Ideological and Cultural Bases For Arizona's SB 1070[1]

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The current Arizona government has become the most important symbol of the anti-immigrant movement in the United States. Recent legislation passed by its Congress is seen as the strictest of its type in the country, particularly the 2010 SB 1070.[2] The precedents for this Arizona legislature position date back several years and are due to various factors.

First, I will explain the notion of attrition through enforcement,[3] which SB 1070 made public policy, as a strategy representative of a nationwide anti-immigrant, neo-nativist movement. Then, I will analyze how the concepts of deportability and illegality converge in a specific discourse to spearhead a negative image of Mexican migrants in U.S. society.[4] I will also mention some of the consequences the new legislation will have and some processes it will have an impact on.

I think this convergence has by no means come about by happenstance; it is part of a historic process and media coverage in which border security and undocumented immigrants have collapsed into a single issue in the U.S. imaginary, and are no longer merely local and regional concerns.

SB 1070 and the Changing Political Scene

Attrition through Enforcement

Let's begin by seeing what political place this law comes from. According to state Senator Russell Pearce, SB 1070 is a necessary piece of legislation in Arizona:

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> Why did I propose SB 1070? I saw the enormous fiscal and social costs that illegal immigration was imposing on my state. I saw Americans out of work, hospitals and schools overflowing, and budgets strained. Most disturbingly, I saw my fellow citizens victimized by illegal alien criminals. The murder of Robert Krentz —whose family had been ranching in Arizona since 1907— by illegal alien drug dealers was the final straw for many Arizonans.[5]

These arguments presented with absolutely no documentation to back them up have become part of a foundational discourse about undocumented immigration in the United States. Two images of the undocumented immigrant immediately come to mind in Pearce's account: that of an imprudent, irresponsible individual, costly to society, and that of a criminal, specifically connected to drug trafficking. The latter is seconded by the hyperbolic —and up until now unsubstantiated— affirmation that the rancher, Mr. Krentz, died at the hands of an undocumented drug trafficker.

The concept of attrition through enforcement has become the basis for a third road to deal with the "problem" of undocumented immigration. For the anti-immigrant right, that wearing down of undocumented immigrants is the best option to immigration reform or mass deportations. The underlying idea is that if the federal government strictly applies immigration laws, the undocumented will leave Arizona of their own volition for fear of being caught and deported.

But enforcement of the law is not the only part of this wearing down; added to this are strategies of expelling people from the state, like the adoption of a series of legislative measures aimed at making immigrants' social interaction more difficult, as recommended by Mark Krikorian, one of the anti-immigrant movement's intellectual leaders.[6] These processes include economic sanctions, like making them ineligible for social and medical services, as well as legal measures criminalizing them beyond what federal immigration legislation stipulates, as can be seen in other anti-immigrant bills not only in Arizona, but also in other states. That is, long before SB 1070 was passed, wearing down the undocumented immigrants had been part of the anti-immigrant right's political agenda.

In the case of Arizona, it can be argued that laws like this one emerge presumably as a mandate from the citizenry and civic organizations that demand that the state defend its sovereignty and maintain strict controls over people perceived as peripheral in an essentialist model of citizenry prescribed from a status of privilege often emanated from the state itself. As I have already mentioned, the attrition-through-enforcement strategy is the result of a concerted effort by groups who consider undocumented immigration a threat to U.S. society.

For another sector of analysts, this forced wearing down lacks economic and social merit and is seen as a political strategy to control and stigmatize a certain segment of the population through "racialization," as argued by anthropologist Gilberto Rosas when analyzing the concept of "policeability." He suggests that the concept incorporates the most widely disseminated and yet most powerful processes involved in population management, which are part of the experience of the undocumented, and sometimes other population groups that seem like them culturally or phenotypically. Policeability explains in detail the epistemological, theoretical, and, in the last analysis, political queries about "illegality." In other words, argues Rosas, the concept puts into practice a less clear distinction between documented and undocumented individuals in border areas, as a distinct kind of racialized management in a context in which immigrants are not only allowed to die, but are also subject to both official and unofficial monitoring and surveillance as well as forms of police control by the state.[7]

NATIVISM AND NEO-NATIVISM

Nativism has been intimately linked to the formation of the U.S. nation. In the nineteenth century a strong connection between this feeling and the problem of immigration —particularly European and Asian— was already evident. While a series of regional conflicts emerged mainly for religious and sometimes for linguistic reasons, nativism as an ideology is part of the process of forging the nation that gives a privileged place to an autochthonous vision and a historical-symbolic connection to a particular space or territory. In a certain sense, nativism comes into contradiction with some of Benedict Anderson's inclusionary postulates in his idea of the nation as

an imagined community. One of nativism's important relational strategies is exclusion and distance, with the space and symbolic values associated with them. The relationship between essentialist Americanism and anti-immigrant feelings has been a fundamental part of the nativist conception. A broadening of this feeling and its tension *vis-à-vis* the concepts of acculturation and assimilation have been historical characteristics of this ideology.[8]

