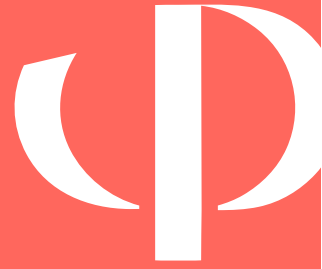


Hispanic/Latino Issues in Philosophy



FALL 2019

VOLUME 19 | NUMBER 1

FROM THE EDITORS

Carlos A. Sánchez and Lori Gallegos
de Castillo

CALL FOR SUBMISSIONS

SPECIAL CLUSTER

Stephanie Rivera Berruz

Latinx Philosophy Conference

Allison Wolf

Dying in Detention as an Example of Oppression

Alan Chavoya

A Negative Path Towards Anti-Racist Immigration Policy

Jorge M. Valadez

Immigration and International Justice

Eric Bayruns Garcia

Are Our Racial Concepts Necessarily Essentialist Due to Our Cognitive Nature?

Damían Bravo Zamora

Epistemic Humility Now!

ARTICLES

Omar Rivera

Approaching Racial Embodiment, Aesthetics, and Liberation in José Carlos Maríategui's Seven Essays

Alejandro Vallega

América Tropical, On the Force of Latino/a/x Thought

Sergio Rodrigo Lomelí Gamboa

The Marxism of José Revueltas: A Struggle Against Orthodoxy

Arturo Aguirre Moreno

Thinking about Exile: Community, Violence, and Law

Susana Nuccetelli

Book Excerpt: Marx on Bolívar

BOOK REVIEW

Linda Martín Alcoff: Rape and Resistance

Reviewed by Juan J. Colomina-Alminana

CONTRIBUTORS



APA NEWSLETTER ON

Hispanic/Latino Issues in Philosophy

CARLOS A. SÁNCHEZ AND LORI GALLEGOS DE CASTILLO, CO-EDITORS

VOLUME 19 | NUMBER 1 | FALL 2019

FROM THE EDITORS

Carlos Alberto Sánchez
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Lori Gallegos de Castillo
TEXAS STATE UNIVERSITY

For this issue of the newsletter, we have brought together a variety of essays that showcase the true diversity of philosophical projects occupying our Hispanic/Latinx philosophical community. We've divided this issue into three sections: the first, a special cluster edited by Stephanie Rivera Berruz, is comprised of papers delivered at the Latinx Philosophy Conference at Marquette University in May of this year; the second section is comprised of four articles dealing with issues of race and embodiment, Latinx thought, exile, and Latin American Marxism; and, finally, the third section includes an excerpt from a forthcoming book by Susana Nuccetelli and a book review of Linda Martín Alcoff's *Rape and Resistance*.

We begin this issue with a Special Cluster of essays that came out of a 2019 conference jointly hosted by the Fourth Latinx Philosophy Conference and the Society for Mexican American Philosophy at Marquette University. Stephanie Rivera Berruz, one of the conference organizers, introduces this exciting collection of papers.

In the following section, Omar Rivera offers a critique of José Carlos Mariátegui's aesthetics, namely, that its representative investments in indigeneity can essentialize Andean peoples and cultures in order to support Mariátegui's own revolutionary program. Then, reading Mariátegui against himself, Rivera approaches Mariátegui's *Seven Essays* by drawing from a notion of racial embodiment taken from W.E.B. DuBois, Frantz Fanon, and Linda Martín Alcoff. This counter-reading reveals a dynamic and contextual approach to racial embodiment, one that complicates Mariátegui's adherence to a racist representative aesthetics of liberation.

In that same section, the essay by Alejandro Vallega seeks to dismantle the traditional, reductionist treatment of Latino/a/x identities as a mere racial identity. He calls on us to engage the diversity of Latino/a/x lineages, histories, and experiences which, he argues, ontologically ground a rich and distinctive Latino/a/x thought and consciousness. Specifically, building on the work of Aníbal Quijano, Vallega shows how the temporality of Latin American experience unsettles the single history of progress established by the coloniality of power and knowledge.

Sergio Lomeli Gamboa's "Jose Revueltas' Marxism: A Struggle Against Orthodoxy" is an excellent introduction into the thought of this brilliant Mexican thinker. Known mostly for his fictional writing, Revueltas is also one of Marx's most original readers and a fierce critic of "Orthodox Marxism." Gamboa's reading here seeks not only to locate Revueltas in the center of Mexico's philosophical landscape of the last century, but also at the center of Mexico's cultural and political life. This care for the Mexican circumstance is symptomatic of Mexican philosophy as a whole, and the essay presented here is exemplary in its execution. To close off this section, Arturo Aguirre's short piece aims to think about the concept of "exile" as an operative concept capable of being deployed for the analysis of the modern dispossessed. Beginning with an "archeology" of the concept in Plato's *Laws*, Aguirre ends by suggesting that the concept of exile is intimately violent.

In the third section, we are pleased to offer our readers an excerpt from Susana Nuccetelli's forthcoming book on Latin American philosophy. In this intriguing essay, she considers some of Karl Marx's criticisms of Simón Bolívar. In particular, she focuses on the nature of Bolívar's sympathies for authoritarian government.

Finally, we close our newsletter with Juan Colomina-Alminana's review of Linda Martín Alcoff's *Rape and Resistance*, which centers on historical, institutional factors that allow and condone sexual violence and assault. Colomina-Alminana focuses his commentary on Alcoff's discussion of how to transform the unjust conditions that currently frame survivors' speech and the handling of that speech by others.

CALL FOR SUBMISSIONS

The *APA Newsletter on Hispanic/Latino Issues in Philosophy* is accepting contributions for the SPRING 2020 issue. Our readers are encouraged to submit original work on any topic related to Hispanic/Latino thought, broadly construed. We publish original, scholarly treatments, as well as reflections, book reviews, and interviews. Please prepare articles for anonymous review.

All submissions should be accompanied by a short biographical summary of the author. Electronic submissions are preferred. All submissions should 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. All articles submitted

to the newsletter undergo anonymous review by members of the Committee on Hispanics.

BOOK REVIEWS

Book reviews in any area of Hispanic/Latino philosophy, broadly construed, 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.

DEADLINES

Deadline for spring issue is November 15. Authors should expect a decision by January 15. Deadline for the fall issue is April 15. Authors should expect a decision by June 15.

Please send all articles, book reviews, queries, comments, or suggestions electronically to the editor, Carlos Alberto Sánchez, at carlos.sanchez@sjsu.edu, or by post: Department of Philosophy, San Jose State University, One Washington Sq., San Jose, CA 95192-0096.

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. See Sally Haslanger, "Gender and Race: (What) Are They? (What) Do We Want Them to Be?" *Noûs* 34 (2000): 31–55.

SPECIAL CLUSTER

Latinx Philosophy Conference

Stephanie Rivera Berruz
MARQUETTE UNIVERSITY

In the spring (May 2–4, 2019), the Fourth Latinx Philosophy Conference partnered with the APA Society for Mexican American Philosophy (SMAP) for one full-length conference at Marquette University. The conference celebrated philosophical work by Latinx and Latin American philosophers on issues particularly relevant to Latinx and Latin American communities. The event was the first of its kind and successfully brought together scholars working on a broad range of topics and from a wide variety of philosophical and interdisciplinary traditions. The program featured the work of over a dozen scholars at different stages of their academic careers and was keynoteed by Jacqueline Martínez (Arizona State University) and José Medina (Northwestern University). Historically, the conference has intended to bring scholars together who otherwise would not have had an opportunity to intersect. In this vein, the special cluster featured in this issue showcases the possibilities of such intersection. The authors here further remind readers that our current political climate, particularly as it pertains to immigration, is material, lived, and with great consequence.

Allison Wolf's essay "Dying in Detention as an Example of Oppression" argues for the importance of a structural lens of oppression in order to better understand the reasons why Raul Morales, Moises Tino, Roxsana Hernández, and Raquel Calderon died while in US detention. Alan Chavoya's essay, "A Negative Path Toward Anti-Immigration Policy," maintains that current US non-racist immigration policy does little more than contribute to the myth of a post-racial social order while at the same time perpetuating mass amounts of racial injustice. As a result, Chavoya defends the possibilities of anti-racist immigration policy by using a negative conception of justice as the starting point. Considering issues of injustice and immigration on an international scale, "Immigration and International Justice" by Jorge M. Valadez explores the moral dimensions of the territorial rights of states as a mechanism for developing immigration policies that can address injustices globally. Juxtaposed, Wolf, Chavoya, and Valadez importantly remind us of the ways in which the intersection between immigration and criminalization are structurally embedded into our social fabrics, and they demand more careful and nuanced social and political analysis. Eric Bayruns Garcia and Damián Bravo Zamora shift attention toward the epistemic dimensions of our social fabric. In "Are Our Racial Concepts Necessarily Essentialist Due to Our Cognitive Nature?" Bayruns Garcia explores the epistemic content framed by the social constructionism of race as argued by Mallon and Kelley. He maintains that their position does not hold by drawing on historical references to racial concepts as well as the lived experiences of race in Dominican NY-based communities. Bravo Zamora demands "Epistemic Humility Now!" as he develops an account of epistemic humility that can appreciate a multiplicity of worldviews without collapsing into relativism.

In sum, the essays in this special cluster showcase the importance of spaces/events like the Latinx Philosophy Conference as well as the Society for Mexican American Philosophy. The topics taken up here demonstrate the need for the development of ideas that track the lived experiences of our communities. It is my sincere hope that projects like these will continue to pave the way for a burgeoning field of work rooted in demands for social justice.

Dying in Detention as an Example of Oppression

Allison Wolf
SIMPSON COLLEGE

INTRODUCTION

On December 8, 2018, seven-year-old Jakelin Caal Maquin died in US custody. Shortly thereafter, on Christmas Day, eight-year-old Felipe Alonzo-Gomez died from the flu, also while in US custody.¹ Given the widespread news coverage, many may have heard about the tragic deaths of these children. But let me introduce you to a few more.

First, Raul Ernesto Morales-Ramos:

On April 6, 2015, Raul Ernesto Morales-Ramos, a 44-year-old citizen of El Salvador, died at Palmdale Regional Medical Center in Palmdale, California of organ failure, with signs of widespread cancer. He had entered immigration custody four years earlier in March 2011. An ICE investigation into the death of Morales-Ramos found that the medical care he received at both facilities failed to meet applicable standards of care in numerous ways. Two independent medical experts, analyzing ICE's investigation for Human Rights Watch, agreed that he likely suffered from symptoms of cancer starting in 2013, but that the symptoms essentially went unaddressed for two years, until a month before he died. . . . Throughout this time, Morales-Ramos repeatedly begged for care. In February 2015, he submitted a grievance in which he wrote, "To who receives this. I am letting you know that I am very sick and they don't want to care for me. The nurse only gave me ibuprofen and that only alleviates me for a few hours. Let me know if you can help me."²

Then, there is Roxsana Hernández:

Roxsana Hernández, a 33-year-old trans woman seeking asylum in the US from Honduras, reportedly died from HIV-related complications following an alleged five-day detention in what's known by immigrant rights groups as the "ice box"—Ice [sic] detention facilities notorious for their freezing temperatures.³

During her first week in the United States, Roxy's body and spirit quickly deteriorated. . . . Soon after asking for asylum, Hernandez was initially held at a detention center by US Customs and Border Protection. She was cold, lacked adequate food or medical care, and was held in a [freezing] cell [known as an ice box] with the lights turned on 24 hours a day. A week later, ICE says she arrived at the transgender unit in the Cibola County Correctional Center in Milan, New Mexico—a privately run federal prison for men that contracts with ICE. But by the next day, she was taken to a local hospital with symptoms of pneumonia, dehydration and "complications associated with HIV," ICE says. Hours later, she was transferred to a hospital in Albuquerque where "she remained in the intensive care unit until her passing," the agency said.⁴

An autopsy report showed that she was also beaten in custody.⁵

The third person is Moises Tino-Lopez:

Moises Tino-Lopez, 23, had two seizures within nine days, each observed by staff and reported to the nurses on duty in the Hall County Correctional Center in Nebraska. He was not evaluated by a physician or sent to the hospital after the first seizure. During his second seizure, staff moved him to a mattress in a new cell, but he was not evaluated by a medical practitioner. About four hours after that seizure, he was found to be unresponsive, with his lips turning blue. He was sent to the hospital but never regained consciousness and died on September 19, 2016.⁶

And, finally, Raquel Calderon de Hildago:

A 36-year-old Guatemalan woman, Raquel Calderon de Hildago, died Sunday at Banner Casa Grande Medical Center, according to Immigration and Customs Enforcement officials at the Eloy Detention Center in Arizona. She was taken to the hospital after medical staff at the Eloy Detention Center called paramedics following a series of seizures, ICE officials said in a news release. The woman continued to experience seizures in the ambulance on the way to the hospital, ICE officials said.⁷ She was the 15th person to die at that facility.

According to an autopsy report, however, Calderon de Hildago died of blood clots "throughout all the lobes of the right lung," the result of a leg injury. Reportedly, Calderon de Hildago had difficulty walking at the time she was apprehended by the Border Patrol. The blood clots, which traveled from her leg to her lung, would have triggered the seizures, Dr. Gregory Hess, Pima County's chief medical examiner, said in an interview.⁸

In 2013, women prisoners in Eloy Detention Center went on hunger strike to protest life threatening conditions there.⁹ Calderon de Hildago died November 27, 2016.

Sadly, these six cases (the four just highlighted and the two children) are not anomalies. In 2019, three more children died in US Customs and Border custody, the most recent being a sixteen-year-old Guatemalan teenager, Carlos Hernandez Vasquez, who crossed the border in Texas.¹⁰ Just six days earlier, a Guatemalan toddler also died in US custody.¹¹ In 2018, at least twelve adults and three children died in US detention facilities.¹² In 2017, twelve people died in US detention facilities and at least ten women filed complaints against ICE for causing them to miscarry due to their treatment in custody. In fact, Human Rights Watch reports that between 2010 and 2018, seventy-four people have died in US detention facilities.¹³ Worse, over half of these deaths were both preventable and caused by inadequate medical care offered by Immigration and Customs Enforcement facilities.¹⁴

The purpose of this essay is not to argue that these deaths are wrong—I take that as obvious. Instead, I want to focus

on *why* they are wrong. More specifically, I argue against mainstream philosophers of immigration that the principal wrong in these circumstances is the rampant existence of human rights violations (though I concede that is clearly the case). I will suggest that the major wrong underlying this pattern of deplorable conditions in detention that lead to immigrants' deaths are best understood as the result of oppression. But first, I need to tell you a bit about US detention policy and the rights of detainees.

A BRIEF OVERVIEW OF US DETENTION POLICY

Migrants who are detained are not criminals; they have not committed a criminal act and or broken criminal law. So why do we detain them? Two reasons: "(1) to ensure individuals appear for immigration court proceedings" and (2) to "comply with removal orders."¹⁵ Now, because detained migrants have not broken criminal laws, they are not supposed to be housed in jails or with criminals. They are entitled to be housed in good conditions, with the ability, for example, to exercise, move freely within the facility, eat well, be safe, and have good health care.

Despite the fact that, for many of us, detaining migrants for these purposes seems relatively commonplace, the idea of detaining large numbers of immigrants in the United States while they await their immigration hearing or deportation is relatively new. For most of the twentieth century, the Border Patrol and Immigration and Naturalization Services (INS) did not focus on detention or deportation. Their job was to *regulate* migration, not to *punish* it.¹⁶ And so Border Patrol and INS were not focused on criminal prosecutions of immigration violations at all and, as sociologist Patricia Macías-Rojas explains, "Training manuals of the time instructed agents to avoid illegal detention" on the grounds that it violates the Constitution.¹⁷ Instead, if someone was caught crossing the border without papers, they were simply sent home. So what changed?

Macías-Rojas traces what she refers to as the "punitive turn" in immigrant detention to the 1980s and 1990s. In 1986, the Immigration Reform and Control Act introduced a criminal alien program designed to deport convicted felons.¹⁸ In 1988, the Anti-Drug Abuse Act created provisions for deporting noncitizens who committed aggravated felonies.¹⁹ In 1996, however, the game changed when the Illegal Immigration Reform and Immigrant Responsibility Act (IIRICA) was introduced to target criminal aliens as a major enforcement priority and expanded the list of aggravated felonies for which one could be deported to include petty theft, minor drug offenses, and DUIs.²⁰ It also required mandatory detention of noncitizens who had completed their prison sentences.²¹ Notice that increased deportation and detention was *never* about immigration *per se*; it was about drugs and crime.

And it stayed that way until September 2001 when the USA PATRIOT Act authorized indefinite detention of those suspected of being terrorists in the wake of the September 11, 2001, attacks. At that point, immigration matters, generally, and deportation and detention, in particular, were reframed as national security concerns. This led to the reorganizing of governmental operations and agencies to better emphasize this new focus. In 2003, the Immigration

and Naturalization Service was disbanded and Immigration and Customs Enforcement (ICE) was created to deal with internal enforcement via deportation and detention. By 2004, the Department of Human Services (DHS) started prosecuting those who entered the country without permission in order to minimize the practice of paroling eligible, mostly Central American, migrants from detention (i.e., catch and release), a policy that existed precisely because detention centers did not have enough beds.²² In order to support detention Congress gave increasing funds to maintain detention beds. In 2009, Congress mandated that at least 33,400 detention beds be available. Recently, the Trump Administration has ordered that those who are caught entering the country without permission be charged with a criminal violation for the first time in recent history. The result is that we need more beds but do not have them. In response, in its most recent budget, the Trump Administration pushed to expand the number of beds to more than 51,000.²³ Currently, the United States detains the highest number of migrants in the world, close to 450,000, most of whom are male and from Mexico and Central America.²⁴ We still do not have enough beds to detain all noncitizens, so "ICE officers order detention on a discretionary basis."²⁵

In detention, migrants (even if they commit a crime) have a right to health care. Moreover, most of those who are detained at the border are asylum seekers, following US and international law by crossing the US border and then petitioning for asylum. As such, they too have the right to a certain level of care, including medical care. The Inter-American Council on Human Rights of the Organization of American States (of which the United States is a part), for example, states that:

In border areas, it is the duty of state authorities to provide immediate assistance to migrants and asylum-seekers, and that this assistance must specifically include medical assistance, adequate food and water, clothing, blankets, personal hygiene supplies, and opportunity to rest. As part of operations to intercept migrants and control migration at international borders, it is the duty of state authorities to prioritize medical and health screenings for migrants and asylum-seekers. This implies that competent medical personnel must be present in places where migrants and asylum-seekers are intercepted or detained in order to examine them and refer them for further medical attention, including mental health referrals, when appropriate.²⁶

Similarly, the United Nations argues that immigrants—refugees, asylum seekers, or otherwise—have a right to health care. Article 12 of the International Covenant on Economic, Social and Cultural Rights, for example, maintains that:

States that are a party to the Covenant have an obligation to ensure the provision of: equal and timely access to basic preventive, curative, rehabilitative health services and health education; regular screening programmes; appropriate

treatment of prevalent diseases, illnesses, injuries and disabilities, preferably at community level; essential drugs; and appropriate mental health treatment and care. They also have an obligation to prevent, treat and control epidemic, endemic, occupational and other diseases. Under article 12.2 (d), they must create “conditions which would assure to all medical service and medical attention in the event of sickness.”²⁷

Even the United States government recognizes its obligations to provide health care to immigrants in detention, as evidenced by the fact that ICE maintains the ICE Health Service Corps (IHSC) to provide “direct care to approximately 13,500 detainees housed at 21 designated facilities throughout the Nation to include medical, dental, and mental health care, and public health services as well as medical case management and oversight for an additional 15,000 detainees housed at approximately 119 non-IHSC staffed detention facilities across the country.” And IHSC oversees the financial authorization and payment for off-site specialty and emergency care services for detainees in ICE custody.²⁸

Despite this, medical care and services for migrants is woefully inadequate. First, the numbers show this is the case—ICE’s own numbers show that they are equipped to provide care to 28,000 detainees, but there are hundreds of thousands in the system. Unsurprisingly, then, the American Civil Liberties Union reports: “ICE puts thousands of people’s health and lives at risk by failing to provide adequate medical care to the people it detains for weeks, months, and even years.”²⁹ As we saw in the cases described earlier, responses are delayed or inadequate, emergency responses botched and slow, and the quality of care is poor. As a result, migrants are suffering (and increasingly dying).

WHY IS THIS WRONG? OPPRESSION

There are many reasons that people would morally condemn the treatment of detainees in the United States as well as the increasing numbers of people getting sick and dying in US custody. Within the literature on immigration justice, the most common condemnation is framed as a violation of immigrants’ basic human rights. I think this intuition is correct for all sorts of reasons: This treatment violates Article 3 of the Universal Declaration for Human Rights, which states that “everyone has the right to life, liberty, and security of person,” as well as Article 9, which states that “no one shall be subjected to arbitrary arrest, detention, or exile.”³⁰ Some, such as philosopher Joseph Carens, argue that detentions, arrests, and most types of border control also violate Article 13, which guarantees the right of all to exit their country.³¹ Still, I think that viewing these injustices as human rights violations is not our best bet for a couple of reasons: (1) Because the human rights framework focuses on individual acts and incidents, which means it is hard to detect structural and systemic issues; and (2) because the human rights framework takes the target and perpetrator of the wrong to be individuals and not social groups or nations. As a result, the human rights approach to thinking about immigration justice and injustice will not actually reveal what I take to be the core immigration injustice in

these cases, namely, that the treatment of detainees and their resulting deaths are the result of oppression.

Let me state my position more clearly. I argue that immigration injustice should be defined as occurring when any immigration policy, practice, norm, or system perpetuates, reflects, or maintains oppression. US detention policies, practices, and systems perpetuate oppression in various ways. Therefore, they are unjust, and the core reason is their role in oppression, not the fact that they violate human rights (though they clearly do that too). But what is “oppression”? To help explain, I employ feminist philosopher Marilyn Frye’s famous metaphor of a bird cage. Imagine a birdcage. When we pay attention to the birdcage, we notice that the cage only functions when multiple wires are arranged in specific ways, namely, to “restrain, restrict, or prevent the [bird’s] motion or mobility.”³² In other words, the cage does not consist in random, unrelated wires just thrown together. To the contrary, the cage is formed by the specific way that wires are put together in relation to the others. Further, to be arranged in this specific way is neither random, accidental, or haphazard. The cage is designed to trap the bird and prevent it from escaping.

Oppression is similar. Under oppression, social and institutional norms, policies, practices, and structures work together to reduce, immobilize, and mold the oppressed specifically to restrict and impede their options. The cage does not simply work to trap the bird. Rather, it works to trap the bird in particular ways—namely, by creating double-binds. A double-bind exists when the oppressed’s “options are reduced to a very few and all of them expose one to penalty, censure, or deprivation.”³³ No matter what they do, the oppressed are vulnerable to facing negative consequences. A common example of a double-bind is young women’s sexual expression. If young women have sex, they are whores, but if they abstain, they are prudish, teases, and frigid. Regardless of their choice, they are vulnerable to censure. The experience of oppression is being caught up in a system that is designed to trap you in double-binds.

Frye’s birdcage metaphor raises a key question: Who or what does the bird represent? In the immigration context, the answer is almost always social groups, nations, nation-states, transnational communities (like Indigenous groups). So when someone finds herself in a “cage” and asks, “Why am I in this cage?” (i.e., Why am I caught in this double-bind?), the answer will not be that individual’s actions. Instead, the answer will be “You are in the cage because you are a member of a certain social group, nation, state, community, etc.” For example, in the US there is a practice of racial profiling Black and Latino men (and other men of color). Under these circumstances, there is nothing an individual Black or Latino man can do to avoid the police pulling him over—driving too fast will be cause, since one is speeding; driving too slow will be cause, since it is suspicious; driving the speed limit will be cause, since nobody drives the speed limit unless they are hiding something. In these cases, the man is not stopped because of his actions (all of which many white people do on a regular basis, including myself—much to my mother’s chagrin). He is stopped because he is Black or Latino. In

this way, one is oppressed because of their membership in a social group, nationality, citizenship, or community.

