s-courts-study-finds-1.4997328>.