Representations of Mexicans in the U.S. imaginary before and after the War with Mexico (1846-1848) were not exactly positive. Quite to the contrary, the figure of the Mexican, particularly male Mexicans, was developed as a discourse based on a series of negative stereotypes that part of academia attributes largely to the influence of the Spanish "black legend." In his comprehensive historical work, David J. Weber examined the perception a good number of Anglo-American travelers had of Mexicans in the nineteenth century. The construction of a de-humanized, uncivilized image of Mexicans on both sides of the border has been one of the most deeply rooted of the nativist imaginary for almost two centuries. As Weber states, the stereotype of the inferior Mexican is what is behind the arrogant feeling of cultural and political superiority, known in U.S. history as "Manifest Destiny," which led to the conquest of half of Mexico's territory.[9]

Nativism, Illegality, Deportability, and Alienation

Anthropologist Nicholas de Genova analyzes the generation and *legal* control of *illegality* in an ethno-historical study to explain the discursive naturalization of the label "illegal alien." He states that the process of construction of the notion of illegality emerges from the junctures and tensions among the concepts of nativism (whether right-wing or left-wing), Americanization, assimilation, and citizenship. While of course a legal dimension of the notion of "migratory illegality" does exist, it becomes a static category when not analyzed in its historic specificity or its legal nature in light of other processes of legal empowerment or of the practices known today as governance. Why is what used to be illegal no longer illegal, or *vice versa*? As De Genova argues, as a simultaneously spactialized and racialized condition, migratory *illegality* is also a central part of the ways in which "Mexican-ness" is reconfigured in a racialized relationship with the hegemonic national identity of "American-ness."[10]

"Attrition through enforcement" means that if the federal government strictly applies immigration laws, the undocumented will leave Arizona by their own volition for fear of being caught and deported.

As a social condition and a result of anti-citizen technology, the notion of "illegality" and the increasing trend of making it the equivalent of criminality lead to a semantic and real reduction of human, civil, and legal rights of the individual considered an "illegal alien." I agree with De Genova when he says that the most important element in the use value and exchange value of that individual is his/her degree of deportability, which, in addition, is the socio-political condition that transforms him/her into cheap, disposable labor. Illegality provides a space of discursive otherness to the concept of citizenship, seen here as a process of recognition of a particular individual by the state. However, this otherness is complex since it is used in the context of tensions produced by nationalism as a dominant ideology in the semantic production of the nation-state, and by the peripheral circumstance assumed by the migrant in his/her condition as foreigner. It is possible to visualize how the construction of the illegal alien as subject emerges from the meetings and clashes between simultaneous processes of xenophobia and xenophilia, that is, of tensions between extreme Americanism and fear of the other in the face of a condescending fetishization of the figure of the assimilated immigrant as someone who forges the nation. This is why the expression, "We are a nation of immigrants," is a recurring phrase in U.S. cultural and social discourse.

Within this ethical problematization of the immigrant, it is possible to discern three paradigmatic representations: his/her inherent criminal, antisocial nature; his/her condition as an eternal scab, that is, someone who steals jobs away from citizens of the host country; and his/her collective characterization as a burden to public coffers. Thus, the representation of immigrants as criminals, job stealers, and habitual freeloaders on the social security system and welfare state presents them as irresponsible, incapable of self-control or of handling themselves appropriately within the law, and, therefore, as a threat to the collective well-being and the safety of society. In the public eye, this image of carelessness turns them into a force that disrupts the economic and cultural fabric of the nation.

The semantic distance between the terms "illegal alien" and "terrorist" has reduced dramatically. The representation of migration has gone from a flow to a wave, to a tumult, to a stampede, and lately to an organized invasion of the U.S.

Please note the correlation with the idea of cultural and economic nativisms put forward before: the figure of the undocumented immigrant is compressed and reconstructed by entering into dialogue and into tension with the forces that lead the hegemonic discourse of national identity and of national (in)security. Some authors suggest that the immigrant's illegality is constructed as a problem that is manageable by the state based on a numerology that can be adapted to the economic and political circumstances of its time. Using this numerology, the state also takes charge of making sure the immigrant is visible or invisible in the corresponding imaginary.

Other anti-citizen strategies also have an impact on the formation of this anti-immigrant discourse. One is the emergence of paramilitary groups that participate directly in border surveillance. As Roxanne Doty points out, their proliferation coincides with the organization of anti-immigrant campaigns and bills in several states; she highlights the case of California in the mid 1980s and the 1990s.[11] Along these same lines, the post-9/11 effect has sharpened the vision of the immigrant as a threat to national security, underscoring migrants' diversity. The increase in the number of OTM, that is "other than Mexicans," has sparked the rhetoric of national (in)security and shown up the porosity of the border. This has been amply capitalized on by various anti-immigrant groups and legislators like Pearce himself, who have incorporated into their discourse the threat and risk that undocumented immigration from the South constitutes. The semantic distance between the terms "illegal alien" and "terrorist" has reduced dramatically. The same has happened to other reference points, like the representation of the migratory flow itself, which has gone from a flow to a wave, to a tumult, to later be seen as a stampede and lately as an organized invasion of U.S. territory, as Leo Chavez has already pointed out.[12] The advance of anti-immigrant bills will greatly affect the political environment and the possibility of making an immigration reform, one of Barack Obama's electoral promises to the community.