Of course, individuals are members of multiple groups, communities, and even nations. Many individuals can be both victims and perpetrators of oppression. Take me as an example. As a Jewish woman in Iowa, I am a victim of sexism, Anti-Semitism, and their intersections in a shockingly large number of ways. But, in Los Angeles, where I am primarily perceived as white (especially in the middle of these frigid winters that take all of the glorious color out of my skin), I also participate in and benefit from racism and classism. Both are true because of my belonging to multiple social groups.

To be clear, to say that these networks of systems and barriers are set up to restrict and immobilize the oppressed does not mean that oppression is conscious, calculating, or necessarily done by evil people with malice. In fact, while we cannot deny that this can occur, more often than not, oppression is carried out by well-meaning people upholding norms or enacting policies that are deeply problematic. The problem lies in the structures and norms being upheld in the policy, not the individual character flaws of those who create or enforce it. To put it more concretely, the problem is not that US Customs and Border Patrol officials are intentionally cruel as they deport people to Mexico and Central America, but rather the policies that they are enforcing, for example, requiring them to detain all irregular migrants, reflect and promote oppressive norms. Oppression is located in the structures, values, and practices, not in individuals.

A consequence of this conceptualization is that detecting oppression requires utilizing a macroscopic analysis—one must see how everything is connected (history, politics, laws, social norms, etc.) to determine whether a particular instance is a random, unfortunate event, or part of a larger system of oppression. Again, we can return to Frye’s metaphor of the birdcage. If one examines why a birdcage encloses the bird using a microscopic and individual approach, the answer is elusive. This is because the person only sees one wire or one wire at a time, and the presence of one wire does not keep a bird from flying away. In other words, the investigator will fail to see how the wires are connected. But the bird is in the cage precisely because of how all of the wires are connected. So the only way to identify oppression is to step back, to get a macroscopic view of the various relationships between the wires, the environment, etc.

OPPRESSION IN THE DEATHS OF IMMIGRANTS IN US DETENTION

Now that we have some background on US detention policy and the nature of oppression, we can return to the four cases that I introduced at the beginning of the essay. Clearly, I do not have time to detail how all four died as a result of oppression in US immigration policy here, but I will suggest some ways that we should see their treatment and resulting deaths as examples of oppression. First, their treatment and deaths resulted from structural problems, not random bad acts or incompetent individuals. US policies,

practices, and norms around immigration and health care led to these deaths. The Enforcement and Removal Office (the agency in charge of inspecting facilities) does not impose meaningful consequences for failing inspection standards.³⁴ “As a result, inhumane conditions, including egregious violations of medical care standards, prevail across an immigration detention system composed of more than 200 detention facilities.”³⁵ According to four major human rights organizations, “Three failings stand out: (1) unreasonable delays in providing care, (2) poor practitioner and nursing care, and (3) botched emergency responses.”³⁶ Even the government’s own reports in 2016, 2017, and 2018 provide additional documentation of deficient medical care in ICE facilities.³⁷ And despite

new growth in immigration detention, the Trump administration has requested less money for Department of Homeland Security (DHS) oversight of detention to assure that conditions of confinement are safe, indicating that it plans to abandon basic standards developed over the past decade intended to protect the health, safety, and human rights of those held in immigration detention centers. These proposals would place more human beings than ever before into an abusive and wasteful system that already suffers from substandard medical care.³⁸

This is a systemic problem—it is a cage, not individual, unconnected wires.

Second, the system is set up in such a way as to place migrants in a double-bind. New detention policies have turned the decision to migrate and/or seek asylum itself into a double-bind—stay in one’s country and face violence, poverty, and economic deprivation, or come to the US and risk violence, detention, and ill health. No matter what any individual migrants does, she is vulnerable to negative consequences.

Third, these policies place migrants in double-binds because of their social group membership and nationality. Not all migrants, even unauthorized ones, are detained. To the contrary, most detentions are still based on the discretion of ICE agents, because there are far too few beds to detain all of those who enter without authorization.³⁹ ICE officers overwhelmingly use their discretion to target migrants from Mexico and Central America, and, within this group, LGBTQ migrants.⁴⁰ There is no detention, for example, for those crossing the Northern Border without permission or proper documentation. Moreover, the Trump Administration has expressly said it wants to stop immigration from Central America specifically, and has threatened Central American governments to cut off aid if they do not help, indicating that these policies are, again, targeted toward specific groups and not all migrants. Beyond this, the Border Patrol has been directed by the Department of Homeland Security to target those coming from Central America.⁴¹ In fact, the now infamous zero-tolerance policy that has led children to be separated from their parents specifically directs all federal prosecutors to detain and arrest all who enter the United States “illegally” on the *Southern Border*⁴² and send them to federal prison or detention centers while they

wait for their cases to be heard. These individuals are in detention because of their national membership, not their actions.

CONCLUSION

Raul Morales, Moises Tino, Roxsana Hernández, Raquel Calderon de Hidalgo, and the dozens like them who died at the hands of our government came here in search of a better life—a life free of sexual violence, gang violence, starving wages, and constant uncertainty. Jakelin Caal Maquin and Felipe Alonzo-Gomez were simply following their parents. Instead of helping them, or treating them with even minimal decency, the US government detained them in such a cruel and inhumane manner that they passed from this world. I hope that by reframing their experiences as expressions of oppression, we can fight to make sure that those who follow them at least get the chance they deserve to come out of the process alive and well.

ENDNOTES

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tactics utilized to preserve historically shaped structures and systems upholding racial stratification. In this "post-racial era," it is necessary to investigate those places masquerading as "race-neutral" that perpetuate racism and racial injustice. Nowhere is this clearer than in the "immigration debate."

The immigration debate is immersed in a history riddled with racist practices and projects of racialization. In the "post-racial era," the immigration debate has dropped overt racism used to define citizenship and has instead proposed "race-neutral" policies to legally justify the categorizations of "citizen" and "migrant." Overtly racial tropes have been replaced by tropes of lawfulness, concealing the racism of anti-immigration discourse behind the veil of terms like "illegal immigrants."⁵ Post-1965 immigration policies have not only participated in engendering the drastic increase of dangerous clandestine methods of immigration from the Global South; they have also continued fortifying the racial border outlining citizenship.⁶ "Race-neutral" or "non-racist" immigration policy reforms have preserved the racial categorization used to facilitate the inclusion of legitimate members of this political community (citizens) and the exclusion of those who are deemed not worthy of entry ("illegal immigrants"). As Grant Silva succinctly remarks, "The immigration debate cannot be excised from discussion of racism, nor can racism be excised from the immigration debate. Tropes of lawfulness and 'waiting in line' are but red herrings."⁷

In accordance with Bell's thesis on the permanence of racism, I argue that "non-racist" immigration policy reform does little more than contribute to the "myth of postraciality." When racism and racial prejudice remain unaddressed and unchallenged, as I argue they are in what passes for the immigration debate in the US today, "preventive" strategies towards justice, such as those offered by liberal political philosophers like John Rawls, fail to adequately respond to the needs of racialized migrants. The insistence on overlooking race and racism while responding to societal injustices, like those produced by this nation's immigration system, further perpetuates racial injustice by invalidating lived experiences of racialized minorities and diverting attention away from racism.⁸

This essay first explains how whiteness remains a requirement for full-status citizenship despite the formal outlaw of the "whiteness clause." Overtly racist immigration legislation—stretching from the 1790 Naturalization Act until the 1952 Immigration and Nationality Act—enacted and endorsed whiteness as a requirement for citizenship.⁹ Nevertheless, following the 1952 and 1965 immigration reforms, which mark the legal abolition of both the "whiteness clause" and the national origins quota, whiteness remains a formative identity category in US society. It is a standard for inclusion used for determining which groups are worthy of receiving the rights and protections guaranteed by citizenship. Following Bell's thesis on the permanence of racism and Marx's criticism of the limits of "political emancipation" in his essay, "On the Jewish Question," this section offers a criticism of "non-racist" efforts seeking to eliminate racial injustice strictly through the legal outlawing of racism in immigration policy. "Non-racist" immigration legislation

A Negative Path Towards Anti-Racist Immigration Policy

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Despite claims that the United States entered a "post-racial era"¹ and that racism is a thing of the past, racism has permeated US society in nuanced manners that have resulted in further racial stratification.² As David Theo Goldberg argues, "What the claim about postraciality as the end of race suggests, rather, is simply that a certain way of thinking about race, and implicitly of racist expression, has been giving way to novel understandings, orders, and arrangements of racial designation and racist expression."³ While there have undoubtedly been noticeable legal shifts away from overt racism, these legal shifts, as critical race theorist Derrick Bell expressed, are merely "temporary 'peaks of progress'" and not the end of racism.⁴ Bell's "racial realism" and his thesis on the permanence of racism is particularly illuminating for understanding the limits of legal reform for combating racism, especially the legal conundrum we face in this "post-racial era": policy and legal reform are evidently limited in combating racism, yet policy and law are needed to respond to racial injustices.

Rather than liberating society from racism, post-racialism and post-racial legal reform have functioned as obfuscating

remains insufficient for successfully responding to the racial injustices suffered by migrants of color.

The preceding critique of the inefficacy of “race-neutral” immigration policy allows for a return towards the question of justice. I ask: What would be *justice* for racialized migrants? My goal is to criticize how the typical path taken by political philosophers when entertaining questions of justice—namely, the positive path as proposed by Rawls—begins from a position of a well-ordered society inhabited by equal citizens and therefore lends itself to a “post racial” narrative. As an alternative, I argue that the “negative path,” one that begins from the experiences of injustice and inequality, as proposed by Luis Villoro, Naomi Zack, and Charles Mills, among others, is better suited to respond to the needs of racialized migrants.¹⁰ The former’s insensitivity to the present conditions of racial injustice in the immigration debate marks a dead end, while the latter indicates a much more viable and racially conscious path for responding to the needs of migrants suffering from racial injustice.

By way of a conclusion, I highlight the need for explicitly *anti-racist* immigration policy. I am not attempting to offer a solution for the racism plaguing the immigration debate. While policy and law are necessary, they are not sufficient conditions for eliminating racism. I am instead suggesting that efforts at the level of law and policy aimed at responding to the needs of racialized migrants must account for their lived experiences by being anti-racist. While I agree with Bell’s skepticism of legal reform, I interpret his criticism as applicable to “non-racist” policy. In this sense, anti-racist policy offers a viable path towards actual racial justice that will not result in mere “peaks of progress.”

PART I: ON THE LIMITS OF NON-RACIST IMMIGRATION POLICY

Marx’s essay, “On the Jewish Question,” provides a powerful critique of political emancipation within a community that elucidates the limited efficacy of non-racist immigration policy. Regarding the secularization of religion, Marx states, “The most flexible form of the opposition between Christian and Jew is the religious opposition. How is an opposition to be done away with? By making it impossible. How does one make a religious opposition impossible? By abolishing religion.”¹¹ By “making opposition impossible” and “abolishing religion,” Marx is not suggesting a superficial approach, which he defines as “political emancipation.” Marx’s scathing critique of political emancipation is best summarized when he states, “The limitations of political emancipation are immediately evident in the fact that a state can *liberate* itself from a limitation without man himself being truly free of it, and the state can be a free state without man himself being a free man.”¹² Thinking about how racism in immigration policy has prevailed despite its formal overrule, Marx’s critique of political emancipation can become a critique of non-racist immigration policy as merely a type of this limited political emancipation.

Legally, the US has “liberated itself” from racism by making its overt forms unconstitutional, but the political members

of the US, who are the ones legislating, upholding, and deciding rulings on immigration policy, have yet to be liberated from racism. Just as the state Marx is writing about emancipates itself from religion while its overwhelming majority does not cease to be religious, so too has the US immigration system emancipated itself from racism. It is in this way that non-racist immigration policy has assisted whiteness, which, in a “post-racial-era,” is allowed to remain publicly innocent while preserving the legacies of racism that have and will continue to construct it. The more “migrant” is defined in terms of illegality, the more “citizen” becomes an innocent category.

Critical race theorists Ian Haney-López and Cheryl Harris are particularly insightful in their understanding of how legal reform and policy have both arbitrated the racialization of different categories and concretized racial stratification in the US. In regards to the racial formation of whiteness, Harris argues, “The law’s construction of whiteness defined and affirmed critical aspects of identity (who is white); of privilege (what benefits accrue to that status); and, of property (what *legal* entitlements arise from that status).”¹³ Thus, law has functioned as a tool that defines racial categories and dictates the privilege or disadvantage of different racial identities. Immigration law, in particular, has displayed an affinity towards these projects of racialization in the US, crafting a border between lawful, legitimate members of the political community categorized as “citizen,” and those who are excluded and without rights: “illegal aliens” or “impossible subjects.”¹⁴

From the genesis of immigration legislation in the US, whiteness and citizenship have been legally synonymous. The 1790 Naturalization Act is among the earliest instantiations of immigration policy to legally mandate whiteness as an official requirement for naturalization, which José Jorge Mendoza notes, “created an entire subclass of people (i.e., non-white persons) who were permanently ineligible for US citizenship, but not necessarily denied residency.”¹⁵ For the better part of the next two centuries, whiteness operated legally as a determinant for whom privileges and protections granted by citizenship could be extended. For the duration of this period, whiteness and policy dynamically shifted as new groups of migrants who did not neatly fit the black-white racial paradigm posed a challenge to the previously established racial categories in citizenship law.¹⁶ As new groups of migrants entered the racial discourse, different policies were enacted to more rigidly define this border between citizens and non-citizens.¹⁷ Through elucidating investigations into the history of immigration policy and its overt relationship with whiteness from 1790 to 1965,¹⁸ two observations can be made: 1) whiteness is a dynamic racial identity whose meaning is modified through ever-changing social practices,¹⁹ and 2) immigration law is one of these social practices that has continuously responded to the needs of racially privileged groups in the US.²⁰

In the wake of the civil rights movement, the 1952 and 1965 Immigration and Nationality Acts, two pieces of non-racist policy, have shaped the current Immigration and Nationality Act as they ended overt forms of racism and ethnocentrism in immigration policy. Along with

the abolition of racially discriminatory policies, the 1965 immigration reform introduced a yearly numerical cap of 20,000 migrants-per-year that was *equally* applied to every country. Both Ngai and Mendoza agree that the enactment of this cap disproportionately affected Mexican migrants, who, in the years prior to the cap, constituted over 400,000 of temporary migrants in the US.²¹ In turn, the increase of unauthorized migrants, particularly Mexicans and Central Americans, necessitated the policing and surveillance of the US-Mexico border and the neighborhoods that appeared to harbor these migrants, i.e., Mexican neighborhoods, since according to Fox News, Guatemala, El Salvador, and Honduras are Mexican countries. These typically forceful policing tactics have become normalized within the immigration system and have reinforced the border in a manner that has, according to Carlos Alberto Sánchez, intensified the racial definition of the categories “citizen” and “illegal,” the former representing whiteness, inclusion, and the right to have rights, while the latter represents racialized migrants who are excluded from having rights.²²

Current work in crimmigration law exemplifies the justification for these tactics by demonstrating how criminal law and enforcement has converged with immigration law and enforcement.²³ This convergence has resulted in the further criminalization of migrants of color and has provided a clearer path for rampant deportations, ICE raids, and indefinite detention.

Racially neutral immigration policy not only contributed to the increased policing of Mexicans or those who “look Mexican” in the US, but it also marked a shift in which “illegal immigrants” became targets of racist anti-immigration discourse and tactics. The current version of the Immigration and Nationality Act provides racist sentiment a kind of camouflage in the form of tropes of lawfulness, which still dominate much of the present-day immigration debate. In this “post-racial era,” anti-illegalist sentiment has largely replaced the overtly racist sentiment against migrants, but it has nevertheless allowed the racism permeating the immigration system to prevail. This phenomenon is exemplified in current dog-whistle politics, which criminalizes migrants and veils racist sentiment behind cries for national security, despite empirical data showing that migrants are less likely to commit crimes than US-born citizens.²⁴

Another consequence of opting for “non-racist” immigration policies in the “post-racial era” is the ability granted to racially privileged groups to dissociate themselves from their histories of racism, that is, from their facticity or thrownness. Regardless of immigration reforms, immigration law is not displaying any linear “progress” towards something like a just immigration system. By purchasing into the linearity of progress, history is understood as something that can be left behind; something that, at best, is considered to minimally affect present circumstances.

“Post-racialism” offers an understanding of historically racist practices against migrants, making racism a thing of the past that no longer exists in the immigration system. “Non-racist” immigration policy assumes this position and only serves to reinforce the illusion that racism in the

US immigration system perished following the 1952 and 1965 reforms. This position, which can be categorized as a disinterest in or dismissal of history, is exemplified by Michael Walzer’s work, which has significantly impacted much of the philosophical discourse on the ethics of immigration. While discerning how *equal* members of a political economy distribute power to one another, Walzer calls for an investigation into how the group is constituted, a task he clarifies by saying, “I am concerned here not with the historical origins of the different groups, but with the decisions they make in the present about their present and future populations.”²⁵ For Walzer, all the community’s past wrongs do not factor into the consideration for how membership will be distributed. As Silva’s own analysis of Walzer points out, Walzer does take issue with racism and racist policies, but the dismissal of history limits how far we can challenge members of the political community in justifying their existence. When this dismissal occurs, “racial normativity is afforded opportunity to reside in the historic fabric of a political community’s existence.”²⁶ The legacies of colonialism and racism remain imperceptible when a political community’s decision to extend or limit membership status is only oriented towards the future and fails to consider how its past shapes its present and future. Non-racist immigration policy is, at best, superficially concerned with legacies of colonialism and racism. Its emphasis on formally overruling overt forms of racism in the immigration system is insufficient for eradicating the institutional racism that facilitates the conflation between whiteness and citizenship, and migrant and criminal. Through non-racist immigration law, the US has only become “politically emancipated” from racism. The racism in the immigration system remains and more effectively targets migrants of color.

PART II: TOWARDS ANTI-RACIST IMMIGRATION POLICY

In what follows, I explore two possible paths towards justice for racialized migrants: the positive and the negative path. After critiquing the former and arguing for the latter, this section concludes by suggesting anti-racist immigration policy as an alternative to non-racist policy. The return to the level of policy is necessary because, as Cherríe Moraga and Gloria Anzaldúa advise us, “Theory alone *can not* wipe out racism. We do not experience racism, whether directed at ourselves or others, theoretically.”²⁷

Luis Villoro’s “justice” chapter in *Tres retos de la sociedad por venir: justicia, democracia, pluralidad* offers one of the clearest and briefest articulations for perceiving the difference between what will be referred to as the positive and the negative paths towards justice.²⁸ Concerning the point of departure for the positive path, Villoro states, “The theories most in vogue tend to proceed from the ideas of a rational consensus between equal subjects who relate to one another on terms that reproduced the characteristics of a well-ordered democracy.”²⁹ For societies embarking on the negative path, “Instead of proceeding from the consensus for establishing justice, [they] proceed from its absence; rather than moving from the determination of universal principals of justice towards its realization in a specific society, [they] proceed from the perception of

real injustice in order to project what could remedy it.³⁰ While it is possible for the positive path and the negative path to reach the same conclusion, more often than not, they fail to do so because, as Villoro has laid out, they are responding to different needs. The positive approach desires the preservation of equality, or the prevention of unfair inequalities, among the members of its “well-ordered democracy,” and the negative approach to justice seeks to remedy the injustices plaguing a particular society. Without much debate, it is fairly obvious that the negative approach is more viable for actualizing justice for racialized migrants, for this approach is actually sensible to their experiences.

Through critical readings of Rawls’s ideal theory of justice, one of the most popular positive approaches, it becomes quite clear how such a theory of justice cannot graph onto the realities of migrants of color. Rawls’s ideal theory of justice assumes a “well-ordered” just society, making it immediately difficult to imagine how this theory can be bridged with real injustices. In critiquing Rawls’s omission of race, Charles Mills articulates the meaning of the ideally just society in Rawls’s theory of justice as “a society without any previous history of injustice.”³¹ Recalling Walzer’s disinterest in history, Mills’s critique illustrates how Rawls’s ideal theory of justice cannot make sense of the past legacies of racism and colonialism that have shaped the current racial injustices many migrants of color are facing. Rawls’s theory is incompatible with the lived experiences of racialized migrants. The futural focus on how those people behind the veil of ignorance *will* enter a just society signifies that Rawls’s theory is only concerned with ensuring that the presently “just” state of this society will be preserved in the future. The belief that there is any society that is actually just in the sense that Rawls assumes is an illusion engendered by those racially privileged groups whose facticity corresponds to over five centuries of colonialism.

The positive approach’s dependence on formal equality only extends to groups who are deemed worthy of consideration for access to full-membership status in the political community. Hence, passionate discourse around “equality for all” should always be interpreted as “equality for all lawful members of this particular political community.” Historically, the understanding of “equality for all” has remained true in the US. As the previous section demonstrated, only those who are able to become lawful US citizens are worthy of being treated equally. It is from this understanding of “equality” that immigration policymakers outlawed overt racism. According to Zack, “Good government, as well as bad government, has a dynamic material foundation, in the customs of a people, traditions, ongoing institutions, and whether or not officials on all levels obey just laws.”³² The ideality of equality and justice correspond to the material conditions that demand just laws. However, it should be added that only the conditions that matter to *citizens* are worthy of consideration. Thus, the needs of migrants of color are not accounted for.

Contrasting the positive approach, the negative approach to justice begins from concrete cases of injustice. If we are interested in understanding justice for migrants, the negative approach makes the racial injustices of migrants

of color the point of departure. Villoro’s analysis of the negative path towards justice is insightful for imagining migrant justice. Villoro highlights the relationship between exclusion, injustice, and justice. He indicates that it is only through the concrete experiences of a particular injustice that the constitution of the moral subjects of a particular political community can be reimagined to make the political community more inclusive. Hence, for Villoro, justice is not simply a perennial concept that must be theorized and contemplated before being actualized in any given community at any point in history.³³ Justice is instead a response to a concrete injustice that renders unjustly excluded groups new members of the political community worthy of full moral consideration. This expansion of full moral consideration resonates with Zack’s applicative justice, which is defined as the “extension of existing practices of justice to members of new groups.”³⁴ Both approaches not only allow for novel imaginings of what justice for racialized migrants will be, but they also provide blueprints for developing policy that can adequately respond to the injustices that migrants of color face. In the next section, I envision what this type of policy can be.

CONCLUSION: IMAGINING ANTI-RACIST IMMIGRATION POLICY

In responding to the facticity of the people who are excluded unjustly, the negative path of justice demands that any type of response, in this instance, policy, take into consideration the present situation as one that is historically informed and shaped. Thus, the history of unjustly excluded groups must also be accounted for by responses to their situations. What would this mean for migrants of color? In one sense, it would suggest that non-racist approaches to policy do not suffice for actualizing something like migrant justice, since non-racist immigration policy fails to account for the legacies of colonialism and racism that have shaped this political community by building a racial border around its members. Policy that does account for the facticity of this situation is a bit challenging to define, for any effort to do so must also account for the dynamic material conditions to which it responds. The type of immigration policy that could respond to the lived experiences of migrants of color is what I imagine *anti-racist* immigration policy would be.

Crimmigration law is a promising place where anti-racist immigration policy can be successfully executed in the manners previously described. Throughout the essay, I have pointed out how non-racist immigration policy has allowed racism to masquerade as anti-illegalist sentiments. This is particularly obvious in the current enforcement of disproportionate detention and deportation of migrants of color.³⁵ Both practices are defined as civil or administrative mechanisms designed to effectuate the government’s immigration enforcement goals. Hence, the right to due process that is afforded to people treated under the criminal system is not required for migrants who are indefinitely detained and deported—the majority of whom are racialized migrants from Latin America and the Caribbean.³⁶ Often, detained migrants are simply handed a piece of paper and deported without a trial. Enforcement tactics are not motivated by explicitly racist legislature. The amendments to the Immigration and Nationality Act of

1996, the creation of the Department of Homeland Security following the events of September 11, 2001, and the recent policy designed to end the so-called “catch-and-release” practices were justified by appealing to concerns for national security.

At the level of policy, two things should occur: 1) a rejection of the national security justification for practices like mass detention and deportation; and 2) an extension of rights and protections to irregular migrants to ensure a just process while detained. Towards the first point, the burden of proof would be shifted towards the system to demonstrate that it is not being racist and that migrants actually pose a threat to national security, rather than simply being allowed to use dog-whistles like rapists, or MMA fighters, when describing migrants. As the system presently exists, the burden of proof is on migrants to prove they are not bad ones. Instead, the type of policy I am suggesting turns that around and forces the justifications of these policies to show they are not racist. The burden of proof must also be significant enough so that a handful of cases are not used to generalize all migrants. If this shift occurs, the current administration will have greater difficulty justifying its actions against migrants since the empirical data indicates that over three quarters of detained migrants pose no threat to national security and that migrants are less likely to commit violent crimes than US-born citizens.³⁷

Regarding the second point—the extension of rights and protections—I think it is necessary to do two further things: 1) end mass detention and deportation as the primary tactics for enforcing immigration-related purposes; and 2) eradicate indefinite detention. These two moves could help significantly reduce the population inside detention facilities and would alleviate the caseload for immigration judges. I call for these approaches because many ICE, CBP agents, etc., contend that they are understaffed and underfunded. I consider these excuses unacceptable for the conditions inside detention centers and the manners in which migrants are apprehended. However, if there are too many migrants, then reducing the population would mean they have to come up with other ways to justify their actions. In this sense, anti-racist immigration policy is a tactic that prohibits racism from hiding behind cries for protecting the nation from criminals. Obviously, these are very crude estimations for what anti-racist immigration policy could be. However, as a basis for anti-racist immigration policy, I think it is enough to motivate the purpose of this type of policy as shedding light on the various ways racism is housed in the immigration system. From here, we can begin tearing down the racism that is at play in this nation’s immigration system.

ENDNOTES

1. The conceptualization of US society becoming “post-racial” or reaching a state of “post-racism” has made its way into racial discourse following the presidential election of Barack Obama. “Post-racialism” claims that this society is or is close to being outside of racial reference. Following the election of Obama, many have been quick to remark that such an election serves as evidence that race no longer matters in the US. This essay follows the similar skepticism of “post-racialism” that one finds in the works of Ian Haney-López, Grant Silva, David Theo Goldberg, Khalil Gibran Muhammad, Michelle Alexander, and others. See Ian Haney-López, *Dog Whistle Politics: How Coded Racial Appeals*

Have Reinvented Racism and Wrecked the Middle Class (New York: Oxford University Press, 2014); Haney-López, “Post-Racial Racism: Racial Stratification and Mass Incarceration in the Age of Obama,” *California Law Review* 98, no. 3 (June 2010): 1023–74; Haney-López, *White by Law: The Legal Construction of Race* (New York: New York University Press, 2006); Grant J. Silva, “Embodying a ‘New’ Color Line: Racism, Anti-Immigrant Sentiment and Racial Identities in the ‘Post-Racial’ Era,” *Knowledge Cultures* 3, no. 1 (2015): 65–90; David Theo Goldberg, *Are We All Postracial Yet?* (Cambridge, UK: Polity Press, 2015); Khalil Gibran Muhammad, “Where Did All the White Criminals Go?: Reconfiguring Race and Crime on the Road to Mass Incarceration,” *Souls* 13, no. 1 (2011): 72–90; and Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010).

2. The concept of racial stratification in this paper is adopted from thinkers like Ian Haney-López and Eduardo Bonilla-Silva. Haney-López and Bonilla-Silva utilize sociological concepts about social stratification in order to understand how race facilitates the “strategic misallocation of resources.” See Haney-López, “Post-Racial Racism: Racial Stratification and Mass Incarceration in the Age of Obama,” and Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America*, 4th ed. (Lanham: Rowman & Littlefield, 2014).

3. Goldberg, *Are We All Postracial Yet?*, 6.

4. Derrick Bell, “The Racism is Permanent Thesis: Courageous Revelation of Unconscious Denial of Racial Genocide,” *Capital University Law Review* 22, no. 3 (1993): 576.

5. Grant J. Silva, “Embodying a ‘New’ Color Line,” 68. As Silva points out, “The claim is often made that although one does not have a problem with immigration per se, the problem is ‘illegal’ immigration; the problem is with people not waiting in line.”

6. Here, the following two pieces of policy come to mind: the 1996 Anti-Terrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act. As Tanya María Golash-Boza tells us, “these laws eliminated judicial review of some deportation orders, required mandatory detention for many non-citizens, and introduced the potential for the use of secret evidence in certain cases.” See *Deported: Immigrant Policing, Disposable Labor, and Global Capitalism* (New York and London: New York University Press, 2015), 105. These two pieces of legislature, which do not overtly discriminate on the basis of race, mark a shift in policy and enforcement towards an overwhelming employment of detention and deportation. These practices have disproportionately affected migrants of color.

7. Silva, “Embodying a ‘New’ Color Line,” 67.

8. Think here about arguments made against people of color that what they perceive as racial injustice is really an issue about class, not race. Not only do these arguments wrongfully negate the lived experiences of people of color, they also preserve an erroneous understanding of race and class as mutually exclusive categories.

9. See, generally, Mae G. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004); José Jorge Mendoza, “Illegal: White Supremacy and Immigration Status,” in *The Ethics and Politics of Immigration: Core Issues and Emerging Trends*, ed. Alex Sager (London UK: Rowman & Littlefield International, 2016), 201–20; Ian Haney-López, *White by Law: The Legal Construction of Race*.

10. While Zack and Mills do not explicitly refer to their non-ideal theories of justice (“applicative justice” and “rectificatory justice”) as a “negative path,” their point of view is quite similar to Luis Villoro’s, who refers to his theory as a “negative path towards justice.” Therefore, I decide to refer to Zack’s, Mills’s, and Villoro’s approaches to justice as the negative path.

11. Karl Marx, “On the Jewish Question,” in *Selected Writings*, ed. David McLellan, (Oxford: Oxford University Press, 2000), 48.

12. Marx, “On the Jewish Question,” 51.

13. Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (1993): 1725.

14. Ngai, *Impossible Subjects*, 4-5. According to Ngai, “Immigration restriction produced the illegal alien as a new legal and political subject, whose inclusion within the nation was simultaneously

a social reality and a legal impossibility—a subject barred from citizenship and without rights. Moreover, the need of state authorities to identify and distinguish between citizens, lawfully resident immigrants, and illegal aliens posed enforcement, political, and constitutional problems for the modern state. The illegal alien is thus an ‘impossible subject,’ a person who cannot be and a problem that cannot be solved.”

15. Mendoza, “Illegal: White Supremacy and Immigration Status,” 208.
16. Ngai, *Impossible Subjects*, 38.
17. As both Ngai and Mendoza point out, the black-white racial binary could not account for Chinese, Japanese, and Indian immigrants, and upon questioning their ability to assimilate, different policies (Chinese Exclusion Act of 1882) and Supreme Court rulings [*Takao Ozawa v. US* (1922) and *US v. Bhagat Singh Thind* (1923)] rendered these groups unworthy of US citizenship.
18. See Ngai, *Impossible Subjects*; Mendoza, “Illegal”; and Haney-López, *White by Law*.
19. See Linda Martín Alcoff, *Visible Identities: Race, Gender, and the Self* (Oxford: Oxford University Press, 2006).
20. Haney-López, *White by Law*, 7.
21. Mendoza, “Illegal,” 216; Ngai, *Impossible Subjects*, 260-61. The figure of 400,000 may represent an undercount for the number of temporary migrants from Mexico in the US at the time.
22. Carlos Alberto Sánchez, “‘Illegal’ Immigrants: Law, Fantasy, and Guts,” *Philosophy in the Contemporary World* 21, no. 1 (2014): 101-103.
23. See Juliet Stumpf, “The Cimmigration Crisis: Immigrants, Crime, and Sovereign Power,” *American University Law Review* 56, no. 2 (2006): 367-419; Jennifer Chacón, “Overcriminalizing Immigration,” *The Journal of Criminal Law & Criminology* 102, no. 3 (2012): 613-52; César Cuauhtémoc García Hernández, *Crimmigration Law* (Chicago: American Bar Association Publishing, 2015); and Mendoza, “The Contradictions of Cimmigration,” *APA Newsletter on Hispanic/Latino Issues in Philosophy* 17, no. 2 (2018): 6-9.
24. See Christopher N. Lasch, “Sanctuary Cities and Dog-Whistle Politics,” *New England Journal on Criminal and Civil Confinement* 42, no. 2 (2016): 159-90.
25. Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983), 31.
26. Silva, “Embodying a ‘New’ Color Line,” 78.
27. *This Bridge Called My Back: Writings by Radical Women of Color*, edited by Cherríe Moraga and Gloria Anzaldúa (New York: Kitchen Table: Women of Color Press, 1983), 61-62.
28. Luis Villoro, *Tres retos de la sociedad por venir: justicia, democracia, pluralidad* (México: Siglo XXI, 2009).
29. *Ibid.*, 12. Translation from Spanish to English by author.
30. *Ibid.*, 13.
31. Charles Mills, *Black Rights/White Wrongs: The Critique of Racial Liberalism*, (New York: Oxford University Press, 2017), 140.
32. Naomi Zack, “Starting from Injustice: Justice, Applicative Justice, and Injustice Theory,” *Harvard Review of Philosophy* 24 (2017).
33. Villoro elucidates this point through his interpretation of the following three historical moments in which personal experience of unjust exclusion resulted in the development of theories of justice: 1) Bartolomé de Las Casas experienced the exclusion of the Indians in America, allowing him to postulate an equitable treatment of the colonized as a new moral subject; 2) John Locke experienced exclusion in the form of religious intolerance, enabling him to project a new moral subject that will include the virtue of tolerance; 3) regarding political power, eighteenth-century French revolutionaries experienced the exclusion of the Third State, propelling them to construct the universal subject of human rights as the new moral subject. Villoro, *Tres retos de la sociedad por venir*, 23-25.
34. Zack, “Starting from Injustice.”
35. See Golash-Boza and Pierrette Hondagneu-Sotelo, “Latino Immigrant Men and the Deportation Crisis: A Gendered and Racial Removal Program,” *Latino Studies* 11, no. 3 (2013): 271-92.

36. See Allison Cunneen, “Demanding Due Process: Time to Amend 8 U.S.C. §1226(C) and Limit Indefinite Detention of Criminal Immigrants,” *Brooklyn Law Review* 83, no. 4 (2018): 1497.

37. See R. Sampson, V. Chew, G. Mitchell, and L. Bowring, “There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention,” (Melbourne: International Detention Coalition Report, 2015), 7-15.

Immigration and International Justice

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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 states have the unconditional right to regulate the terms and conditions under which people can enter state territory. The question of what justifies the territorial rights of states is rarely raised. Yet, the justification of the territorial rights of states is of central importance for the moral legitimacy of state immigration policies, which set the terms for long-term admission and residence in particular countries. From a moral standpoint, it is important to inquire about what could justify the practice of states to routinely employ physical barriers and the threat of force to enforce control of their territorial boundaries. The power of exclusion is particularly important because preventing people from poor countries from accessing affluent states can doom them to a life of extreme poverty and deprivation or expose them to harm from rampant organized criminal activity or environmental devastation.

Immigration is an international issue because it involves the regulation of movement of people across national boundaries. Since this movement is regulated by the coercive power of governments, immigration deals with issues concerning moral obligations and relations between states, i.e., issues of international justice. In this essay I maintain that the justification of the territorial rights of states, and the international obligations to which they give rise, are of central importance for identifying immigration policies that address global injustices. My focus will be on immigration policies, which regulate permanent or long-term residence in a country, rather than policies determining asylum, that are presumably designed to protect people from transient or temporary harms, which raise different kinds of moral considerations.

This essay is divided into three parts. In the first part I examine the moral justification of the territorial rights of states within the context of international justice. In the second part I propose some principles of international justice that could be used to justify more open immigration policies strategically designed to address international inequalities and injustices. In the third section I suggest some immigration policy guidelines based on the view of international justice outlined in the second part of the paper.

CHALLENGING THE TERRITORIAL RIGHTS OF STATES

Central to the question of whether states can legitimately exclude people from entering their territory is the issue of the moral justification of their territorial rights. John Simmons identifies state territorial rights as including the following: (1) the right to exercise legal jurisdiction over individuals within state territories; (2) the right to regulate the movement of persons, non-human beings, and materials across state boundaries; (3) the right to control the land and natural resources not privately owned within state territorial boundaries; (4) the right to regulate and tax privately owned land; and (5) the right to prevent the disintegration of the state's territory by prohibiting such actions as territorial transfers to aliens or secession by substate groups.¹ My analysis will center on the second and third territorial rights because, even though interesting questions arise concerning the justification of the other three state territorial rights, the second and third rights are the most relevant for immigration. Hereafter, when I talk about state territorial rights, I will be referring to these two territorial rights.

Focusing on the second and third territorial rights, on what basis can a state justifiably claim that it has the exclusive right to control the land and natural resources that comprise its national territory? If we make the eminently reasonable assumption that every human being should have access to the earth's land and natural resources to satisfy their basic material needs and to flourish, what gives states the power to tell the rest of the world community that they have the exclusive collective right to use and control those sectors of the earth that make up their national territories? States can hardly claim that they have a morally unconditional right to exercise these territorial rights, since it is historically well established that practically all states acquired their territories through conquest, invasive settlement, broken treaties, partitioning between imperial powers, and other morally illegitimate means. Even on those rare occasions in which states might have acquired their territories peacefully and without displacing pre-existing communities, they still cannot claim to have acquired their territorial rights legitimately, since they did not get the consent of the world community to obtain exclusive control of the land and natural resources comprising their national territory.

A central issue here is how to respond to the realization that the territorial rights of 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 territories, 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 could use to carry out this territorial distribution to ensure that it produced a fair

outcome for all of the world's people. Neither would it be easy, or even possible, to determine in a just manner who gets to live in which of the earth's territories. Given the differential value of land and the earth's resources and the historical uncertainty concerning which groups or individuals first occupied which territories, endless disputes would likely arise regarding who can legitimately claim to occupy sectors of the earth's surface. Finally, no global political authority presently exists, or could realistically be developed in the foreseeable future, that could carry out such a redistribution in a way that ensured that it would be universally acceptable and just.

THE CONDITIONAL LEGITIMACY OF STATE TERRITORIAL RIGHTS

Since we cannot start from scratch regarding collective control by political communities of territories, an alternative is to provide a conditional basis for recognizing the illegitimately acquired territorial rights of states. That is, just because the territorial rights of states cannot be justified in a morally unconditional way does not mean that we cannot provide a *conditional justification* for them. If from a realistic standpoint we must live, at least for the foreseeable future, with territorialized states, we could make their legitimacy contingent on their observance of certain principles of international justice. There may be compelling reasons why we may want to recognize the territorial rights of 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 egalitarian principle of showing equal moral concern for all people and not merely members of our own state. We would then show that we are not recognizing these territorial powers merely for pragmatic reasons that do not give sufficient moral consideration to the plight of others. Our case for the conditional legitimacy of the territorial rights of states must therefore involve both pragmatic and normative considerations.

Perhaps the best way to begin a conditional recognition of the territorial rights of 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. States provide the needed stable socio-cultural and legal institutional frameworks within which short- and long-term economic planning and development can occur. And putting aside the practical reasons for recognizing states, perhaps the most important moral reason for the existence of political communities like states is that they enable individuals to treat each other justly and protect one another's basic rights by providing the legal and sociopolitical institutions that allow for the

articulation, contestation, and implementation of human rights. Basic human rights—such as those governing property ownership, health care, free speech, and social welfare—can, and are, in fact, interpreted differently in countries with different sociopolitical cultures. A crucial moral function of self-governing political communities like states is to provide the institutional structures to allow their members to disambiguate, vote on, and enforce their interpretations of basic rights in accordance with their own cultural and sociopolitical traditions.

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 states seem to be viable alternatives. States could be seen as administrative units designed to provide the economic and sociopolitical structures needed for people to develop the earth's resources and collectively govern their lives.² This is not to say that states are the only or best form of political organization that could fulfill these functions. In the indefinite future alternative forms of political organization could emerge that supplant states. At this point in history, however, despite overstated claims regarding the "demise" of states, they still remain the principal forms of political organization that people employ to govern themselves. And in the foreseeable future there are no feasible plans to dismantle or radically transform states. In fact, important recent developments, such as greater concerns about security and the increase in the value of scarce natural resources, have strengthened state claims regarding ownership of their land and natural resources.³ These developments make it unlikely that territorialized states will disappear anytime soon.

However, in order to function effectively as administrative units to develop 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 for meeting social needs inaccurate or useless. For instance, sudden increases in population would mandate the rapid development of physical and social infrastructures to meet the needs of the new residents. Even wealthy countries like the US would find it difficult to expand and rebuild their physical infrastructures—including roads, bridges, sewage, transportation, and water and electrical systems—to meet the increased demands. Similarly, strategic developments in education and other social needs 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.⁴ Depriving self-governing territorialized political communities of the right to regulate their borders and regulate membership would undermine their administrative capacity in serious ways.

These considerations show that it is important to balance the rights of national communities for self-determination with the rights of the members of the world community to have realistic opportunities to satisfy their basic needs and to flourish. State territorial rights are not absolute or morally unconditional, for they should be constrained by the recognition that they were illegitimately acquired through coercive or unilateral means. What moral obligations follow from the conditional recognition of state territorial rights? I propose that a morally principled way to grant conditional legitimacy to the territorial rights of states is to impose significant international moral responsibilities between states and the world community. States incur a profound moral debt to the world community when the latter recognize their territorial rights despite the morally illegitimate ways in which they were acquired. This moral debt creates a relation of moral reciprocity between states involving international justice obligations. More specifically, states are obligated to morally reciprocate by respecting certain provisions in three areas of international justice dealing with nondomination, compensation, and ecological integrity. These areas of justice jointly constitute a conception of international justice holding among states. In the next section I briefly discuss this conception of international justice and its implications for immigration policies.

IMMIGRATION POLICIES AND INTERNATIONAL JUSTICE

The conception of international justice that I outline here is grounded on the idea that 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 rights. The continued recognition of these territorial rights, however, should be seen as conditional on states respecting certain provisions that are crucial for international justice, namely, the nondomination, compensation, and ecological integrity principles, which enable states to treat one another justly in the international

arena. These principles are also designed to support the functions that territorial rights enable 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 principles for the continued legitimacy of state territorial rights because they support the reasons for recognizing these rights in the first place.*

The nondomination principle requires states to support fair conditions of participation for all other states in the global economy. Given that the economic prosperity of states in the contemporary world 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 states, who typically try to employ their greater economic and political strengths to secure unfair advantages. Powerful states, for example, limit developing countries' access 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.⁵ Even though poor countries may in some cases 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 rights of states is to enable them to develop a portion of a common global resource base, it is just to require that all 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 principle, states have an obligation to rectify certain inequalities and resource deficiencies that prevent underdeveloped states from participating successfully in the international economic system. The creation of the existing system of states sometimes involved unjust colonial processes of conquest, forced labor, and resource extraction. These unjust processes have played an important role in the present incapacity of some states and political communities to develop economically and to participate successfully in the global economy. The responsibility falls mainly on those states that benefited from historical exploitative practices. Yet, even in cases in which systematic exploitation was not involved, certain states emerged, as a result of contingent historical processes, with an impoverished resource base. These 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 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 noncorruption measures by developing countries.

The ecological integrity principle imposes on 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. States have the responsibility, according to this principle, to safeguard the ecological integrity of the territories that the world community has entrusted them with. Since territorial rights in effect grant states' proprietary control over those parts of a common biosphere that comprise their territories, these powers could be seen as a form of ecological stewardship. Moreover, 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 states may affect other political communities as well. It is imperative that all states do their part in promoting the ecological sustainability of our common global resource base, particularly if they have been primarily responsible for the environmental degradation of our planet.

Even though all three principles are important for international justice, the nondomination and the compensation principles are particularly important for fair immigration policies. To the extent that it can be established that economically and politically powerful states have undermined the capacity of weaker states to flourish economically and participate effectively in the global economy, policies should be implemented to address these past injustices. Even though, given limitations of space, I cannot make a detailed case for this claim here, it is reasonable to maintain that powerful states have in fact systematically hindered the capacity of poor countries to develop economically.⁶ 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 played a significant role in the former's economic and technological advantages, which they maintain in contemporary times.⁷ Even those countries that did not experience the brunt of colonial domination merit aid, for they may have ended up with resource-poor territories in the process of state formation. 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 states.*

Immigration policies that address global inequalities should focus on two priorities: (1) a more liberal approach to immigration in which a greater number of low-skilled workers are admitted and placed on the road to citizenship and (2) temporary migration of low-skilled workers from developing countries, which usually have high unemployment rates. Regarding the first of these priorities, some economically developed countries, particularly in Europe, need the influx of immigrant laborers who are allowed to attain citizenship status. Demographic projections indicate that many 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.⁸ Even though at present there is considerable political resistance in wealthy countries to liberalizing immigration policies for low-skilled workers, the economic needs of wealthy countries should make these immigration policies more politically feasible.

The remittances sent by immigrant workers to their home countries are a major source of foreign capital for poor and developing countries. In countries such as Mexico, for example, remittances provide a source of foreign currency inflow that is surpassed only by petroleum. In 2017, Mexican laborers working abroad sent home more than \$28.77 billion dollars in remittances, which is the highest amount ever recorded.⁹ Globally, the World Bank estimates that once records are finalized, remittances to low- and middle-income countries will reach \$528 billion dollars in 2018.¹⁰ These figures show that 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.

An advantage of temporary labor migration is that it does not undermine self-governance, since states would be able to regulate migrant flows more effectively if they realistically took 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, 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. Temporary 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. Given the long history of the exploitation of temporary workers, we need strong international organizations that can oversee and regulate temporary worker programs and that can impose enforceable penalties on states that violate worker rights.

Finally, we should note that the immigration policies of regulated openness I advocate are more in line with the basic egalitarian principle of expressing equal moral concern for all of the world's people than an 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, it would not help the most vulnerable people in developing countries who

are left behind, such as the disabled, the ill, the elderly, the very young, and the extremely poor who do not have enough resources to migrate. Further, as observed earlier, 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, including choice countries of destination, to effectively exercise their administrative functions. It is plausible to maintain that open border policies would undermine the successful performance of these administrative functions. It is also important to be mindful of the political feasibility of our proposals, and it is surely the case that open border policies are highly unfeasible from a political standpoint. International justice advocates cannot simply ignore the concrete problems that would arise, particularly for choice destination countries, if they embrace unrestricted policies of immigration. Ironically, open border policies would create an open market for immigration slots that would most likely be filled not by the world's poorest and neediest people, but by those from countries of origin who are relatively better off, more highly educated, and more resourceful. Such policies would likely lead to a new order of global inequality, in which wealthy countries benefit from the influx of some of the most talented and resourceful people from developing countries, while poor countries would likely be worse off as a result of losing some of their most capable and educated citizens. We need regulated borders in order to prioritize helping the world's neediest and most vulnerable countries.¹¹

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.¹² 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 families, friends, and communities in order to achieve a decent material existence.