The Turn of the Screw: SB 1070 as Anti-Mexican State Policy?

On July 6, 2010, the U.S. federal government brought suit in federal court against Arizona to strike down SB 1070. The suit was joined by a series of individuals and organizations who registered briefs questioning the law's constitutionality. On July 29, federal Judge Susan Bolton handed down a decision suspending some sections of the law. The Arizona government immediately appealed and the court decided to hear the arguments and issue a second decision in November.

This case has merited close scrutiny by academia and the press. Legal experts have pointed out that SB 1070 brings up a certain number of legal issues about race, security, sovereignty, civil rights, state power, and foreign relations.[13] Of all the law's possible implications, I want to underline three: first, the relationship between racial profiling and the enforcement of federal law, that is, how far the law authorizes the reference to the appearance, physical traits, or an ethnic-racial profile as elements for suspicion for locating and arresting a person. What is the place of Mexican-ness or of discursive representation of Mexicans in this legal sphere? To what point is the degree of Mexican-ness, judging by the appearance of an alleged undocumented migrant, sufficient legal reason for his/her arrest and jailing? This is extremely important, because, as Chin himself has shown, the notion of Mexican ancestry has been a key factor for some decisions in federal courts.

The second aspect underlines the presumed unconstitutionality of the law given Arizona's usurpation of certain functions by ignoring federal immigration laws. That is, to what point is it valid for Arizona to pass laws that seem to obstruct other jurisdictions and that increase the degree of "criminality" for undocumented persons beyond what federal law stipulates? We should also ask up to what point it is constitutional to have a policy of forced wearing down of the population in terms of interfering with and affecting specific population groups' civil and human rights, in this case Mexicans and Latinos. In other words, how can the future of the Latino and Mexican-origin population be predicted in Arizona given its push for "exceptionalism"?

Lastly, the third point is that clearly, regardless of how the court rules on SB 1070, the aforementioned issues will continue to be part of the U.S. anti-immigrant debate. It is also clear that issues linked to the ideological and cultural framework of the anti-immigrant movement require greater scrutiny by academia.

Conclusions

I have established some preliminary points for interdisciplinary research that will make it possible to better understand the dynamics involved in the representation, construction, and later interaction with the figure of the Mexican immigrant in the United States. I hope these ideas and observations contribute to illustrating how the notion of the forced wearing down of the population has become a state policy promoted by anti-immigrant sectors, whose aim is to wear down a certain segment of the population to the point that they will abandon specific spaces in U.S. society.

Another aim here has been to observe how historical processes of the nativist movements continue to contribute to the construction of concrete images of the Mexican immigrant in the U.S. imaginary. I hope the reflection about SB 1070 is taken into account in future research about immigration and the status of Mexicans in the U.S. and other latitudes. VM

Notes

[1] A longer version of this article can be found in Natalia Armijo, ed., *Migración y seguridad: nuevo desafío en México* (Mexico City: Colectivo de Análisis para la Seguridad con Democracia, 2011).

[2] See "Support Our Law Enforcement and Safe Neighborhoods Act," SB 1070, 2010, http://senatebill1070.com/arizona-senate-bill-1070/full-text-of-arizona-senate-bill-1070/.

[3] That is, wearing down the undocumented population through strict enforcement of the law.

[4] The term "deportability" has become popular for expressing what undocumented immigrants face: the vulnerability of being expelled, the authorities' "right" to deport them.

[5] Russell Pearce, "SB 1070 Simply Says 'Illegal' is Illegal," *The Daily Courier*, May 11, 2010.

[6] Mark Krikorian, "Downsizing Illegal Immigration: A Strategy of Attrition through Enforcement" (Washington D.C.: Center for Immigration Studies, 2005), www.cis.org/ReducingIllegalImmigration-Attrition-Enforcement.

[7] Gilberto Rosas, "The Managed Violences of the Borderlands: Treacherous Geographies, Policeability, and the Politics of Race," *Latino Studies* 4, vol. 4, University of Illinois, December 2006, pp. 401-418.

[8] Juan F. Perea, *Immigrants Out!: The New Nativism and the Anti-immigrant Impulse in the United States* (New York: New York University Press, 1997).

[9] David J. Weber, *Myth and the History of Hispanic Southwest: Essays* (Albuquerque: University of New Mexico Press, 2002).

[10] Nicholas de Genova, *Working the Boundaries. Race, Space and "Illegality" in Mexican Chicago* (Durham, North Carolina: Duke University Press, 2005).

[11] Roxanne Doty, *The Law into Their Own Hands: Immigration and the Politics of Exceptionalism* (Tucson: University of Arizona Press, 2007).

[12] Leo Chavez, *Covering Immigration: Popular Images and the Politics of the Nation* (Berkeley: University of California Press, 2001).

[13] Gabriel Chin and Kevin Johnson, "Profiling's Enabler: High Court Ruling Underpins Arizona Immigration Law," *The Washington Post*, July 13, 2010, www.washingtonpost.com/wpdyn/content/article/2010/07/12/AR2010071204049.html.