SUMMARY OF PROBLEMS WITH OPEN BORDERS
 Because the open borders position continues to be embraced by progressive thinkers with the belief that it reflects and promotes the interests and welfare of the world's most disadvantaged people, it is important to be clear about the numerous problems with it. These flaws should be considered as serious by progressive thinkers because they may very well undermine the welfare of precisely the group of people whose welfare they are most concerned to promote.

1. As mentioned in this essay, it is likely that the immigration slots available under open borders (since countries, at some point, would have to place some limits on immigration) would be filled not by the disabled, old, very young, ill, and poor of the world but by those with more resources, connections, education, health, and so forth.
2. Countries would not be able under open borders to strategically design immigration policies that specially favor the world's neediest people. Policies designed to help the most vulnerable and needy would have to involve regulated, not open, borders.
3. The Brain Drain phenomenon, which would likely be exacerbated by eliminating immigration restrictions, negatively affects the social, economic, and political development of some of the poorest countries in the world by facilitating the exodus of some of their most educated, capable, and entrepreneurial citizens.¹³
4. The homelands of Indigenous groups, who have fought long and hard to attain control of their traditional homelands, would be threatened by the uncontrolled influx and eventual control of outsiders. Since Indigenous groups often inhabit ecologically rich lands, there would be strong incentives for outsiders to attain control of resources in their territories. Outsiders, upon arrival, could claim that for the sake of justice and equality they should have equal rights of political representation as members of the Indigenous groups (after all, a principal rationale for open borders is equality).
5. Under open borders, choice countries of destination, even if relatively wealthy, would have trouble developing rapidly the necessary physical infrastructures, such as affordable housing, water purification systems, roads, bridges, dams, and sewage and electrical systems. They would also have difficulty providing the needed social infrastructural needs, such as education, health care, social security, legal services, and police protection for the rapidly increasing population under open borders.
6. Under open borders, countries would not be able to address their past foreign policy decisions that now endanger the citizens of other countries who have helped them with their military and other initiatives. People in Iraq, for example, who cooperated with US personnel are now endangered for their prior cooperation by the groups now in control in Iraq. The US would be unable under open borders to provide preferential treatment for these Iraqis, since under open borders some groups could not be given preference over others. Regardless of what one may think about the original motivations of the relevant US foreign policies, the country owes a moral debt to these Iraqis.

7. A new world order would likely be created under open borders, one with greater inequalities and injustices, as powerful and wealthy countries would benefit from the aptitudes, resources, and initiatives provided by the more talented people from other countries with relatively more resources and education.

Even though the open borders position is motivated by justified concerns about global justice and equality, on close analysis this position would likely not achieve its commendable objectives. We need more carefully structured immigration policies that take into account the complexities of the actual world.

ENDNOTES

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3. J. Valadez, "The Continuing Significance of Ethnocultural Identity," in *Identities, Affiliations, and Allegiances*, eds. S. Benhabib, I. Shapiro, and D. Petranovic (Cambridge: Cambridge University Press, 2007), 321–24.
4. L. Pritchett, *Let Their People Come: Breaking the Gridlock on Global Labor Mobility* (Washington, DC: Center for Global Development, 2006).
5. See, for example, Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2002), and Branko Milanovic, *Worlds Apart: Measuring International and Global Inequality* (Princeton: Princeton University Press, 2005).
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9. The Borgen Project, "Sending Money Home: Record High Remittances to Mexico in 2017," *BorgenProject.org*, May 15, 2018, <https://borgenproject.org/remittances-to-mexico-2017/>, accessed on 3/1/2019.
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11. The reasoning here is that by providing access to the labor markets of wealthy countries, the second part of my proposal would help workers from the poorest countries provide financial resources to those back home through remittances.
12. D. Kapur and J. McHale, "Should a Cosmopolitan Worry about the 'Brain Drain?'" *Ethics and International Affairs* 20, no. 3 (2006): 305–20.
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Are Our Racial Concepts Necessarily Essentialist Due to Our Cognitive Nature?

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The Corona neighborhood of New York City has been a predominantly Dominican neighborhood since the late 1970s and early 1980s. One day in the summer of the 2000, I was on my way into Manhattan on the elevated number 7 metro line, and I witnessed two Dominican women arguing quite loudly outside of the turnstile to enter the metro. The women's heated argument devolved from personal insults to just one thing, which they said to each other over and over. Their argument devolved into them yelling at each other that the other was blacker. Both women by US standards would be taken to be black. The argument occurred in Spanish and both likely came to the US recently, or at least as adults, as could be told by their Dominican accents specific to the cultural region of the Dominican Republic called Cibao.

The takeaway from this anecdote is that these two Dominican women hurled what they thought would be one of the most hurtful insults that they could sling at their interlocutor, namely, that their interlocutor was very black. Verbatim, one woman yelled, "¡Tu eres mas negra!" and the other woman responded with "¡No, tu eres mas negra!" This translates to the first woman saying, "You are blacker than me" and the other responding "No, you are blacker than me." By my lights, the Dominican idea of blackness contains essentialist negative content, where the content includes things such as inferior moral disposition and inferior aesthetic qualities. Here, the Dominican notion of blackness at least partly explains why the argument was so heated, because in Dominican culture attributing blackness to someone implies (1) that they are *necessarily* lacking in aesthetic value and (2) that they are *necessarily* morally deficient or inferior. And if someone implies that another person is necessarily aesthetically lacking and morally deficient, then this plausibly will cut deep as an insult. I argue that this anecdote is incompatible with recent work from Ron Mallon and Daniel Kelly on the nature and content of subjects' racial concepts and representations. Specifically, it is incompatible with Mallon and Kelly's claim regarding racial representations' content in mixed-race cultures like those from Latin America.

In the *Oxford Handbook of Philosophy of Social Science*, Ron Mallon and Daniel Kelly argue that racial representations are non-trivially fixed by "innate, domain-specific, species-typical mechanisms."¹ They claim that many social scientists and race theorists do not properly countenance these psychological mechanisms in their explanations of racial *difference* because many social scientists and race theorists have an anti-psychological and anti-individualist bias. This bias prevents race theorists from properly understanding the role that human psychology plays in creating unjust racial outcomes because these outcomes are a result of innate human dispositions to *categorize* people by race.

Mallon and Kelly distinguish between two kinds of social constructionism about race. The first kind is *parallel constructionism*. Parallel constructionism is the view that *both* racial difference *and* racial representations are the product of joint human choice and decision. The second kind is *hybrid constructionism*. Hybrid constructionism is the view that joint human decision does not completely explain racial representations' content but rather that a more complete explanation must refer to innate psychological mechanisms which constrain racial representation's content. Mallon and Kelly endorse hybrid constructionism, and they claim that most race theorists are parallel constructionists where paradigm examples of parallel constructionists are Linda Martín Alcoff,² Sally Haslanger,³ Charles Mills,⁴ and Paul C. Taylor.⁵

Mallon and Kelly claim that hybrid constructionism predicts, at least, that (1) racial representations are stable over time and (2) that racial representations should vary more in mixed-race cultures than in cultures where there is less racial mixing. I argue that hybrid constructionism's predictions do not obtain and thus hybrid constructionism requires further evidence. I argue that the historical record is inconsistent with hybrid constructionism, and I suggest that humans may not be innately disposed to categorize people by race even though we are likely disposed to categorize people into in- and out-groups. So, in this paper, I hope to show that there is an evidence set that is inconsistent with hybrid constructionism.

Good prescriptions are based on good descriptions. So good anti-racist prescriptions should be based on good, or accurate, descriptions of why people's racial representations are racist or have essentialist content. Mallon and Kelly's view of the social construction of race, hybrid constructionism, is inconsistent with much of the philosophy of race literature. If people's racial representations are constrained by innate-domain-specific mechanisms such that they have essentialist content, then anti-racist prescriptions should reflect this. If parallel constructionism is true, then it plausibly makes sense to hold people morally accountable for holding, say, that whites are superior to non-whites, because racial representations are primarily the result of human *choice* and *decision*. On the other hand, if hybrid constructionism is true, it plausibly makes less sense to hold people morally accountable for holding the belief that whites are superior to non-whites, because racial representations are primarily the result of an innate-domain-specific-species-typical psychological mechanism. Or, at the very least, if hybrid constructionism is true, then the way that we hold people accountable for holding that whites are superior to non-whites will importantly differ from the way we would hold them accountable if parallel constructionism was true.

The paper proceeds as follows. In section one I explain Mallon and Kelly's view that some of our racial representations' content is due to innate human psychological mechanisms rather than solely, or largely, human choice. In section two I explain a study which suggests that we may not innately categorize humans by race. In section three I present evidence from antiquity that is inconsistent with hybrid constructionism's prediction that racial representations are

stable over time. In section four I present evidence that is inconsistent with hybrid constructionism's other prediction that racial representations should vary more in mixed-race cultures because our innate mechanisms adapted to track "species-like" populations rather than mixed-race populations which are not "species-like."

SECTION I

Mallon and Kelly suggest that there is a race puzzle. If race is not biologically real, then it is unclear how race can serve as a prediction basis for the social sciences. The idea here is that the social sciences require something real with causal regularity on which to base their predictions. The answer given by race theorists and social scientists is that categorizing groups of people can involve causal regularity because human social practices are done in accordance with categorizations. In other words, (P1) our decisions can affect our categories, (P2) our categories can affect our social practices, and (P3) our social practices have causal properties, so (C) our race categories can enable us to make predictions about people so categorized.

If we categorize someone as a professor, then *both* the person categorized as a professor acts in certain ways because she is so categorized, *and* the rest of society acts in certain ways in relation to this person qua professor because she is so categorized. That this person acts in certain ways is what Mallon and Kelly call a social role where a social role is a set of expectations which the person who inhabits this role either consciously or unconsciously attempts to meet. Ian Hacking similarly points out that particular *kinds* of people can be constructed where kinds of people act in accordance with the idea of a particular kind because they have been categorized, either by others or by themselves, as a particular kind of person.⁶ Therefore, we can make predictions about this professor because she has been so categorized.

Mallon and Kelly call this the *standard answer* to what they call the race puzzle. This answer partly explains why, say, white American economic outcomes, on average, differ from black American economic outcomes. By Mallon and Kelly's lights, the standard answer involves that *both* racial difference in the world *and* racial representations are socially constructed. On the standard answer, enough humans choose to live with, not remedy, and perpetuate racial injustice such that racial injustice obtains. And, on the standard answer, their racial representations are also a result of human choice. Here, there is what Mallon and Kelly describe as social construction at *two parallel levels*. One level of construction obtains at the level of actual racial-outcome difference in the world. A second level of construction obtains at the level of mental representations of, say, white and black people. They call this kind of social construction, at two *simultaneous* levels, parallel constructionism.

Mallon and Kelly reject parallel constructionism because "recent work in evolutionary and cognitive psychology has suggested that important features of racial representations are explained by appeal to mental mechanisms that are species-typical, domain-specific and innate."⁷ Rather, they endorse what they call hybrid constructionism, where

hybrid constructionism is the view that these psychological mechanisms constrain our racial representations such that they have some content rather than other content. The kind of content that these mechanisms cause our racial representations to have is content of a racially essentialist kind.

Mallon and Kelly suggest that racial essentializing is a feature of our psychology, which was naturally selected or improved humans' fitness in an evolutionary sense. A racial representation is essentialist if it represents a group of people as *necessarily* having certain features, characteristics, or properties. So, on a hybrid constructionist view, our racial representations are constrained by an evolved disposition to represent other groups in essentialist ways. This view differs from parallel constructionism because by Mallon and Kelly's lights hybrid constructionism provides a *more* complete explanation of racial representations' content because it appeals to human psychology, but parallel constructionism provides a *less* complete explanation of racial representations' content because its appeal to human choice and decision cannot as completely explain our racial representation's content. Mallon and Kelly suggest that some social psychology evidence supports hybrid constructionism. They cite experiments by Susan Gelman and Henry Wellman where children attribute cow behaviors to a baby cow even though, the child participants are told, it was raised by pigs.⁸ They take this to show that humans will associate properties typically associated with a kind even when environmental and developmental situations are changed. More importantly, they take this to show that *humans* may similarly associate black typical properties with a black child even though the child was raised by, say, white parents in a white community. Or, at very least, they take this to show that even young children represent others in essentialist ways.

SECTION II

In this section I briefly explain a study which suggests that humans do *not* have "innate, domain-specific, species-typical mechanisms" such that humans naturally categorize people into groups that share some racially determined essence. I grant that we may have mechanisms that dispose us to represent people in an in-group and out-group fashion according to some shared feature of a set of people. The study does not suggest that we do not have *any* such mechanisms, but rather it suggests that we do not have a mechanism of this kind dedicated to *racial* categorization.

The study I explain below is a psychology study in which Shutts et al. test whether three- and four-year-old children use social categories like gender or race to make first-personal and third-personal inferences about others' properties and social relationships.⁹ The study's participants were white male and female children from middle-class urban or suburban centers in New England and the Midwest.

The study consisted of seven experiments. In the first experiment, *gender* rather than race was a "more potent guide to social preferences" when three-year-old children were asked to pick with whom they would rather be

friends.¹⁰ Here, seventy-four percent (74%) of children indicated that they would rather be friends with children of the same sex when presented with pictures of a male child and a female child. Fifty-four percent (54%) of children indicated that they would rather be friends with children of the same race when presented with pictures of a black child and a white child.

In the second experiment, when participants were asked to select an activity that they prefer like "having a pool party" or "having a birthday party," and then were asked to indicate whether children represented in photos of either (1) a black or a white child or (2) a male or female child also preferred the same activity, seventy percent (70%) of participants chose photos of children with the same gender, whereas, fifty-three percent (53%) of participants selected photos of children with the same race. Here, for three-year-old children, gender rather than race was the salient social category.

Neither the third nor the fourth experiment showed any statistically significant use of both gender and race when three-year-old participants made *third-personal* inferences about either social *activity* preferences or social *relationship* preferences.

Experiments five, six, and seven all tested *four-year-old* children's ability to make *third-personal* inferences about others' social activity preferences and friendship preferences. In the fifth experiment seventy percent (70%) of four-year-old participants inferred that children prefer friends of the same gender. Sixty-eight percent (68%) of children in this experiment inferred that other children prefer to be friends with their own race. Here, the older set of participants, four-year-old children, used both and gender and race to infer others' friendship preferences.

Experiments six and seven tested to see if four-year-old children used race or gender to infer that people of the same gender or race prefer the same social activities. Neither race nor gender was found as a robust inference basis.

I now consider what this study suggests for race as a category that humans innately use to categorize others. The study seems to suggest that race is *not* a category which three-year-old children use to first-personally infer whom they would like to be friends with and with whom they share activity preferences, whereas gender *does* serve as a basis upon which three-year-old children make similar first-personal inferences. Race also did not serve as an inference basis for four-year-old children when inferring about social activities.

One explanation of the data is "that children are predisposed to consider gender information when evaluating people but do not possess dedicated *mechanisms* for evaluating others in accord with their race."¹¹ That is, here, gender seems *more likely* the innate category. This seems at odds with Mallon and Kelly's hypothesis that we have innate, domain-specific, species-typical mechanisms which cause our racial representations to be essentialist in nature. Shutts et al. note that even on an evolutionary-psychology

picture gender representations seem more likely to have mechanisms devoted to it than race because gender distinctions have been available much longer than race distinctions.

Mallon and Kelly took Gelman and Wellman's 1991 study to show that children represent species in essentialist ways.¹² They also took this as evidence in favor of their hypothesis that children categorize people by race in an essentialist way. Shutts et al. note that "children's performance in Experiments 6 and 7 contrasts with previous findings that 4-year-old children use gender and race to guide category-based inferences about others' biological (Gelman et al. 1986) and psychological properties."¹³ What seems to explain this inconsistency is that Gelman used *noun labels* like "girl" and "boy" to pick out targets which participants were supposed to match. Shutts et al.'s study *did not use noun labels* but rather experimenters used pictures and pointing gestures to pick out match targets. Shutts et al. point out that Waxman¹⁴ (2010) tested whether the use of noun labels in picking out match targets would make a difference, and in Waxman's study "children did not engage in race-based property induction at all when the target was not described with a noun label."¹⁵

Waxman's study suggests that the use of noun labels is what caused children to infer that cows would still exhibit cow behavior even though they were raised by pigs. If the use of noun labels is what caused children to categorize cows in an essentialist way, then Mallon and Kelly's inferential leap to the conclusion that *we, humans*, innately infer in a similar essentialist way seems unwarranted.

SECTION III

In this section I present historical evidence that is inconsistent with Mallon and Kelly's claim that racial representations are stable over time. Mallon and Kelly claim that racial representations should, on their view, be roughly the same throughout the historical record because we as humans are naturally disposed to categorize people in essentialist ways. Put another way, this mechanism determines that our racial representations have essentialist content.

Race theorists largely agree that race as an idea or category was born sometime after Christopher Columbus reached the shores of the island of Hispaniola in 1492.¹⁶ Bartolomé de las Casas, in the fifteenth century, came up with the initial ordinal ranking of peoples because Europeans had to establish what *kind* of people, first, the Native Americans were and, then, what kind black Africans were.¹⁷ It was quickly established that Natives and blacks were human enough for salvation, but not human enough to enter reciprocal relations with Europeans. But this historical account of the idea of race's genesis is inconsistent with Mallon and Kelly's claim that racial representations should not vary. On their account, essentialist race notions must have been present long before Columbus reached the shores of the Taino (Native inhabitants) island of Quisqueya (the Native word still used today to refer to Hispaniola).

Greek and Roman antiquity seems like a good place to look for essentialist racial representations, which are consistent

with hybrid constructionism because the Greek and Roman world was well aware and very familiar with sub-Saharan and eastern African peoples who would qualify as phenotypically black today. It is well documented that there were sub-Saharan blacks living throughout the Greek and Roman world.¹⁸

Race theorists and Greek and Roman scholars seem to largely agree that the modern notion of race, where race picks out some kind of biologically determined essence, did not exist in antiquity. Frank Snowden claims that even though the ancients (1) accepted slavery, (2) exhibited inter-cultural ethnocentrism, (3) valued notions of beauty derived from their own cultures over others, and (4) distinguished people from other places as barbarians, the ancients did not have anything “comparable to the virulent color prejudice of modern times.”¹⁹ According to Snowden, most scholars who have looked at the evidence share the view that “the ancients did not fall into the error of biological racism; black skin color was not a sign of inferiority.”²⁰

Now, Snowden does note that the Greeks, Romans, and even Egyptians largely viewed their “aesthetic canons” as superior to others.²¹ But he also notes in earlier work that there are numerous examples in Greek and Roman literature of Greeks and Romans expressing admiration for Ethiopian aesthetic canons. The ancient Greeks and Romans referred to dark-skinned Africans as Ethiopians. Preferring one’s own aesthetic canon can be explained by cultural influences rather than by appeal to innate mechanisms. Moreover, “on the whole, the number of expressed preferences for blackness and whiteness in the classical literature is approximately equal.”²² Thus, this aesthetic-preference point does not seem consistent with hybrid constructionism. Or, at the very least, this aesthetic-preference point does not seem to be evidence for hybrid constructionism.

Now, Benjamin Isaac suggests that Greeks and Romans were *proto-racists*.²³ He argues that the roots of modern racism can be found in Greek and Roman antiquity. However, he admits that “Greek and Roman antiquity did not know of the sort of racism that Western civilization developed in the nineteenth and twentieth centuries, since they had no concept of biological determinism.”²⁴ On his view, Greek and Roman proto-racism was based in group difference, which was caused by different environments. That is, Greek and Romans were at worst *environmental determinists* because they attributed the differences that existed between groups not to biology or skin color, but rather to the ways that environments affect our physical and mental constitution.

Isaac likens their proto-racism to ethnic prejudice. Isaac says, “If, we read that people are stupid and courageous because they live in a cold climate, then it can be argued that this is a form of proto-racism, since there is the implicit assumption that these people are stupid through physical factors beyond their control.”²⁵ Here, even if we grant that the ancient Greeks and Romans were proto-racists, their racial representations’ content was not determined, or constrained, by an innate psychological mechanism, but rather their racial representations seemed free to

track non-biological reasons for differences between genetic populations. Thus, hybrid constructionism is inconsistent with, at least, this historical evidence of racial representations in Greek and Roman antiquity.

SECTION IV

I now present sociological evidence that is inconsistent with hybrid constructionism’s second prediction that racial representations should vary more in mixed-race cultures because our innate mechanisms adapted to track “species-like” populations rather than mixed-race populations which are not “species-like.” Mallon and Kelly take Latin America to be a case where racial representations vary because of population mixing. Latin America differs from the US because historically the US population has been and is less racially mixed. Put another way, Latin American populations are not sufficiently species-like for our innate mechanisms to track. As a result, Latin American racial representations do not have essentialist features which US racial representations have.

The first bit of evidence which is inconsistent with hybrid constructionism’s second prediction is my own experience as mixed-race person or light-skinned Dominican. I have seen and experienced firsthand that Dominican racial representations have essentialist content. For example, when I was a child, I was praised precisely because I was light-skinned, and lighter skin tone was thought to be inherently better than darker skin tone. I also witnessed inter-familial maltreatment of family members because of their skin color. The motivation behind my family members’ maltreatment and my good treatment are racial representations which contain essentialist content. The content is roughly that blackness is *inherently* bad and whiteness is *inherently* good. The inherent value comes from necessary properties people who are either black or white have. In the Dominican Republic, blackness is associated with Haitians, and Haitians are unfortunately thought to be thieves, uneducated, and generally immoral. Whiteness is associated with Spain, where Spain is associated with refinement, good pedigree, and the Church. Linda Martín Alcoff similarly points out that “in the Dominican Republic, ‘black’ is defined as Haitian, and dark-skinned Dominicans do not self-identify as black but as dark Indians or mestizos.”²⁶ This seems inconsistent with Mallon and Kelly’s claim that racial representations will differ in societies which consist in mixed-race populations. Latin populations are mixed race and the Dominican population is a paradigm example of a mixed-race population, but racial essentialism is *prominent* in the Dominican population’s racial representations.

Evidence from sociology shows that in Latin American countries like Venezuela, Brazil, and the Dominican Republic there is a correlation between one’s socioeconomic status and the likelihood that one will either identify as white or identify closer on the racial spectrum to white irrespective of one’s actual skin-tone.²⁷ Edward Telles and Tianna Paschel suggest that “high-socioeconomic status tends to be associated with whiteness, or at least with non-blackness.”²⁸ This suggests that in Latin America (1) either white identity or an identity on the color spectrum closer to white is preferred to black identity, and (2) there is some kind of

desire to be whiter in people who *recognize themselves* as insufficiently white. This is further evidence of essentialist racial representations at work in Latin America where Mallon and Kelly claim there should be none.

However, one could object that the sociological evidence does not show that Latin American racial representations contain essentialist content because Latin Americans value white identity above others not because they think white identity is inherently or intrinsically superior to black identity but rather because they think it is economically advantageous. That is, the average Latin American person values white identity not because being identified as white indicates that they have more intrinsic worth than others, but rather because being identified as white provides more economic and social opportunities.

The objection fails because even if Latin Americans are partly motivated by economic considerations to identify as white, Latin Americans are also likely motivated by non-economic considerations to identify as white. In her study on Latin American censuses from 1850 to 1950, Mara Loveman concludes that "tacit beliefs about whiteness contained in US and Latin American censuses are very much alike."²⁹ That is, Loveman concludes that racial representations in Latin America are similar to racial representations in the US. And racial representations in the US, by Mallon and Kelly's lights, contain essentialist content due to our innate disposition to categorize by race. Thus, there is a tension *between* Loveman's claim that Latin American and US beliefs about white identity are similar *and* Mallon and Kelly's claim that Latin American racial representations should differ from US racial representations in terms of their respective essentialist content.

Loveman points out that among Latin American censuses that collected race data, the white category always preceded other categories like mestizo, mulato, or indigenous. A mulato is someone of both black and white ancestry. A mestizo is someone of both indigenous and white ancestry. Loveman says, "That this presentational choice seemed 'obvious' speaks to the successful *naturalization* of the idea that the category 'white' belongs at the top of any racial hierarchy."³⁰ That is, that the people who created the censuses uniformly assumed that the white category should be listed before other identity categories even in countries with non-white majorities suggests that they took for granted that whites were the superior race. This defeats the objection that only economic considerations motivate Latin Americans to value white identity over others because census creators do not obviously have an economic motivation to list the white category before other categories on census questionnaires.

The only Latin American census from 1850 to 1950 that did not list the white category first was the 1921 census. This was the first Mexican census after the Mexican Revolution of 1910. According to Loveman, census creators listed the mestizo category first as a deliberate political act. She says, "The inversion of the 'natural' order of racial categories was clearly a political act by those who produced the official statistics."³¹ The inversion of racial categories suggests that the dominant racial category was white. Moreover, if the

white category was not imbued with negative features, then the inversion would likely not have taken place because it would not have risen to the level of something that should be done. A plausible explanation of the inversion is that whiteness was viewed by census creators as invoking things like the superiority of whiteness over mestizo identity such that they felt compelled to invert the order of the white and the mestizo categories. If this explanation is plausible, then Mallon and Kelly's prediction, that racial representations should vary in mixed-race cultures like Latin America, should seem less plausible.

CONCLUSION

I hope to have made plausible the view that two of hybrid constructionism's predictions do not obtain. The first prediction is that racial representations should be stable across history, particularly in populations with a relatively high degree of genetic reproductive closure. That is, across history, racial representations should exhibit essentialist content in societies where populations are relatively genetically homogenous because humans adapted innate psychological mechanisms which cause us to represent species-like populations as having necessary features. I have presented expert opinions that held that there is no evidence of *essentialist* racial representations in Greek and Roman antiquity. I take Greek and Roman society to consist in populations that had sufficient reproductive closure. Thus, there seems to be an inconsistency because according to hybrid constructionism, there should be essentialist racial representations in Greek and Roman antiquity, but there is no evidence of them despite evidence of a *large* array of racial representations which are *not* essentialist.

I also hope to have plausibly suggested that hybrid constructionism's second prediction does not obtain. I presented my own firsthand testimony of racial representations with essentialist content in the Dominican Republic and in a New York City Dominican enclave. I also have presented sociological findings and observations which seem inconsistent with this second prediction.

Finally, I reviewed a study by Shutts et al. which casts doubt on the psychology study which Mallon and Kelly partly based their inference that we adapted an innate mechanism which causes our racial representations to have essentialist content. Shutts et al.'s study suggests that race is not used as an inference basis for three-year-old children in both first- and third-personal inferences, and it suggests that four-year-old children do not use race to infer third parties' properties. This research seems to cast some doubt on Mallon and Kelly's hypothesis that we have innate mechanisms which cause our racial representations to have essentialist content.

ENDNOTES

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16. See Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994); Anibal Quijano and Michael Ennis, "Coloniality of Power, Eurocentrism and Latin America," *Nepantla: Views from the South* 1, no. 3 (2000): 533–80; and Paul C. Taylor, *Race: A Philosophical Introduction* (Cambridge: Polity Press, 2013).
17. Walter D. Mignolo, *The Idea of Latin America* (Malden: Blackwell, 2005).
18. See Benjamin Isaac, *The Invention of Racism in Classical Antiquity* (New York: Princeton University Press, 2013); Jeremy McInerney, *A Companion to Ethnicity in the Ancient Mediterranean* (Malden: Wiley Blackwell, 2014); Frank Snowden, Jr., *Blacks in Antiquity* (Cambridge: Harvard Press, 1970); and Frank Snowden, Jr., *Before Color Prejudice: The Ancient View of Blacks* (Cambridge: Harvard Press, 1983).
19. Frank Snowden, Jr., *Before Color Prejudice*, 63.
20. *Ibid.*
21. *Ibid.*
22. Frank Snowden, Jr., *Blacks in Antiquity*, 179.
23. Benjamin Isaac, *The Invention of Racism in Classical Antiquity*.
24. *Ibid.*, 37, my emphasis.
25. *Ibid.*, 38.
26. Linda Martín Alcoff, "Mestizo Identity," in *The Idea of Race*, eds. Robert Bernasconi and Tommy L. Lott (Indianapolis/Cambridge: Hackett, 2000), 156.
27. See Edward Telles and René Flores, "Not Just Color: Whiteness, Nation, and Status in Latin America," *Hispanic American Historical Review* 93, no. 3 (2013); and Edward Telles and Tianna Paschel, "Who Is Black, White, or Mixed Race? How Skin Color, Status, and Nation Shape Racial Classification in Latin America," *American Journal of Sociology* 120, no. 3 (November 2014): 864–907.
28. Edward Telles and Tianna Paschel, "Who Is Black, White, or Mixed Race?," 871.
29. Mara Loveman, "Whiteness in Latin America: Measurement and Meaning in National Censuses (1850–1950)," *Journal de la société des américanistes* 95, no. 2 (2009): 207–34.
30. *Ibid.*, my emphasis.
31. *Ibid.*, 11.

Epistemic Humility Now!

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I. INTRODUCTION

"Don't be so overly dramatic about it, Chuck. What you're saying is a falsehood, and they're giving, [. . .] our Press Secretary, gave alternative facts to that."¹

Genuine listeners are likely to have a hard time trying to understand this statement. If a falsehood is contrary to the truth, if you accuse someone of saying a falsehood and you endorse a claim that's opposite to the alleged falsehood, then it would seem that what you are defending is not merely an alternative claim, let alone an "alternative fact"—whatever that means—but the truth. I won't try to investigate what might have been meant by this particular utterance at this particular moment. I am more intrigued by the relation between this relativistic statement and the proposal, by the same group of people, to "build a big, beautiful, powerful wall" that would separate a rich world-region and a poor one. And, in fact, my aim is the much more general one of investigating whether there is any relation between relativism, on the one hand, and exclusivism, on the other. I am also interested in the question whether there is a plausible alternative to relativism.

For those familiar with the history of Western philosophy, a few familiar bells are probably ringing right now. There are no facts, we've been repeatedly told by philosophers, but only interpretations. Stated absolutely ("there are no. . ."), of course, relativism is self-stultifying. Do relativists believe in what they say? Do they believe in its *truth*? If they do, we have only to point out to them that it is inconsistent to believe in the truth of what one says if what one says is that there are no truths. If they don't believe in what they say, then they are neither taking *us* nor *themselves* very seriously, and we may decide at this point either to keep on playing games with them or to do something else with our time, but it would certainly be foolish to keep on taking them seriously. We know all that since Plato. What has not been explored enough, I think, is the question whether relativism can avail itself, and wants to avail itself, of any thought or argument in order to counter those discourses that unabashedly claim the moral, intellectual, and cultural superiority of one people over another. Relativism and exclusivism have come hand in hand before. One of the stellar proponents of relativism, Friedrich Nietzsche, had no intention whatsoever to disguise his firm belief in the superiority of one part of humanity over the other part, or his desire to keep the "superior" and "strong" part of humanity separated from the "inferior" and "weak" one. Belief in the equal dignity of all human beings can only occur, according to Nietzsche, when one has adopted the viewpoint of the slaves. Thus, if one adopts the egalitarian standpoint, one has become, whether consciously or unconsciously, a victim of the slaves' rebellion in morality: one has adopted the morality of resentment that stems from the slaves' condition and their gradual revenge.

These worm-eaten physiological casualties are all men of *resentment*, a whole, vibrating realm of subterranean revenge, inexhaustible and insatiable, in its eruptions against the happy, and likewise in masquerades of revenge and pretexes for revenge: when will they actually achieve their ultimate, finest, most sublime, triumph of revenge? Doubtless if they succeed in *showing* their own misery, *on to the conscience* of the happy: so that the latter eventually start to be ashamed of their happiness and perhaps say to one another: "It's a disgrace to be happy! *There is too much misery!*". . . But there could be no greater or more disastrous misunderstanding than for the happy, the successful, those powerful in body and soul to begin to doubt their *right to happiness* in this way. Away with this "world turned upside down"! Away with this disgraceful mollycoddling of feeling! That the sick should *not* make the healthy sick—and this would be that kind of mollycoddling—ought to be the chief concern on earth:—but for that, it is essential that the healthy should remain *separated* from the sick, should even be spared the sight of the sick so that they do not confuse themselves with the sick.²

A modern-day Nietzsche would perhaps add, "And what better way is there to separate the healthy from the sick, to spare the healthy the very sight of the sick and to prevent any admixture between these two sets of human beings, than to build a big, beautiful, powerful wall between them?"

II. RELATIVISM AND EXCLUSIVISM

My current concern, however, as I said before, is not with Nietzsche's exclusivism as such, but with the relation between exclusivism and relativism. The latter can sometimes look like a reasonable dose of uncertainty that stems from the realization that we are creatures with finite intellects. However, as we will shortly see, Nietzsche seamlessly slips from this reasonable dose of skepticism to the self-stultifying claim that *there are only interpretations*. It is only the latter, nonsensical claim which, in my opinion, is inextricably linked to Nietzsche's exclusivism. For only when you think that there are *only* interpretations, while you also think that interpreting is *essentially* "forcing, adjusting, shortening, omitting, filling-out, inventing, falsifying,"³ only then, I suggest, is your view both self-stultifying and thoroughly defenseless against exclusivism. Only then is the way paved for you to feel entitled to decide, at some given point, that you've had enough of listening to the others' perspectives. Up to that given point, you might have been clever and magnanimous enough to force yourself to view the world from the others' perspectives. But, let us not deceive ourselves, you've always "known" that not all perspectives are equally valid. How could you possibly think that, on what *grounds* could you possibly argue that all perspectives are equally valid, when you believe that there is *nothing* in the world *but* interpretations, while, amongst those interpretations, you can always very clearly distinguish those that appertain to the bossy, healthy, and strong, from those that appertain to the servile, sick, and weak? Quite unsurprisingly, logical, scientific discourse, with its proclamation of epistemic democracy

and its commitment to the attainment of an ever-wider, trans-cultural intersubjectivity, is to Nietzsche's eyes an unequivocal sign of the decadence of Western civilization:

Finally, as knowers, let us not be ungrateful towards such resolute reversals of familiar perspectives and valuations with which the mind has raged against itself for far too long, apparently to wicked and useless effect: to see differently, and to *want* to see differently to that degree, is no small a discipline and preparation of the intellect for its future "objectivity"—the latter understood not as "contemplation [*Anschauung*] without interest" (which is, as such, a non-concept and an absurdity), but as *having in our power* the ability to engage and disengage our 'pros' and 'cons': we can use the *difference* in perspectives and affective interpretations for knowledge. From now on, my philosophical colleagues, let us be more wary of the dangerous old conceptual fairy-tale which has set up a "pure, will-less, painless, timeless, subject of knowledge," let us be wary of the tentacles of such contradictory concepts as "pure reason," "absolute spirituality," "knowledge as such": — here we are asked to think an eye which cannot be thought at all, an eye turned in no direction at all, an eye where the active and interpretative powers are to be suppressed, absent, but through which seeing still becomes a seeing-something, so it is an absurdity and a non-concept of eye that is demanded. There is *only* a perspectival seeing, *only* a perspectival knowing; the more affects we are able to put into words about a thing, the *more* eyes, various eyes we are able to use for the same thing, the more complete will be our "concept" of the thing, our "objectivity." But to eliminate the will completely and turn off all the emotions without exception, assuming we could: well? would that not mean to *castrate* the intellect?⁴

As we can see, there is a small step between depriving oneself of the possibility of referring to the absolute multiplicity which is the universe—and that is exactly the possibility that one deprives oneself of when one says that there is *only* a perspectival seeing—and feeling entitled to disregard alternative perspectives deemed to be "inferior" to others. Nothing prevents slipping from one position to the other, since, if one believes that there are only interpretations and no facts, and also that some interpretations are "superior" to others, then there is no reason why one should give space to the "inferior" interpretations "for far too long."

III. EPISTEMIC HUMILITY AND THE ABILITY TO REFER TO THE UNIVERSE

Here is how pushing self-reflection and criticism a little further could have taken Nietzsche towards a radically different kind of philosophy, a more inclusive one. Not that he cared about it—he couldn't care less, as we saw.⁵ But there are relativists, like Foucault, Derrida, and Rorty, who are not exclusivists, and whose philosophies constantly denounce hidden, unsuspected, contingent forms of

oppression (Foucault⁶), speak in favor of inescapably unrealizable emancipatory promises and unconditional hospitality towards the radical other (Derrida⁷), and promote transcultural solidarity (Rorty⁸). Since they leave Nietzsche's relativism untouched, their expression of concern for the oppressed amounts to little more than a statement of good wishes. And we may, indeed, at some point have nothing else to say against exclusivism than that "we simply do not behave that way," and nothing else to do except to defend ourselves against its violence. But not at *this* point. There *is* something to say about Nietzsche's relativism; we are not obliged to buy it gullibly, nor to repeat it dogmatically. We are in a position not only to denounce untethered relativism as incoherent, but also to offer an alternative. And that gives us the possibility to reject exclusivism at this theoretical level.

In order to identify something as our interpretation of something else, we need to assume a lot of things. What do we mean by *our* interpretation? Who are we in this thought? Is it us, humans? Then we are assuming the existence of a universe which we humans inhabit, which we interpret through concepts, theories, and discourses. This idea of the universe need not be one of a *reified* or *hypostatized* universe: by "universe" we may simply refer to the all-encompassing multiplicity of what there is; this does not imply that the multiplicity itself constitutes an independent individual object in its own right, apart from its members, a totality in the sense of a Cantorian set ("a many thought of as a one"). Classes, as Russell once realized, may be thought of as logical fictions.⁹ Nor does this idea imply that the objects which constitute the absolute multiplicity which we are calling "the universe" are of any particular kind. In other words, we need not yet be committed to any particular conception with regards to all the kinds of objects that populate and can populate the universe. But we assume, at least, that we humans are part of that multiplicity. And, unless we are arrogant to the point of absurdity, no self-deceiving tendency should dissuade us from the thought that we are a very small, indeed preposterously minuscule, part of the universe. The better half of Nietzsche was undoubtedly familiar with this idea. He once wrote, surely as a criticism of the Hegelian pretension to be the very incarnation of Absolute Spirit (which is *All There Is*, and which attains its ultimate purpose, absolute knowing, only in the very act of philosophizing through nothing other than the Hegelian concepts themselves), that "if we could communicate with the mosquito, then we would learn that it floats through the air with the same self-importance, feeling within itself the flying center of the world."¹⁰

The crucial point, however, is that if we both take the thought of our finitude seriously and at the same time want to avoid self-stultification, then we have to recognize that we are committed to the truth and objectivity of at least these three thoughts: 1) There is a universe; 2) there is a way the universe is; and 3) we are embedded in that universe, i.e., we are part of it—a ridiculously small part of it at that. So, *pace* Nietzsche, at least *these* thoughts cannot be discredited as mere interpretations, if interpretations necessarily involve "forcing, adjusting, shortening, omitting, filling-out, inventing, falsifying." A contemporary philosopher, Thomas Nagel, points in the right direction when he says:

There are some types of thoughts that we cannot avoid simply *having*—that it is strictly impossible to consider merely from the outside, because they enter inevitably and directly into any process of considering ourselves from the outside, allowing us to construct the conception of a world in which, as a matter of objective fact, we and our subjective impressions are contained. . . . We discover objective reason by discovering that we run up against certain limits when we inquire whether our beliefs, values, and so forth are subjective, culturally relative, or otherwise essentially perspectival. Certain forms of thought inevitably occur *straight* in the consideration of such hypotheses—revealing themselves to be objective in content.¹¹

In other words, insofar as we want to describe some parts of our thought as subjective and perspectival, we are assuming that other parts aren't perspectival in exactly the same way. These latter parts are the thoughts that we simply must *have*, and assume to be objective, in order to intelligibly state the possibility that certain parts of our thought are merely perspectival (are mere interpretations in Nietzsche's sense). To repeat, these are thoughts like: There is a universe, there is a way the universe is, we are embedded in the universe, other beings (be they stones, numbers, gods, mosquitos, or subatomic particles) are equally embedded in the universe, etc.

Nagel's critique of relativism-subjectivism, on account of its self-stultifying nature, can only be fully appreciated if complemented with Nagel's own "realist" position, defended in his book *The View from Nowhere*. Here is a passage which, I think, correctly captures Nagel's ideas:

Creatures who recognize their limited nature and their containment in the world must recognize both that reality may extend beyond our conceptual reach and that there may be concepts that we could not understand. The condition is met by a general concept of reality under which one's actual conception, as well as all possible extensions of that conception, falls as an instance. This concept seems to me adequately explained through the idea of a hierarchical set of conceptions, extending from those much more limited than one's own but contained in it to those larger than one's own but containing it—of which some are reachable by discoveries one might make but others, larger still, are not. (The hierarchy could also include parallel conceptions, not intersecting our own but joined with it only in a larger one).¹²

The universe is larger than us—far larger. There is no reason to deny that some of our concepts can refer to objects that exist independently of our cognitive capacities, and that some of our statements and theories describe parts of reality which are independent from us and our cognitive capacities. With our concepts, we can refer to black holes three million times larger than our planet, located 53 million light-years away from us; we can refer to light, therefore, which has been traveling at nearly 300,000 kilometers per

second for the past 53 million years—all this is thoroughly compatible with the fact that we are small and contingent creatures, which appeared in a small planet in a rather small galaxy only three million years ago.¹³ At the same time, nothing assures us that with our concepts we will be able to understand, describe, or even name absolutely all objects in the universe. We can certainly have a concept like *universe* or *everything*, and through it we can refer, generally, to all there is. That is to say, we “have the general concept of *everything*, which includes both the things we can name or describe and those we can’t.”¹⁴ But the only reasonable inference seems to be to the claim that the set of things we can name or describe is incredibly smaller than the set of things we can’t name or describe. Let us call this claim the *epistemic humility* thesis. “Humility,” at this stage, has nothing to do with morality or ethics. It is much more of a prudential, methodological injunction to anyone engaging in future theoretical enterprises: Don’t be an arrogant mosquito!

IV. EPISTEMIC HUMILITY AND OPENNESS TO ALTERNATIVE WORLDVIEWS

But we are not far away from the moral realm, either. I do not mean to say that morality can be rationally derived from a set of non-moral claims. What I do mean to say is that the epistemic humility thesis gives us what untethered relativism cannot afford: a *reason* to oppose exclusivism at the epistemic level. And even though this opposition is carried out on prudential grounds, it has important consequences, which *may* be seen as a precondition—a necessary but by no means sufficient condition—for an attitude of openness to alternative worldviews.

We said before that relativism is defenseless against discursive proposals of oppressive practices. Since there are no facts but only interpretations, but amongst interpretations some can be seen to belong to the powerful, while others can be seen to belong to the oppressed, then all we have is “superior” and “inferior” interpretations clashing against one another. There is no non-arbitrary point of view from which one could advocate in favor of either the viewpoint of the oppressed or that of the oppressor. More importantly, there is no non-arbitrary point of view from which one could say that *all viewpoints are equally valid*. For relativism, this latter claim can only be seen as an expression of sympathy for the oppressed and a desire for their perspective to be taken into account—but then, again, this sympathy may be completely absent, as it was in Nietzsche’s case. Epistemic humility, however, does afford a reason, hence a non-arbitrary thing to say, regarding the principle that all perspectives are equally valid. The reason is that “from the point of view of the universe,” there is no reason why any perspective should have more value than any other. All earthlings, including humans, are not unlike minuscule mosquitoes when considered in relation to the whole universe. And just as there is in principle no reason why any particular mosquito’s perspective is superior to any other particular mosquito’s perspective, there is also in principle no reason why any particular human being’s perspective should be superior to any other particular human being’s perspective. The very idea of objectivity, of an independently existing universe

common to all perspectives and the ultimate object that those perspectives attempt to describe, presupposes the equality-in-principle of at least of those beings who have the same set of cognitive capacities.

My current claim is that even though there are dangers involved in these ideas of *objectivity* and *equality-in-principle-of-all-perspectives-of-beings-with-the-same-cognitive-capacities*—as there are dangers in any general idea—they are nonetheless indispensable if epistemic humility and openness to alternative worldviews are ever to play a role in our cultural and political lives. To see why these ideas are dangerous, we need only think of the way in which science may be and has been violently imposed upon peoples and individuals with different worldviews and practices. To see why these ideas are nonetheless indispensable for a more inclusive coexistence between different worldviews, we need to take into account the following factors: 1) Violent imposition is not a necessary feature of science or of any other enterprise of reason that aims at objectivity—indeed, as many philosophers from diverse traditions seem to agree, it is contrary to the spirit of rational argumentation to even attempt to impose a belief through violent means¹⁵; 2) to deny the existence of an independent, objective universe is a self-stultifying position—and there is *nothing* more radically opposed to the possibility of reaching an understanding between alternative views than a self-stultifying position: only non-self-stultifying positions may be presented to our interlocutors with the hope of attaining a common, shared view of a common, shared world; and 3) to say that the aim of a rational enterprise is the theoretical one of articulating an objective worldview accessible to all beings with common cognitive capacities is *not* to be confused with the proposal that any belief in particular is unrevisable—it is only to say that if any revision is proposed (if a viewpoint is eventually discovered to be merely subjective after all and an alternative view is suggested), it should be considered and evaluated with the same aim of articulating a more objective viewpoint. And even though the result of the revision will be a viewpoint, there is no reason to think that such a viewpoint will be personal or subjective, if by that we mean, as Nietzsche does, falsifying. Trivially, a thought is a thought, a theory is a theory, and a worldview is a worldview. But at least as long as some of our concepts and theories can be used to refer to an independently existing reality, there is no reason to think that any proposed revision will speak of a reality that only exists because we do. To go back to Nagel’s *The Last Word*:

The *aim* of situating everything in a non-first-person framework—a conception of how things are—is one to which there is no alternative. But that does not tell us what specific types of thought belong to this finally impersonal domain. . . . The *aim* of universal validity is compatible with the willingness always to consider alternatives and counterarguments—but they must be considered as candidates for objectively valid alternatives and arguments.¹⁶

The aim of locating our views in a *universally valid* framework, the recognition that there are some extremely

thin thoughts we *can't* get outside of (like the thought that we are embedded in the universe, that there is a way the universe is, that it is larger than ourselves, etc.): these are the kinds of ideas and aims that a relativist finds pretentious and dangerous. I have conceded that they are dangerous, but I believe that the charge of pretentiousness stems from a misunderstanding. For only the aim of situating our views in a universally valid framework, and only the idea that we are embedded in a universe indescribably larger than ourselves, make it logically possible to think that some of *our own* views may be merely personal, parochial, arbitrary, contingent, perspectival, falsifying. And unless we are able to do this, we will never be able to *respect* views alternative to our own as *alternative* views of the *shared* universe: we could never be in a position to realize that we were wrong about anything. It is hard to find an epistemic attitude more absurd, and more arrogant, than this.

V. CONCLUSIONS

If what I have been arguing is correct, untethered relativism should be rejected, not only because it is self-stultifying, but because it is theoretically harmless against exclusivism. Even presupposing that a relativist wants to reject exclusivism, it has nothing to offer in this confrontation, except feelings of sympathy and solidarity for those oppressed. Those feelings are important, but it is also important to know that there is an alternative to relativism. Epistemic humility has the advantage that it is not a self-stultifying position, and also that only under its motivating ideas and aims does the claim that we may be wrong about the shared universe make any sense at all. Of course, exclusivists may not even be ready to rationally discuss their ideas, having realized that entering into a rational discussion of worldview implies recognizing that they might be wrong. If exclusivists are explicit about this refusal, then, indeed, there is nothing more to do at the rational level. Only *then* should we give up and recognize that our spade has turned.

ENDNOTES

1. Words by US Counselor to the President Kellyanne Conway to journalist Chuck Todd during an interview on January 22, 2017. Todd had questioned Conway about the press secretary's false statements about attendance numbers to US President Donald Trump's inauguration ceremony.
2. Friedrich Nietzsche, *On the Genealogy of Morality*, Third essay, Section 14, p. 91. All emphases are in the original text.
3. *Ibid.*, Third essay, Section 24, p. 112.
4. *Ibid.*, Third essay, Section 12, p. 87. Emphases in the original.
5. But in case any doubts linger on, see the following passage: "The amount of 'progress' can actually be *measured* according to how much has had to be sacrificed to it; man's sacrifice *en bloc* to the prosperity of one *stronger* species of man—that would be progress . . ." *On the Genealogy of Morality*, Second essay, Section 12, p. 52.
6. See Michel Foucault, "Nietzsche, Genealogy, History," 76–100.
7. See Jacques Derrida, *Specters of Marx. The State of the Debt, the Work of Mourning, and the New International*, 94.
8. Richard Rorty, *Contingency, Irony, and Solidarity*, 5.
9. For defenses of a non-hypostatized idea of the universe, see Peter Simons, "The Universe," 236–50, and Damián Bravo Zamora, "On the Soberer Conclusions that May Be Drawn from Kantian and Cantorian Antinomies," 221–38.

10. "On Truth and Lie in an Extra-moral Sense," *The Portable Nietzsche*, 42.
11. Thomas Nagel, *The Last Word*, 20, 23–24. As we will shortly see, this criticism of relativism should be conceptually distinguished from the claim that there are unrevisable truths. For discussion of Nagel's position, see Timothy Williamson's *The Philosophy of Philosophy*, 260, and James Levine, "Logic and Solipsism," 238.
12. Thomas Nagel, *The View from Nowhere*, 98.
13. Cf. Pallab Ghosh, "First Ever Black Hole Image Released," <https://www.bbc.com/news/science-environment-47873592>.
14. Nagel, *The View from Nowhere*, 98.
15. Friar Bartolomé de las Casas (XVI century) famously criticized the violent indoctrination of the original peoples of the Americas during Colonization, because in his opinion the best way to bring a people to the "true doctrine" (by which he meant the Christian faith) was through reason and persuasion, which is essentially opposed to violence. (*Del único modo de atraer a todos los pueblos a la verdadera religión* [México: Fondo de Cultura Económica, 1942], 303). In the words of Enrique Dussel: "[For las Casas] the *only* way to bring the members of a foreign culture into a doctrine which is unknown to them is, by making use of the art of persuasion—through "a persuasive way, by means of reasons that appeal to their understanding and which are *softly attractive* in relation to their wills"—, to count on the free will of the listener so that, through no coercion, he can rationally accept the arguments offered. Fear, punishment, and the use of war and weapons are evidently the remotest means for such a rational acceptance of reasons" (from "Meditaciones anticartesianas," 305). Thomas Nagel has a related view, insofar as he thinks that reason is subject to its own standard, hence not to any external (e.g., psychological) standard, like fear of coercion: "When we juxtapose simple logical or mathematical thoughts with any other thoughts whatever, they remain subject only to their own standards and cannot be made the object of an external, purely psychological evaluation" (*The Last Word*, 58). Perhaps this idea is better known in Western philosophy through the influence of Immanuel Kant, who in his *Groundwork of the Metaphysics of Morals* argues in the following way: "Now I assert that to every rational being having a will we must necessarily lend the idea of freedom also, under which alone he acts. For in such a being we think of a reason that is practical, that is, has causality with respect to its objects. Now, one cannot possibly think of a reason that would consciously receive direction from any other quarter with respect to its judgments, since the subject would then attribute the determination of his judgment not to his reason but to an impulse" (Ak. 4:448). Other thinkers (like Karl-Otto Apel and Jürgen Habermas) could be cited as being of a piece in this regard, and it would undoubtedly prove rewarding to inquire into the differences and similarities in their views, but this comparative exercise has to be left for a future work.
16. Nagel, *The Last Word*, 68 and 69. Emphases added.

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ARTICLES

Approaching Racial Embodiment, Aesthetics, and Liberation in José Carlos Mariátegui's Seven Essays

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In his wide-ranging socialist writings, Mariátegui re-contextualizes political crises, texts, and works of art from and for a Latin American positionality.¹ He analyzes them through alternative and marginalized historical and geopolitical frames in order to shed light on the complexity of his revolutionary juncture. He also puts into dialogue philosophers, artists, and political leaders from different eras, locations, and intellectual lineages. This is certainly a risky interpretive practice. It emphasizes unexpected aspects of theories which do not fit within accepted understandings, and aligns thinkers that are usually taken to be at odds with one another. It seems that, having shown that Latin America does not follow the economic, intellectual, and political developmental chronology that is apparent from Europe, Mariátegui cultivates a critical perspective in which affinities and tensions between various historical, epistemic, and social positions can come to be redrawn.² This eclectic theorizing responds to the demands of the urgent, transitory, non-systematic, and dynamic character of Mariátegui's situated philosophical and political reflections. Mariátegui's originality owes much to this approach. Without it, his Indoamerican socialism would not have been articulated.³ In this paper I follow this approach as I interpret Mariátegui's own texts in relation to decolonizing critiques of the concept and experience of race.

My discussion does not cover the way in which racist assumptions determine Mariátegui's socialism, including his writings on aesthetics. This is an issue that has been convincingly investigated and argued.⁴ Instead, I draw from a notion of racial embodiment from W.E.B. DuBois, Frantz Fanon, and Linda Martín Alcoff, and bring it to bear on Mariátegui's *Seven Essays* and its Peruvian context.⁵

This allows me to revisit his conception of race in relation to indigenista literature and explore embodied registers of the possibility of liberation that may otherwise remain implicit in his texts.

In my view, racial embodiment has two axes. First, it is the experience of one's body subject to an entrapping, racist gaze that projects meanings upon it (by "body" I mean posture, physical occupation of space and time, memory, affects, habits, and pre-reflective senses of self and belonging). I am referring here to senses of being behind in time and outside of space, to feelings of invisibility and disidentification, to being overwhelmed by guilt and nostalgia, among other embodied experiences. Second, racial embodiment involves a physical resistance to racist gazes in the development of affective detachments from it that sustain the formation of alternative and affirmative senses of self. Double consciousness exemplifies this, and I emphasize its embodied and affective dimension from within an oppressed positionality. Here lies the possibility of joy and other festive emotions, self-determination, and connectedness to places and lineages through marginalized cultural artifacts and narratives, among other examples. These two axes of racial embodiment, namely, entrapment and resistance, operate simultaneously and render fragmented oppressed selves. This fragmentation, however, can be partially offset by physical processes that consolidate the release from racist gazes, and the formation of resistant selves that enable the possibility of liberatory praxis. In this sense, racial embodiment can be approached in terms of its liberatory potency. In the discussion that follows, I reveal this potency through a study of Mariátegui's reflections on aesthetics and liberation.

THE PROBLEM OF RACE IN MARIÁTEGUI'S LIBERATORY AESTHETICS

In the seminal text in Latin American philosophy, *Seven Essays for the Interpretation of Peruvian Reality*, Mariátegui reveals persisting colonial structures underpinning economic, social, and political forms in a nascent modern Peru, and identifies Andean indigenous populations as embodying critical perspectives and praxical potencies that seek to overcome these structures. In order to demonstrate the existence of such an agent that would anchor and enact a struggle for liberation, Mariátegui falls into the trap of constructing a fixed representation of a specific indigenous racialized identity.⁶ For this reason Mariátegui is drawn to "indigenismo," an aesthetic trend that strives to capture representations of the "Indian" in order to show their pivotal role in the Peruvian national and political imaginary.⁷ This mixture of racial, liberatory, and aesthetic frames points to one of the greatest weaknesses in Mariátegui's revolutionary theory. He makes essentializing, representative claims that problematically romanticize indigenous Andeans, sometimes reducing them to stereotypical figures, and denigrate other racial and ethnic groups (like Chinese immigrants, people of African descent, and mestizos). Thus, he ends up enacting an entrenched racism in order to bolster his political program.⁸ Some of these disturbing claims appear in the seventh essay, "Literature on Trial," the section on "indigenismo" in particular. In fact, the knot between Mariátegui's racist views and his investment in

an aesthetic representation of Andean colonized subjects as revolutionary agents has been seen as grounds for the dismissal of the interpretation of Peruvian literature in the *Seven Essays* as well as his indigenous socialism more generally. I intend to complicate this dismissal in order to shed light on a different articulation of the problem of race in postcolonial contexts that I find in his texts.

By focusing on racial embodiment, in the discussion that follows I mobilize some of Mariátegui's own texts against the racist, representative strain that undermines his aesthetic and liberatory theories. In "Literature on Trial," for example, one not only finds evidence of Mariátegui's racist proclivities but also an understanding of race that unsettles them. Referencing Vilfredo Pareto, Mariátegui puts forth race as a constellation of physicalities that express "inclinations, interests, aptitudes for reasoning, observation, the state of knowledges."⁹ More importantly, these kinds of physicalities (that, in my view, also include affect and memory) are subject to transformation depending on "external factors," like "the actions of one society upon another," which include colonialism and its legacies.¹⁰ In other words, Mariátegui shows a historical, experiential, and physical understanding of racial determinations and finds them to be modulated by sociological and political factors, including oppression. This does not make him immune to racist views or save him from the representative aporias of liberation. Yet it reveals that he does not always hold an essentialist understanding of race and that he suggests a dynamic and contextual approach to racial embodiment, which complicates his adherence to the kind of racist representative aesthetics of liberation I described above.¹¹ This opens the possibility of reading Mariátegui's engagement with indigenismo beyond representative commitments that correspond to a colonialist racist gaze, and of exploring whether there is an implicit aesthetic mobilization of the liberatory potency of racial embodiment in the *Seven Essays*.

AN APPROACH TO RACIAL EMBODIMENT AND AESTHETICS IN MARIÁTEGUI'S WORK

Mariátegui's liberatory philosophy, especially in the *Seven Essays*, has two aspects: a "critical" one that involves a socialist analysis adapted to Latin American postcolonial conditions and a "resistive" one that explores the possibility of liberatory praxis informed by physicalities (affects, cultural habits and memories, perceptual orders, and other embodied, pre-reflective enactments) of oppressed, racialized, colonized peoples. In my retrospective reading, a guiding intuition of the second aspect appears to be that the study of racial embodiment reveals conditions for resistance. Racial embodiment appears in this respect as physical enactments both submitted to and resisting negating constructions of colonized identities. Resistance here comes to pass with memorial sensibilities that set into play excluded cultural lineages supporting alternative imaginaries and senses of self. As I noted in the beginning, this ambiguity means that racist projections can be divested of definitive sense, and resistant configurations of racialized identities can emerge articulating unforeseen possibilities of liberation.

I find that, like in Fanon's *Black Skin, White Masks*, racial embodiment in Mariátegui's writings can be understood on the basis of temporal determinations of racialized experience and affectivity.¹² In this sense, Mariátegui can be interpreted as exploring non-linear, non-episodic temporalities in relation to resistant physicalities. Such physicalities do not undermine dominant racist projections by embodying and inhabiting a non-oppressive, alternative, defined present. Instead, they let intentions gathered through resistant pre-reflective meanings (informing embodied cultures and senses of identity of the oppressed) germinate into praxical liberatory options. These intentions are effective as transformative renditions of an heterogeneous, indeterminate present, one that cannot be captured within episodic temporal logics. Such a "present," then, cannot be delimited solely by dominant meanings that exclude the racialized and oppressed. A concomitant experiential factor in this account of resistant racial embodiment is the lived memorial awareness that the embodied hold of racial domination converges with temporalizations of the present as a closed totality of meaning. This awareness attests to physical and sensuous temporalizations that are beyond the purview of such convergences and allow for the remembrance of silenced histories as informing diverse ways of being present.¹³

A close reader of Mariátegui, Aníbal Quijano, connects a modern concept of race with progressive temporalities that deem colonized, racialized peoples to be in an irrecoverable past, negating their coeval cultural and historical efficacy.¹⁴ Bringing him, Fanon, and Mariátegui together, I note that there is an intrinsic relation between the colonial/modern concept, embodiment and experience of race, and temporal sensibilities that articulate senses of self and culture in terms of totalized presents configuring episodic logics of past/present/future. The gaze that entraps racialized bodies through projected racist meanings works in concert with these temporalizations that articulate the colonized as in the past, which explains experiences of racial embodiment modulated by pastness, such as feelings of being always behind in time, nostalgia, and guilt. At the same time, the resistive dimension of racial embodiment implies temporalizations that are expressed memorially and affectively as comportments toward the past beyond its reduction to sequential logics and to the present without investments in its totalizing and exclusionary closure. In this sense, the liberatory potency of racial embodiment is concretely manifest as a modulation of memory in which linear temporalities recede in their definitive, colonizing force. These are resistive disruptions that enable porous worlds of meaning across power and temporal differentials to mix, overlap, and diverge in physical registers that are repressed by colonialism and its racist legacies.¹⁵ In my discussion of Mariátegui's indigenismo I focus on this aesthetic form's involvement in such disruptions that makes possible a recovery of silenced cultures and their histories.

Approaching indigenismo in this way implies renouncing objectivist and individualistic dispositions toward works of art and literature. Specifically, it implies emphasizing the affinities between aesthetic experiences and participation in rituals or festivals in postcolonial contexts. According

to Alberto Flores Galindo, festivals, the procession of El Señor de los Miragros in particular, crystallized Mariátegui's conception of the possibility of the revolutionary commitment of heterogeneous collectivities, inclusive of indigenous peoples. I suggest that it also defined his understanding of liberatory art as eliciting crowded, unruly, festive intimacies that relax social and political orders and transgress dominant delimitations of embodied, pre-reflective senses of self and communal belonging. In terms of the resistive temporality of racial embodiment, the time of festivals is not sequential and linear, but it engages the present as a return to itself that reconfigures the past in the present. The present of the festival is, then, open, versatile, indeterminate. It becomes embodied via affective and memorial enactments released from dominant gazes and that engender critical perspectives. I find that the relationship between this non-linear, open present and aesthetics in Mariátegui is most apparent in his attraction to surrealism as a joint political and artistic movement.¹⁶ My project here is to show that his engagement with "indigenismo" can also be understood on the basis of temporalities that disrupt linearity, and in a way that brings to the fore the liberatory potency of racial embodiment.

RACIAL EMBODIMENT AND "PICTURESQUE" AESTHETICS

In "Memory, Moment, and Tears," Pablo Oyarzún writes: "In an immediate temporal sense, trauma is something of the past that continues to happen in the present . . . it is something that never ends to belong to the past."¹⁷ He calls this insistence of the past "traumatic memory" and finds that it "persists for us . . . Latin Americans."¹⁸ In it the past is with the present but excluded from it, haunting it. It is trapped in a gap of time that cannot be integrated within the closure of the present, a closure that secures episodic, progressive, linear time.

However, "traumatic memory" is an unstable affect that can be submitted to the enforcement of a strict differentiation between past and present that confines the colonized in a former stage of a linear sequence. The modern, racist gaze can yield such enforcement. This kind of physical, temporal oppression is apparent in Fanon's phenomenological description of a corporeality of always being "late," one that blocks black bodies from action by internalizing the oppressor's projected racist meanings. Affectively, it is manifest as nostalgia for a petrified past and guilt for not joining the sequential flow of history. This constellation of sensibilities musters a reactive embodied entrenchment in progressive temporality and closed delimitations of the present, which facilitates essentializing constructions of racial identities as "past." An effect of this is representative, static, folkloric, and abstract renditions of colonized identities that have no relevance in the present and leave it untouched. These are fixed constructions that compromise the historical efficacy of excluded cultures defined by lineages of oppression, undermining their critical positionalities and liberatory potencies.

I extend Oyarzún's point to mean that the racial embodiment of trauma, unfolding as paralysis and guilt, spreads across different social spheres as a sensibility that results from

Latin American histories of colonization and a shared sense of an irrecoverable pre-Columbian past. It can yield aesthetic forms that aspire to constitute a national imaginary on the basis of a neat, episodic, historical progression that would leave the present intact and univocal in its closure, a present in which every past is resolved and absorbed, and in which every future is contained as a sequential projection of itself. An example of this is what Mariátegui calls "picturesque" aesthetics. It renders representations of racialized peoples striving to fully capture identities in ways that fit within dominant logics of the present. This leads to fetishizations, ornamentations, and other fabrications. This aesthetic form focuses on and values cultural cohesiveness and addresses political crises via homogenizing, progressive cultural, and national representations. An example of it is the literary trend of "surviving colonialism" that tries to configure a colonial identity but can't help but produce imitations of Spanish colonial literary forms. The emphasis here is on representations that seek to force processes of self-identification on the part of creoles, mestizos, and indigenous peoples that would settle into a solid identity. In "Literature on Trial" Mariátegui is critical of subsuming literature under such goals because it supports processes of identification that enable reactionary politics. According to him, such literary forms become divorced from revolutionary junctures, and occlude the relationship between aesthetics and liberation. In particular, Mariátegui suggests that "culturalist" investments do not engage the present in its social and political contradictions, and in its potency for transformation.

Perhaps one of Mariátegui's most insightful contributions in this regard is his thesis that "mestizaje," as it was taking form in his time, has an affinity with this kind of culturalist aesthetics. José Vasconcelos's *mestizaje*, for example, is driven by progressivism, futurity, and a messianic optimism. It has an affirmation of racial mixing that acquires a redemptive tone, one that is invested in a utopia that, Mariátegui argues, "ignores the present" and is, thus, ineffective in revolutionary terms.¹⁹ Uriel García's *mestizaje* is not utopian or messianic, but remains dangerously culturalist: he sees in *mestizaje* a syncretic cultural formation that can yield a totalized national identity. This commitment to cultural identity, in Mariátegui's view, disconnects García's work from the social, political, and economic conditions that affect the lives of the "mestizos" themselves.²⁰ He writes: "mestizaje must be analyzed not as an ethnic issue, but as a sociological issue," otherwise it becomes coopted to surreptitiously maintain a political stasis.²¹ For Mariátegui to analyze *mestizaje* as a "sociological" issue means to be attentive to contradictions within the present that attest to revolutionary potencies beyond progressivism. This is why Mariátegui concludes that an "ethnic" *mestizaje* is ultimately drawn to "evolve toward the social stage, or the kind of civilization of whites."²² *Mestizaje* in this sense turns into an "ethnic problem that is . . . completely fictitious and presupposed."²³ It is important to stress that "indigenismo" can appear to fit within a "picturesque," culturalist aesthetic form as well, since it can fall into abstract representations of "Indians." In fact, Valcárcel's *Tempestad en los Andes* argues for a historically continuous and consistent indigenous identity that would neatly compose a national imaginary, compromising the cultural complexity of indigenous and

mestizo lineages in modern Peru.²⁴ As I noted earlier, Mariátegui's own engagement with indigenismo can be seen as making similar claims, which emboldens some of his representative and racist views.

RACIAL EMBODIMENT AND "INDIGENISTA" AESTHETICS

Attention to racial embodiment in relation to "traumatic memory" and "picturesque aesthetics" shows a deep connection between the affective and memorial effects of colonization and specific aesthetic forms that emerge in colonial and post-colonial contexts. So far, I have suggested that representative and essentializing determinations of social and racial identities can be understood as repressing the disruption of linear temporality entailed in "traumatic memory," and as an affective re-entrenchment of an episodic historical logic in which the colonized fit in the past, and the colonizers in the present and future. In this section I develop an alternative unfolding of "traumatic memory" that does not fall back into linear temporalities and that I find suggested in Mariátegui's analyses of revolutionary memory and "indigenismo."

The following quote from "La Heterodoxia de la Tradición" speaks to this:

The ability to think about history and the ability to make it or create it come to be identified with one another. *Perhaps the revolutionary has an image of the past that is somewhat subjective, but it is animated and alive. . . . Revolutionaries incarnate the will of society of not becoming petrified within a stage. . .*²⁵

This statement suggests a "liberatory memory" in which the past is indeterminate: "tradition is heterogeneous and contradictory in its components."²⁶ It yields an "image of the past" that cannot be resolved and left behind by a totalized present (or "petrified stage"), but is effective and "alive" impeding its closure. In my view, this particular memorial sensibility is an unfolding of "traumatic memory" that, rather than neutralizing the past, potentializes it in its excess of the present under the purview of linear temporality. The way in which the past haunts the present in traumatic memory is here modulated assuming a liberatory potential. This affective and memorial configuration can express a will that resists being "petrified" in a determinate historical "stage" enclosed by dominant social, political, and economic forms.

This sheds light on why, in his *Defensa del Marxismo*, Mariátegui does not posit class consciousness as a sufficient condition for revolutionary action. Class consciousness understands itself from within the present as a totality, as if it were a part of its structure, overdetermined by its economic logic. It, thus, easily falls prey to reformism and to progressive historical determinisms sustained by episodic, linear time. In revolutionary junctures, class consciousness has to be exceeded, shaken off, by a revolutionary will that affirms the present in its lack of closure, in its indeterminacy, as an untimely creation. It is moved by a liberatory memory that lets the past disrupt the present so as to set into play

silenced cultures and histories as sources for the articulation of resistant agencies. Resistance is here expressed in this memorial disruption of linear time in which the colonized ceases to be confined to the past.

In this respect, for Mariátegui, revolutionary will is sustained by sensibilities of a "morality of producers" that "does not emerge from an economic interest: it is formed in the class struggle, waged with heroic spirit, with passionate will."²⁷ This critique of class consciousness as a revolutionary factor can be applied to any identity category, including a racial, specifically indigenous, identity. This is why, even though Mariátegui identifies Andean indigenous peoples as a group having a pivotal role in his socialist revolution, he often resists understanding the Peruvian revolutionary juncture as exclusively an ethnic or racial issue. In particular, sustaining these kinds of junctures does not depend on affirming a racial identity comprehended within a definite past, present, or national imaginary.

At the same time, in my view, racial embodiment and the physicalities of oppression that it involves figure in both Mariátegui's analysis of the temporality of memorial and affective conditions for liberation and his interpretation of "indigenismo." In particular, for him this literary form is about indigenous nostalgia. He follows influential indigenistas in this respect. Valcárcel, for example, focuses on an indigenous nostalgia for a pre-Columbian past that he seeks to redeem through an indigenous resurrection. Enrique López Albújar sometimes presents indigenous peoples as nostalgically attached to a past irremediably foreign to modernization, radicalizing their uprootedness and leaving it unresolved (as in "Ushanan Jampi," for example). It seems to me that Mariátegui unfolds "indigenismo" in a different direction: to explore a modulation of the nostalgia of racialized, colonized peoples (which can be seen as an affective register of "traumatic memory") that is not anchored in a petrified past but uncovers a form of "liberatory memory." As he puts it, "literary indigenismo *translates a mood*, a state of consciousness of the new Peru."²⁸

Mariátegui asserts that the indigenistas "collaborate, consciously or not, with a political work of vindication—rather than restoration or resurrection."²⁹ "Vindication" here carries a sense of the past that has to be understood as eluding the futural temporality implied in "restoration" and "resurrection." It does not sediment colonized identities for the sake of redemptive political projects, but returns colonized peoples to the present in its fragmentation. Aesthetically, it eludes the lure of "picturesque" representations. "Restoration" and "resurrection," instead, connote possible resolutions of the past in the logics of a definite present and projected future, which allows for neat sequential and episodic temporalities. In this sense, they are reactionary political goals.

Mariátegui points to a "vindication" with aesthetic ramifications when he states:

What gives the Indian the right to prevail in the vision of the contemporary Peruvian is, above all, the conflict and contrast between his demographic

predominance and his social and economic servitude.³⁰

The aesthetic issue here is not that a representation of the “Indian” belongs to a vision that captures a Peruvian cultural and national identity. It is, rather, that an imaging of indigenous, colonized, and racialized peoples comes to prevail over, that is, overpower, a national and cultural vision. The “Indian,” Mariátegui writes, cannot be “valued and considered . . . as a national color or aspect, allocating him in the same plane as other ethnic elements of Peru.”³¹ This is not, then, an issue of the culturalism of “picturesque” aesthetics, but of its disruption as a form of vindication.

I suggest that the “indigenista” nostalgic, racial imaging of indigenous peoples that “prevails” over definite national imaginaries can be seen as modulating (or “translating”) a sensibility (or “mood”), eliciting a physical (specifically affective and memorial) dis-identification from linear, episodic temporality and the closure of the present it implies. This would be a nostalgia informed by “liberatory memory,” one that does not “petrify” a past that is “animated and alive” and that irrupts into the present releasing it to social and political forms informed by repressed pasts with creative potencies. In this sense, “traumatic memory” gives way to “liberatory memory” and an indigenista aesthetics of “vindication,” rather than a “picturesque aesthetics.” In its temporalization, an “aesthetic of vindication” enjoins sensibilities that sense the heterogeneity of the present fractured by a multiplicity of pasts (those of excluded Andean indigenous lineages in particular) without seeking to resolve it. Specifically, nostalgic sensibilities expressed aesthetically can come to determine willful, revolutionary dispositions within the political contradiction between the indigenous “demographic predominance” and their “social and economic servitude” as a critical juncture that exceeds totalizing renditions of the present.³²

“Indigenismo,” in this sense, allows for a temporalizing, physical (specifically affective and memorial) enactment in which racist projections (with tendencies to essentialize, de-historicize, and abstract oppressed identities) are destabilized by nostalgic attachments to colonized lineages and cultures as past but also as formative of a volatile, revolutionary, and heterogeneous present. This is a present in which excluded social and political imaginaries can become definitive and resistively meaningful. “Indigenismo,” then, sets into play an aesthetics that elicits processes undergone at the level of racial embodiment and supports articulations of liberatory praxis informed by pasts released from comprehensive logics of domination. In this respect, “indigenista” representations do not conform to a cohesive, “picturesque” aesthetic program that bolsters reactionary politics, but betray cultural irreducibilities, missed encounters, tensions, and power differentials that do not settle into a historical “episode” or determine a defined colonized identity. Through this disseminative force, “indigenismo” is an aesthetic that opens festive sites for the formation of crowds, of peoples, in contagious and transformative physicalities that affirm the inconclusiveness of the present as an opening toward liberation. I suggest, then, that ultimately Mariátegui’s “indigenismo” not only has to be understood as an aesthetics that does not dissociate

itself from revolutionary politics, but also as a transformative embodied process that can only be discerned within the fervor of peoples memorially attached to possibilities sheltered in the heterogeneity of their present (such as that of participants in celebrations like the procession *El Señor de los Milagros*). It is not surprising, then, that Mariátegui, in his famous polemic with Luis Alberto Sánchez, does not characterize “indigenismo” as an articulated program, but as a dynamic movement formed by the turbulent spirit of its revolutionary times and exceeding detached, lettered, and comprehensive attempts to fixate it.

CONCLUSION

I began by noting a critique of Mariátegui’s aesthetics, namely, that its representative investments in indigeneity can essentialize Andean peoples and cultures in order to support his revolutionary program. This would be a lettered manipulation reinforcing racist frameworks upon indigenous and other colonized peoples, and facilitated by “indigenismo.” In this sense, attention to Mariátegui’s aesthetics, especially in the context of the *Seven Essays*, can yield devastating critiques of his socialism both in its analytical and liberatory aspects. My intent in this paper is not to disprove these critiques or to show that Mariátegui is not racist. Rather, I offer a counter-reading by turning to thinkers that focus on racial embodiment and approaching Mariátegui’s writings through them. This enables me to put his rendition of “indigenismo” in dialogue with his concern with affectivities and aesthetics of resistance (found on his treatments of surrealism, for example). This intersection allows for an approach to “indigenista” aesthetics as a site in which physicalities, through destabilizing temporalizations (manifest in memory and its affective registers, like nostalgia), undo the nexus between dominant racist projections and totalized, reductive renditions of the present, and allow for the gathering of resistant meanings that inform liberatory praxis from otherwise excluded cultures and histories. I also put forth a related analysis of a reactionary “picturesque” aesthetics that shows in Mariátegui’s own texts resources to launch a critique of the kind of essentializing representational aesthetics that he falls into. In some ways, then, I read Mariátegui against himself, a tortuous hermeneutic that is, after all, part of his legacy.

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ENDNOTES

1. See Mariátegui’s texts: *La Escena Contemporánea*, 15a ed. (Lima: Empresa Editora Amauta, 1988), and *Temas de Nuestra América*, 10a ed. (Lima: Empresa Editora Amauta, 1988), among others.
2. This is similar to Enrique Dussel’s “transmodern” approach. See his “World System and Transmodernity” in *Nepantla: Views From the South* 52 (2002): 221–44.
3. On the eclectic character of the *Seven Essays*, see David Sobrevilla, *El marxismo de Mariátegui y su aplicación a los 7 ensayos* (Lima: Universidad de Lima/Fondo de Desarrollo Editorial, 2005).
4. See in particular Nelson Manrique, *La Piel y La Pluma: Escritos sobre literatura, etnicidad y racismo* (Lima: SUR Casa de Estudios del Socialismo, 1999); and Renzo Llorente, “The Amauta’s

- Ambivalence: Mariátegui on Race," in *Forging People*, ed. Jorge J. E. Gracia (Notre Dame: University of Notre Dame Press, 2011).
5. See W. E. B. DuBois, "The Conservation of Races" and "Of Our Spiritual Strivings," in *W. E. B. Du Bois. A Reader*, ed. David Levering Lewis (New York: Holt Paperbacks, 1995); Frantz Fanon, *Black Skin, White Masks*, trans. Richard Philcox (New York: Grove Press, 2008), chapters 4 and 5; and Linda Martín Alcoff, *Visible Identities: Race, Gender, and the Self* (New York: Oxford University Press, 2006), chapter 4.
 6. For this critique see Jorge Coronado, *Andes Imagined* (Pittsburgh: Pittsburgh University Press, 2009).
 7. The two seminal texts that guide my discussion of Mariátegui's indigenismo are Antonio Cornejo Polar, "Indigenismo and Heterogeneous Literatures: Their Double Sociocultural Statue," *The Latin American Cultural Studies Reader*, ed. Ana del Sarto, Alicia Ríos, and Abril Trigo (Durham and London: Duke University Press, 2004), and Fernanda Beigel, "Mariátegui y las Antinomias del Indigenismo," *Utopía y Praxis Latinoamericana* 6, no. 13 (2001): 36–57.
 8. See, for example, Luis Veres, "El problema de la identidad nacional en la obra de José Carlos Mariátegui," *Amnis* [En ligne], 2 | 2002, mis en ligne le 30 juin 2002, consulté le 23 mai 2019. Available at <http://journals.openedition.org/amnis/172>; DOI: 10.4000/amnis.172.
 9. José Carlos Mariátegui, *Siete Ensayos de Interpretación de la Realidad Peruana* (Lima: Orbis Ventures, 2005), 332.
 10. Ibid.
 11. For a discussion of representation in Mariátegui's "indigenismo" see Omar Rivera, "Hermenéutica, representatividad y espacio en filosofías de la liberación social: una perspectiva latinoamericana," in *Sujeto, decolonización, transmodernidad: Debates filosóficos latinoamericanos*, ed. Mabel Moraña (Madrid: Iberoamericana, 2018).
 12. See Fanon, *Black Skin White Masks*, chapter 4.
 13. For a discussion of embodied temporalizations in this sense, see Omar Rivera, "Reading Alejandro Vallega Toward a Decolonial Aesthetics," *Comparative and Continental Philosophy* 9, no. 2 (2017): 162–73.
 14. See Aníbal Quijano, "Coloniality of Power, Eurocentrism, and Latin America," in *Coloniality at Large: Latin America and the Postcolonial Debate*, ed. Mabel Moraña, Enrique Dussel, and Carlos A. Jauregui (Durham: Duke University Press, 2008).
 15. I am referring here to Vallega's discussion of anachronic temporalities in Alejandro A. Vallega, *Latin American Philosophy from Identity to Radical Exteriority* (Bloomington: Indiana University Press, 2014).
 16. The main text on Mariátegui's relation to surrealism is, in my view, Fernanda Beigel, *El Itinerario y la Brújula. El vanguardismo estético-político de José Carlos Mariátegui* (Buenos Aires: Editorial Biblos, 2003). See also Omar Rivera, "Mariátegui's Avant-Garde and Surrealism as Discipline," *Symposium* 18, no. 1 (2014): 102–12.
 17. Pablo Oyarzún, "Memory, Moment, and Tears: A Speculative Approach to the Problem of Latin American Singularities," in *The New Centennial Review* 7, no. 3 (2007): 17.
 18. Ibid.
 19. Mariátegui, *Siete Ensayos*, 330.
 20. See José Uriel García, *El nuevo indio: Prólogo de Mario Vargas Llosa* (Lima: Fondo Editorial de la Universidad Inca Garcilaso de la Vega, 2015).
 21. Mariátegui, *Siete Ensayos*, 333.
 22. Ibid.
 23. Ibid.
 24. See Luis E. Valcárcel, *Tempestad en los Andes* (Lima: Editora Universitaria Latina S.A.C., 2006).
 25. "Heterodoxia de la Tradición," in *Invitación a la Vida Heroica. José Carlos Mariátegui. Textos Esenciales*, ed. Alberto Flores Galindo and Ricardo Portocarrero Grados (Lima: Fondo Editorial del Congreso del Perú, 2005), 408; italics mine.

26. Ibid., 408.
27. José Carlos Mariátegui, *Defensa del Marxismo*, 14a ed. (Lima: Empresa Editora Amauta, 1988), 59.
28. Mariátegui, *Siete Ensayos*, 320.
29. Ibid., 324.
30. Ibid.
31. Ibid.
32. Ibid.

América Tropical, *On the Force of Latino/a/x Thought*

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"AMÉRICA TROPICAL"

In 1932 the Mexican muralist David Alfaro Siqueiros painted an 80-foot mural in Los Angeles titled "América Tropical: Oprimida y Destruída por el Imperialismo." It would be his only one in the United States. After much controversy, officials of the city of Los Angeles had it whitewashed. Only with the rise of the Chicano mural movement in the 1960s did the mural again become an issue, and in 1988 the Getty Foundation begun working on its recovery. The original colors were never recovered; there were no color images of the original. What was so incendiary about Siqueiros's image? The mural depicted an indigenous Mexican crucified on a double cross beneath the American eagle, while two men with rifles aimed at the eagle from a nearby building. In his rendition of the Americas under North American capitalism one did not find Carmen Miranda with her fruit hat or "Ricky Ricardo" (Desi Arnaz) with his "babalooooo" and calling cheerfully, "Lucy! I am home!"¹ Instead, it was the harsh reality of Latino/Latina experience in North America and the analogous exploitation of peoples of color throughout the Americas that Siqueiros depicted with a crucifixion; the crucifixion an image that echoed the words of Guaman Poma de Ayala, when in 1600, in his *Chronicle*, he reminded the king of Spain that the colonizers had made a new sacrificed Christ out of the peoples of the Americas.² If one remains with the Latino/a/x experience and in light of that history of coloniality, without denying or diminishing the violence suffered under it, one sees in the affirmative creative sense that there is a present and potential shaping force underlying its life, lineages, histories, and thought. In this sense Siqueiro's image becomes a portal, a passage towards a new understanding of Latino/a/x presence in North America and, as a result, new paths open for understanding philosophy in light of the Latino/a/x articulate ways of being. In the following pages I begin to open this space as a path towards Latino/a/x philosophies that may be engaged as an elemental force for thinking philosophically our lives today.

Given the rise of Latino/a/x populations in the United States, their vote and economic presence have begun to raise questions about how to understand them and how to make their energy, creativity, and potential work for

North America. No longer is the issue that of recognizing a minority; the aim is to take advantage of and incorporate a new social, economic, political, and cultural force now unavoidably an element of the North American future. To this point, the traditional “orientalizing” of the Latino/a/x will not do, since it is clear that stereotypes, while providing a comfortable rubric for white America for the allocation of the non-white Americans, do not express the latter’s thought, visions, and aspirations. In short, a whole world—ways of being and of giving articulation to life—underlie the Latino/a/x experience, and it is this level of existence that would have to be engaged in order to begin to engage Latino/a/x minds and ways of life into a North American social political project. The ontological and existential level of engagement with the Latino/a/x experiences requires much more than the questioning and representation of a single ethnic or racial identity (the general and homogeneous image of the Latino/a/x held in the general North American imaginary). Moreover, a serious and substantial engagement would mean a transformation in North American consciousness. To say it in another, more direct manner, the issue is not for Latino/a/x lives and thought to become another tradition among North American traditions. It is not about getting a place at the table because the force of Latino/a/x existence lies elsewhere, in other modalities of being, other ways of being in the world and making sense of existing. We bring unthought and unimagined ways that will require the reinvention of the spaces and epistemic frames traditionally used to think and engage the world. This is why Gloria Anzaldúa, María Lugones, Chela Sandoval, and Linda Martín Alcoff, each in their own register and way, expose us to possibilities often unimaginable for the previous North American academy and intellectual tradition.

In my discussion I want to emphasize as well as dismantle the traditional racial determination of Latino/a/x identities in order to engage the possibilities for philosophical thought that underlie Latino/a/x lineages, histories, and experiences. This should also be sought at the level of intersectionality (race, gender, and labor form a tripartite system of oppression and exclusion, and only in dealing with the three may something like a liberatory or decolonial turn occur). However, for reasons of space, here I will keep mainly to race. I show in the following pages that given the distinctness and diversity of lineages, histories, memorials, and affective experiences that underlie Latino/a/x consciousness, thinking with it is not merely a matter of including another group into the already operative epistemic space, values, and logics that orient and frame contemporary North American and Westernizing philosophies. Ultimately, Latino/a/x distinctness figures diversifying possibilities which bear the opening to the transformation in the epistemic delimitations that orient the traditional homogeneous understanding of the disposition and kind of knowledge today seen as philosophy. In other words, to engage Latino/a/x thought would mean to begin thinking philosophy by rethinking it out of those concrete and distinct experiences that underlie the all too general and often obscuring term “Latino/a/x,” and even “latinx.” In what follows I focus on three fundamental issues: the displacement of the traditional racial term “Latino”; the exposure of the coloniality of power and knowledge that sustains the racial framing of Latino/a/x experience and

thought; and the possibility for rethinking philosophy that opens in light of the Latino/a/x influx of living thought beyond this system of oppression, exploitation, and exclusion.

LATINO/A/X DISTINCTNESS

Following a great part of the North American imaginary, the term Latino/a/x inscribes many peoples, histories, lineages, and ways of being under a single image. Latinos/as/xs are thought to come from “south of the border,” and with this pseudo geographical allocation appears the general image of a non-white, mixed-blood, Spanish-speaking person who has immigrated to the United States from South America, Central America, or Mexico. With this categorization Latinos/as/xs join the racial binary logic W. E. B. Du Bois captures with precision and foresight when he speaks in *The Souls of Black Folk* (1903) of “the color line,” i.e., the racism that separates white from colored races³ and which organizes the question of race throughout the modern world with its various forms of colonialism. Two other issues become salient here: As Edward Said shows in *Orientalism*, the races under the white gaze are subject to allocation through the masters’ imaginary.⁴ Thus, the Latino/a/x becomes the exotic, tropical, sexualized fruit, the illiterate manual labor, the warm-hearted ignorant child like “simpatico,” or the criminal problem: three images clearly portrayed throughout the Hollywood industry, thus throughout the world. The racist binary may be further engaged when one considers Frantz Fanon’s sharp psychiatric diagnosis of modernity. As the thinker from Martinique points out in *Black Skin White Masks*, the race division exposes a shared existential neurosis of the colonizer and the colonized, which takes place both at the psychological as well as at an epidermic level.⁵ In these terms the Latino/a/x only sees their future in becoming white, Anglo Saxon-like in mind and image, and the white believes themselves to be in charge, superior to colored people, and bearing the only possible destiny of humanity on their shoulders.

These analyses clearly situate Latino/a/x existence within a racist frame that expands throughout modernity in its westernizing form.⁶ But taking the image of a single binary division for understanding Latino/a/x reality obscures its even more complicated character. This becomes evident when one considers this experience in light of its Latin American lineages. As the Mexican philosopher Leopoldo Zea points out in “Negritude and Indigenism,” following such earlier claims as those of Azara in 1781,⁷ the issue of race in Latin America concerns not a distinct color line but mestizaje, a broad range of encounters, a palimpsest of racial differentiations and configurations.⁸ This term refers to a mixing that already begins in the sixteenth century, as documented by the chronicles of the period. Along with the destruction of the indigenous cultures Spanish rule, with its intention to include rather than exterminate, resulted in the mixture behind mestizaje. From this history appeared in Latin America mestizos, mulatos, criollos, castizos, cholos, and Zambos, to recall but a few names among the many inflections of the diversified and diversifying development of the Americas’ population.⁹ This clear lack of white and indigenous purity leads Jose Martí to say that there are no races in America.¹⁰ But the diversity of mestizaje does not exclude the recognition of distinct histories and lineages.

If Du Bois's clear-cut color line seems insufficient, it is because underlying it runs a radical diversifying reality with respect to lives, traditions, and ways of being.

Underlining the many "mestizo" configurations, the distinct formations of peoples and lives in the Americas does not only make impossible the reduction to a single type and sense of existence of the peoples that today begin to appear as a force in North America under the single name "Latino/a/x." More importantly, in that diversity one finds a profoundly rich background in light of which Latino/a/x thought and consciousness may be grounded. The register is not racial but concretely ontological: the issue is that of the distinct ways of being and determinations of identities one finds behind the Latino/a/x consciousness as indicated through the distinct diversification of lineages. In order to begin to engage this distinctness one may look into the roots of the racist prevalent system of power, and at its implications for our understanding of what counts for knowledge and philosophical thought. In this way a limited horizon becomes evident with respect to the epistemic projection that delimits the very possibility of engaging Latino/a/x experiences, identities, and thought.

LATINO/A/X DISTINCTNESS UNDER THE COLONIALITY OF POWER AND KNOWLEDGE

To speak of Latino/a/x experiences in their distinct articulate configurations of senses of being means to open a way towards many springs for the development and rethinking of philosophy today. This becomes evident when one considers the place of Latino/a/x philosophy in the very history of modern Western thought. This may seem an anachronistic claim, inasmuch as Latino/a/x philosophy seems something new. However, the relevance and place of Latino/a/x experience and thought in modernity becomes evident when one considers genealogically the lineages behind it.

Peruvian sociologist Aníbal Quijano makes evident in his work that modern Western thought centered around the *ego cogito* arises as the result of the long history of colonization of the Americas and the transatlantic trade, the development of a system of power and knowledge that is perpetuated to date and underlies capitalism, imperialism, colonialism, and today's globalizing free market economy. In his essay "Coloniality of Power, Eurocentrism, and Social Classification," Quijano exposes the origins of this system of oppression, exploitation, and exclusion, calling it the *coloniality of power and knowledge*.¹¹ This system's two basic poles are the development for the first time in world history of a single means of economic exchange and the control of production for the sake of the accumulation of wealth (the development of Capitalism) extending throughout the world, and the creation of a racial difference that accompanies the first.¹² The notion of a natural race difference between white European and the colored races sustains the economic calculative project of progress. This difference situates the white Europeans as naturally above the other races, while the other races become the natural brute labor to be put to use and exploited by the white Europeans and their "educated" descendants. This racial difference repeats the inequality wrought by force (not

reason) between conquerors and conquered, but this time in terms of the relationship between the *ego cogito* or the rational subject, and its other, the barbaric, the native, the uncivilized darker races.¹³ This binary racial division spread throughout the world and created a new human division, exemplified in the case of the Americas in the separation between peoples of color, those who are descendants of Europeans, and the Europeans themselves. This hierarchy is established through years of a systematic practice in which a differentiation is made by a series of allocations: each type/group/race is physically given a separate place in the city; their difference is also established by work functions and their wage assignments (or lack thereof, i.e., servant, slave, etc.). These differentiations result in a social placement, and in turn, the social placements and types of work produce an epistemic hierarchy. Depending on the required education, fitting type of work, and social standing, a certain natural potential and level of mental development and intelligence come to be assigned. As a result, peoples of African descent and indigenous descent, and many others, become the other of reason and of the project of white and mestizo modernity in Latin America. This appropriative and destructive configuration of "the other" is crucial to the configuration of Western identity in its European and later North American forms of domination. Given the new separation, the European mind may now distinguish itself from its "other," an "other" that has never been in a dialectic relation of power with the West or westernizing thought. Having constructed the other of Western rationalism, Europe and later North America and those who identify with them may recognize themselves by contrast: they see themselves as origin and inheritors of reason, and as angels of the project of freedom, equality, and justice that accompanies their version of the enlightenment which is a matter of calculative instrumental rationalism wedded to infinite capital production.

This brief genealogy exposes the foundation of the color line, and particularly, given its origins, this narrative touches the heart of the Latin American and Latino/a/x mind in North America. It is this racialized consciousness and degradation that is shared by Latin American and Latino/a/x thinkers in their quests for liberation. In the case of the latter, Mexicans, Puerto Ricans, Central Americans, and those Spanish-speaking peoples from other parts of the Americas or of such descent in North America take the place of the lower race with respect to the white Anglo Saxon and westernized ways of interpreting the world that still constitute the social, political, economic, and cultural centers of power.

Two other basic elements of this system are central to the understanding of philosophy and to the exclusion of Latino/a/x thought from the halls of the academy. Because the white European and later North American westernizing mind is thought of as the most advanced, its present state marks the apogee of human existence. At the same time, and as a result of the same ego-centrism, the only future for humanity may be found in the further development of its power and knowledge. This sets up a specific timeline, a historical unilinear way of looking at existence, in which present Western or westernizing rationalism determines the present and plays out the future, while all other cultures and

ways of being appear as parts of a past, or as backwards ways of understanding, at best with the potential to adapt to the single westernized vision of present and future (hence, in spite of the catastrophic economic situation in Europe and North America one still thinks of westernized countries as first-world nations, while relegating all others to being “emerging nations”).¹⁴ One sees the way this timeline operates explicitly among philosophy and the social sciences when one considers the set of binary terms that expose the timeline’s epistemically exclusionary character, as they determine the way objective/scientific knowledge looks at the phenomena and potential knowledge through the difference between Eastern-Western, primitive-civilized, magic/mythic-scientific, irrational-rational, traditional-modern, and so on.¹⁵ With the development of the coloniality of power and knowledge appears a sense of temporality that creates a certain disposition and through it provides the limits and horizons for all human knowledge. The experience of existence is situated by a temporality determined by the project of calculative production and manipulation prevalent in westernizing rationalism and its version of reason and the enlightenment.

In making explicit the way the system of the coloniality of power and knowledge situates Latino/a/x identities and thought, it is clear that the interpretation of Latino/a/x thought and experience under this system may only lead to exclusion by inclusion. Either Latino/a/x thought seeks to become closest to white westernizing thinking, or it may be interpreted as a backwards way of thinking and being that has been surpassed. In the first case the histories, lineages, and ways of being and of configuring the sense of experience distinctive of Latino/a/x lives must be abandoned. In the latter case some aspects of Latino/a/x thought and experience that fit the westernizing patterns may be kept, but only as secondary elements, adornments, and primitive insights that do not affect true knowledge and the furthering of human progress. In remaining with this epistemic framework nothing substantial may come from Latino/a/x existence and knowledge. The ways of being and articulate configurations of existence of Latino/a/x lives are denied agency and the possibility of any transformative originary impact.

THINKING WITH LATINO/A/X DISTINCTNESS: INVISIBLE MODERNITIES

The narrow frame within which Latino/a/x thought and experience fall under the coloniality of power and knowledge may be undone, and Latino/a/x experiences reveal a rich and profound spring of possibilities for philosophy, when one takes seriously Quijano’s argument concerning the birth of modernity. In “Modernity, Identity, and Utopia in Latin America,”¹⁶ Quijano shows that just as in the case of the creation of the modern racial identities, modernity develops not only in Europe but also inseparably in Europe and the Americas.¹⁷ Undoubtedly with the Enlightenment one finds in Europe a shift from the religious to the secular.¹⁸ But the Peruvian sociologist adds:

If one considers the characteristic traits of the Enlightenment—the interest in the scientific investigations of the universe and the resulting

discoveries: the acceptance of the often radical intellectual risks implied in this behavior; the critique of existing social realities and the complete acceptance of the idea of change; the disposition to work reforms, against social prejudices, arbitrary power, despotism, and obscurantism—if these are the initial features of the movement of modernity, they are as documentable in colonial America as in Europe during the eighteenth century. . . . The intellectual and social movement of the Enlightenment . . . was produced and practiced simultaneously in Europe and America . . .¹⁹

In the Americas one preserves a difference within modern thought that becomes obscured whence calculative rationalism becomes fully equated with the Enlightenment. Together with calculative mathematical physics one finds the ideals of freedom, equality, and liberty, in the form of a humanist project. As Quijano explains, it is this humanism that is severed from the calculative operation of production of wealth in the name of progress in Latin America. And this separation makes explicit a possibility of a humanist modernity not yet taken up by westernizing rationalism and the project of capitalism. The humanism Quijano has in mind comes alive for him in the indigenous movements that shape anew the political horizon of the Americas, in a transformative encounter between indigenous and European, westernizing traditions. Furthermore, this encounter points to a fundamental and radical difference between the Latino/a/x experience and westernized thought.

In the same essay Quijano shows that, unlike westernized temporality, in Latin America temporality is not unilinear in its operation and development but simultaneous. What in westernizing thought appears as a past leftover, in Latin America occurs as various levels of practices which overlap to constitute realities, identities, and senses of being. This pyramidal experiencing of temporalities is lived concretely. Quijano offers the classic example of the overlapping of forms of exchange that together constitute one reality (bartering, serfdom, agriculture, industry, capitalism). In short: The temporality of Latin American experience unsettles the single history of progress established by the coloniality of power and knowledge. Furthermore, with the simultaneity of temporalities the ways of being and giving articulate configurations to existence thought meaningless return to become essential to the understanding of existence. No longer must philosophy follow the path of exclusion of the westernizing epistemic binary mentioned above.

Quijano’s analysis opens a wide path, perhaps unimaginable with respect to how existence, temporality, intersubjectivity, and cosmological thinking may be engaged in light of this simultaneous temporality at play in Latin American experience. For our purposes here, two points are crucial, and dramatically lead us back to Latino/a/x experience and thought, and do so by resituating the issue of their philosophies. First of all, from inside modernity, not as the other of westernizing rationalist capitalism, appear the excluded ways of being and thinking that remain to be engaged in order to take up

in full the question of modernity. From the excluded, the silenced, the humiliated minds and lives that constitute the underbelly of westernizing modernity arises a boundless flood of experiences, histories, lineages, and ways of giving determination to identities and of articulating ways of being. These remain to be thought, and those who carry these traditions in North America are the Latino/a/x peoples with their distinctive ways of being. They are the way to a philosophy that is coming, if philosophy will turn to its ownmost activity of giving critical articulation to life from life. Secondly, if this is the case, Latino/a/x philosophy poses a radical challenge to how one thinks philosophical thought and how one engages in it: that is, since the lineages and traditions that become central to this originary and radical modernity will not be found by only reading traditional texts, but in the literature, chronicles, and oral traditions of the Latino/a/x past, as well as in the way their lives in their practices, and projective imagination begin to configure other horizons and hence other possibilities for thought.²⁰

To return, in closing, to Siqueiro's mural. In light of our discussion, the figure of the Latino/a/x in North America appears not only as the site of oppression and suffering, but as a reminder and exhortation to engage a past and present that, along with that history of violence, brings forth what has remained for so long the blind spot of westernizing rationalist modernity, that is, the thought and lives of the oppressed, the silenced, excluded, and exploited: lives that bear unimaginable and fecund paths for philosophical thought, and for learning once again, the sense and depth of humanity and its originary expressions and spacings for freedom. Understood in this way, Siqueiro's image does not call for the inclusion of Latino/a/x thought into North America, but for the transformation of the spaces of knowledge in light of Latino/a/x experiences, our histories, and ways of being, a reality from which philosophical thought may occur anew today.

ENDNOTES

1. Ironically, "babaloo" is the father of the world in the Afro-Caribbean Lukumi, or Santería, tradition.
2. Felipe Guaman Poma de Ayala, *El Primer Nueva Corónica y Buen Gobierno*, trans. Jorge L. Urioste (Mexico, D.F.: Siglo Veintiuno, 2006).
3. W. E. B. Du Bois, *Writings: The Suppression of the African Slave-Trade / The Souls of Black Folk / Dusk and Dawn / Essays and Articles* (Library of America, 1987).
4. Edward Said, *Orientalism* (New York: Vintage Press, 1979).
5. "I believe that the fact of the juxtaposition of the white and black races has created a massive psycho-existential complex. I hope by analyzing it to destroy it." Frantz Fanon, *Black Skin White Masks* (New York: Grove Press, 2008), 12.
6. By "Westernizing," I intend the calculative rationalism wedded to capitalism and its timeline and model of progress that becomes identified with modernity.
7. In *Viaje de la América Meridional*, Félix de Azara writes, "Mixture improves the races and I think that these *mestici* have more ingenuity, sagacity and culture than the children of Spanish mothers and fathers." In Miguel Rojas Mix, *Los Cien Nombres de América* (Barcelona: Lumen, 1991), 302.
8. Leopoldo Zea, "Negritud e Indigenismo," *La Filosofía como Compromiso de Liberación* (Venezuela: Biblioteca Ayacucho, 1991), 304-305.

9. On African migrations' impact in Latin America: Dina V. Picotti, *La Presencia Africana en Nuestra Identidad* (Buenos Aires: Ediciones del Sol, 1998).
10. José Martí, "Our America," *Latin American Philosophy for the 21st Century*, ed. Jorge Gracia and Elizabeth Millán-Zaibert (New York: Prometheus Books, 2004), 251.
11. Aníbal Quijano "Coloniality of Power, Eurocentrism, and Social Classification," *Coloniality at Large: Latin America and the Postcolonial Debate*, ed. Mabel Moraña, Enrique Dussel, and Carlos A. Jáuregui (London: Duke University Press, 2008), 181.
12. *Ibid.*, 182.
13. "... a supposedly different biological structure that placed some in a natural situation of inferiority to the others." *Ibid.*, 182.
14. *Ibid.*, 190.
15. *Ibid.*
16. Aníbal Quijano, "Modernity, Identity and Utopia in Latin America," *Boundary 20*, no. 3 (1993).
17. *Ibid.*, 201-16.
18. *Ibid.*, 141.
19. *Ibid.*, 142-43.
20. As José Martí states, "Our Greece must take priority over the Greece which is not ours." Martí, "Our America," 248.

The Marxism of José Revueltas: A Struggle Against Orthodoxy

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"Bitter is the encounter with evil, with its people, with its space.

Evidently one was born for something else,

Something out of time and out of sense.

One would have wanted to love, sob, dance,

In another time and another planet

(even if it had been the same one).

But everything is forbidden, the sky, the earth.

They do not want us to be inhabitants.

We are suspected of being intruders in this planet.

They persecute us for it;

For going, for loving, for moving without being told to and without chains.

They want to capture our voices,

To leave nothing left of our hands,

Of our kisses, or anything that our bodies love.

It is forbidden to be seen.

They persecute all joy.

They are dead and they kill us.

We are killed by the dead.

This is why we will live."

—José Revueltas, October 4, 1968

This poem was written just two days after the student massacres of 1968, after the Mexican government ordered to suppress a peaceful demonstration in the *Plaza de las Tres Culturas* in Tlatelolco (Mexico City). Five thousand soldiers and 200 tankettes surrounded the plaza and opened fire against a gathered crowd killing hundreds of students and civilians, and incarcerating 1,000 others.

As in Paris, and Prague in former Czechoslovakia, and the United States, there was a big social movement in Mexico during 1968. If one observes only its immediate causes, one could say that it grew out of something quite unpolitical, a brawl between students from the National Polytechnic Institute and students from a private school; though it quickly became radically political. But in a larger sense, the 1968 movement was the result of the accumulation of social unrest over the past decades, having to do with the government's repressive policies against labor unions, such as the repression against the rail workers and teachers (both in 1958).

The events leading up to the massacre in the *Plaza de las Tres Culturas* were part of the student movement, in which members of the whole university community took part. José Revueltas was one of the main intellectual figures associated with this event.

LIFE AND CONTEXT

José Revueltas was born in 1914 in Durango, Mexico, which is a state in the northern part of the country. It is not a border state, but lies just beneath Sonora, Chihuahua, and Coahuila, which share the largest portion of the border with the United States. He was born in a middle-class family of prominent artists: Silvestre Revueltas, his eldest brother, was a famous classical music composer; Fermín Revueltas was a painter, part of one of Mexico's avant-garde movements, Stridentism; and Rosaura Revueltas, his sister, was an actress, who had a role in Herbert Biberman's 1954 film "The Salt of the Earth."

The Revueltas family moved to Mexico City in 1920, where José Revueltas started going to a private school, *El colegio alemán*. After his father's death, he transferred to a public school. And then by 1925 he quit school and for the next four years taught himself at the National Library.

José Revueltas, his family, and his social and political environment are constituted greatly by the post-revolutionary context in Mexico. The alleged "Revolutionary Party" was in power, and would be for over seventy years, and though it upheld the pretention of being a *revolutionary* party, it had rather nationalist tendencies. The Revueltas family was very left wing in its political views, which was

not a rare thing at the time. But José was a radical, in the best possible way. He was a radical critic, not only of capitalism but also a radical critic of dogmatism and of the bureaucratic and totalitarian deformation of socialism.

He is better known for his extended literary production. He has several novels and short stories, and even cinematic scripts. His literary work is of late appreciation, but there is a growing agreement among scholars today that he is on par with Juan Rulfo as one of the greatest Mexican novelists.

He is also known for his political activism, which lasted throughout his whole life. He was first incarcerated at the age of fifteen for attending a rally at the Zócalo. That incarceration lasted six months. A few years later, in 1932, he was incarcerated again and was sent to a maximum-security prison at the Islas Marías, where he spent three months (It was after this experience that he wrote his first published novel, *Los muros de agua* [Water Walls], and then again in 1934 for organizing a strike of peasant workers in Nuevo Leon, another northern state. Finally, he was incarcerated in 1968 for his participation in the student movement; this time he was sent to "El palacio de Lecumberri," a prison in downtown Mexico City.

His theoretical and political production has had less attention, although recently there has been a renewed interest in exploring this area of his thought. He was a self-taught Marxist philosopher, and an extremely original one at that. The fact that his political thought has survived throughout decades but has not been prone to study has to do with the fact that he was permanently critical not just of capitalism and state policy, but of the communist party politics as well, which made him, and his theoretical production, a bit of an outcast. He was expelled from the Communist Party in Mexico, but made the effort to be reaccepted. His expulsion was related to the publication of a novel which deviated aesthetically from the accepted "socialist realism." One of the main characteristics of this artistic movement was the idea that the purpose of art was to promote socialist ideas, and that the party, and the proletariat, had to be portrayed, always, as highly positive characters or forces in society. Nonetheless, in his 1949 novel *Los días terrenales* (*The Earthly Days*), Revueltas explores the hypocritical contradiction in the morals of some party policies and militants who were willing to instrumentalize the life of even their own family, in order to fulfill their "historical duty." As an example of this, there is a pathetic scene where a militant of a socialist party is writing a report of a meeting while his baby daughter is dying in the next room. He decides not only not to do anything about it, but to prevent his female comrade and the mother of his child to do anything about it, because, to his eyes, that life is worth nothing compared to the historical mission of the proletariat. Evidently, party leadership did not take Revueltas's novel well and expelled him from the party, arguing that he showed existentialist and anti-Marxist deviations in his aesthetics.¹

The use of literature to explore some of his existential questions is well known. In one of his later novels, *Los errores* (*The Mistakes*), he deeply criticizes Soviet purges

and persecution of heterodoxy and dissent, and comes up with a very subtle term to name a condition or an emotion only known to those who have militated in an orthodox political organization: "party anguish." This sensation has to do with the anguish generated by the fear towards one's own party and its potential repression over one's own actions. Revueltas explores how different people react towards this condition, and how it is sometimes related to massive delations, ostracism, rebellion, and resistance, and inserts one of the main themes throughout Revueltas's thought: the struggle for autonomous consciousness.

In 1960, he renounced the party altogether, due to differences with the leadership, and founded an organization called the "Liga Leninista Espartaco" (E Spartacus-Leninist League). Towards 1963, he was expelled from this organization for being *too critical*. The members of the league argued that Revueltas's public opinions about the discrepancies between Marxist-Leninist parties around the world contravened the organization's interests. They thought that a member of a political organization did not have the individual right to think publicly regarding political issues.

Reflecting over public opinion regarding his own person, Revueltas said:

They have me for a heterodox Marxist, but in reality, they do not understand what I am: a product of Mexico, a monstrous country which we could symbolically represent as a being with the simultaneous shape of a horse, an eagle, a snake. Everything is contradiction amongst us.²

The fact remains that his thought is difficult to categorize because it changes through time and never settles with accepted forms. But this is difficult to grasp.

Often, from an external point of view, that is to say a point of view which is not formed or informed on Marx's take on society, one would think that Marxism is something quite homogenous. Therefore, there would be such a thing as a single theory or a unified body of theoretical theses common to all Marxian thought. But that is simply not true. There are multiple theories, sometimes even hostile amongst each other, which strangely fit the mega-general description of "Marxist theory": such is the case of Althusser and Luckács, or Sartre and Plejanov, or Mariátegui and Che Guevara, or Mao and the Soviets, or Luxemburg and Lenin. There is no such thing as "Marxism," in singular. Instead, we could speak, as it has been done, of a thousand Marxisms. Even so, it would be not very serious not to acknowledge the fact that there was the ideological and political pretension to homogenize and hegemonize Marxism as a single, unified theory. That pretension was held by the totalitarian and repressive Soviet State and its international organization, the Comintern.

One of the tasks of all philosophers who think that Marx's thought is still alive and profoundly relevant for our present day society is to criticize the official Soviet version of Marxism (and the official social-democratic version of Marxism), to denounce them as dogmatic doctrines rather

than critical deconstructive theories, and to show the possibilities of a Marxian thought not constrained by the ideological and political straitjacket of any orthodoxy.

Thus was the work of the best critical theory; that was the way Benjamin or Sartre approached Marxism. The intention of this text is to show, if only just a glimpse of it, in which sense José Revueltas did the same for Marxian thought in Mexico.

We must insist that José Revueltas is not an anomaly in this sense. There is not so much of a tradition of critical Marxism in Mexico, but there is a constellation of relevant critical Marxism produced in Mexico, which converges around the Faculty of Philosophy and Literature at the National Autonomous University of Mexico (UNAM). The constellation is formed by several philosophers such as Adolfo Sánchez Vázquez and Bolívar Echeverría, both critics of official versions of Marxism.

There is one last thing I would like to mention regarding Revueltas's life. There were two major political processes which marked breaking points in José Revueltas's thought. I've already mentioned the second one, the 1968 student movement, in which Revueltas took an active part and from which he developed the notion of "autogestion" to which I will come back later. But there was another one before that: the struggle of the railroad workers during 1958 and 1959. This was ten years before the 1968 movement. José Revueltas reflected profoundly on its outcome, and it enabled him to break away theoretically from the party, through the publication of a political work entitled "Ensayo de un proletariado sin cabeza" ("Essay of a Headless Proletariat") in 1962.

Through a superficial reading of this text, Revueltas may come off as an über-Leninist, criticizing all communist or socialist parties in Mexico for adhering to true Leninism, which is partly right. But there are, as well, different sorts of Leninisms. This has to do with the Stalin regime. After Lenin's death in 1924, Stalin took control over the party and the Soviet State. During this period, the name of the orthodox Marxist doctrine conducting the Third International Workers Association changed to "Marxist-Leninist." So there was a time during which if someone stated that he was a Marxist-Leninist, he meant that he adhered to the Third International, and probably militated in a "communist" party, and was in favor of Stalin's national and international policies. So, in some circles, stating that someone is a Leninist might imply that someone is in fact a Stalinist—which is not Revueltas's case.

During the Stalin era, Marxism was adopted as a positive scientific doctrine, which revealed alleged eternal positive truths. During this period, there were some parts of Marx's theoretical production that were not seen with good eyes and were not published by the Stalinist International press. In Mexico, this press was called "Editorial Progreso" ("Progress Press") and it published the standard canon for Marxist-Leninist thought. A text which was not published as part of the canon in this press was the "Economic and Philosophic Manuscripts of 1844," discovered in 1932. There, Marx writes prominently about alienated work.

Through the “Essay of a Headless Proletariat,” Revueltas tries to fuse together Lenin’s party theory to Marx’s theory of alienation contained in the “Economic and Philosophic Manuscripts.” He is, to my knowledge, one of the few Marxian theorists to have done so. This opens the arena of the philosophical problem engaged by Revueltas’s take on Marxism.

MARX’S THEORY OF ALIENATION

To understand Revueltas’s contribution to a theory regarding the philosophical problem of organization, one must have a basic comprehension of Marx’s theory of alienation. As I have said before, the *Economic and Philosophic Manuscripts* deal with this issue explicitly, though some specialists would argue that all of Marx’s theory has to do with this problem. Throughout this paper, I subscribe to this position, in contradiction to positions like those sustained by Althusser, which hold that Marx’s later work got rid of his early philosophical influences. To my eyes, Marx’s greatest work, *Capital*, is a book regarding alienation. The problem regarding alienation may be synthesized this way: relations of production developed in the capitalist society alienate people. This means, in its stronger sense, that people are no longer the active producers of their social environment, but rather passive reproducers of a social form which is being subjectively designed elsewhere. In its root, the problem of alienation describes a loss of subjectivity on behalf of human beings. They are no longer the subjects of history, but rather its objects, and sociality is being modeled by a logic or rationality that is alien to all human purposes, which is the value rationality of capital. A new pseudo subjectivity is born, which is called capital, or, in other words, value which has the ability to valorize itself, to make itself bigger. In one of the most telling bits of *Capital*, Marx puts it like this:

[T]he circulation of capital, suddenly presents itself as an independent substance, endowed with a motion of its own, passing through a life-process of its own, in which money and commodities are mere forms which it assumes and casts off in turn. Nay, more: instead of simply representing the relations of commodities, it enters now, so to say, into private relations with itself.³

Capital starts behaving as the new social subject. It is in its name that decisions are being taken in all aspects of human life: from the simple things such as where do we work or what do we do for a living; what do we study (this applies in some cases, in other not some much; for instance, studying philosophy is quite an anti-capitalist gesture in itself); what commodities are produced and where; but also the complex macro-economic problems: international policies, immigration policies, economic policies, etc.

Lukács wrote a groundbreaking book in 1923 called *History and Class Consciousness*. There he explained the narrow relationship between his take of Marx’s theory of alienation and the problem of political organization. From his point of view, the problem regarding organization is not merely a technicality, but a true philosophical problem. And it is from this point of view that I want to approach Revueltas’s comment and critique towards Lenin’s work regarding organization.

Lenin’s party theory tries to respond to the problem of alienation in its most basic form. For him, alienation implies a political problem specific to the working classes. As the proletariat is subject to alienating working conditions, their consciousness is limited. On its own, the proletariat can only reach what he calls a “trade-unionist” consciousness, which means that the proletariat will not struggle on its own for the radical transformation of society, but will struggle for better conditions of exploitation, such as a better salary, a shorter workday, more civil rights, etc. This being the situation, Lenin designs a party theory which, to his eyes, shortcuts the alienation problem in its political consequences. Revolutionary consciousness will come to the proletariat from outside the working class; it will come from the most radical intellectual sectors of the bourgeoisie, which will struggle alongside the proletariat for the emancipation of society. This thesis, by the way, was shared with Karl Kautsky, leader of the German social-democrats. So the party is formed by a compact cell of intellectuals who decide the party’s actions and politics, and a broad specter of militants and sympathizers who must execute the leadership’s commands. So, in Lenin’s party theory, there is a clear monopolization of the subjective activities regarding party life and organization.⁴

Lenin’s party theory is pretty standard for his time—it had conspiratorial and revolutionary objectives—but in its general form it was not unlike Max Weber’s depiction of modern parties throughout modern democracies:

The following is common to all parties: a nucleus of people have in their hands the active leadership, that is to say the formulation of slogans and the choosing of candidates; a group of people is adhered to them which fulfill a much more passive role and finally the rest of the members of the political association just play a role of objects . . . choosing one of the candidates and programs that the party presents to them.⁵

Weber theorizes over the consequences of this kind of political organization in much the same way as Marx had done. The outcome is a reification and bureaucratization of politics, where the ends are substituted by the means. Weber calls this problem the “iron cage.”

REVUELTAS’S CRITIQUE OF PARTY POLITICS, AND THE CONSTRUCTION OF THE THEORY OF “AUTOGESTION”

[A]utogestion means that a determined *something*, is managed and directed by its own decision towards the point where it has set itself to arrive.⁶

The main thing to understand is that for José Revueltas, party organization is a philosophical problem which has to do, mainly, with a cognitive problem. For him a Marxist organization deals with the issue of organizing class consciousness. It answers the question, “How do alienated people radically change the world?” So, for Revueltas, the question regarding organization is not a mere technical question, but rather an epistemological problem. It was always so, but by 1968–1971 his version of a Marxist

organization developed into its final form, which greatly deviates from the Leninist perspective.

There are several theoretical texts written either during the 1968 movement or during his imprisonment at Palacio de Lecumberri that deal with this subject. In a text edited with the title "Notas sobre la organización" ("Notes on Organization"), Revueltas reflects on the notion that a party has to deal with two main issues: on the abstract and theoretical level, it has to deal with something he calls "cognitive democracy," and on a more practical and concrete level, the party needs to deal with the organization of consciousness.

On the concrete, practical level, a party must act as one; there must be a unity in its action. But on the abstract, theoretical level, a party must allow for the free concurrence of opinions and tendencies, whether they be different or even in conflict with one another. Revueltas imagines a party where theoretical discussions are held unrestrictedly and in absolute freedom with the participation of every member of the party, where there is no subject which is considered taboo. This way, the subjective moments of party life are not monopolized by a single instance or committee. When the theoretical issue is resolved, then praxis overcomes the abstract level in a unified political action.⁷

His conceptions regarding organization are a result of his participation in the 1968 Movement where he built the notion of "academic autogestion." During the student strike, the university was alive with political, cultural, and theoretical activities. Revueltas saw in that experience the deepest emancipatory potentialities. He thought that in that experience you could see the most radical expression of academic freedom. He saw a critical and dialogical exercise of student activism: all students and solidary teachers building knowledge subjectively and democratically.

What is academic autogestion? It is to proceed with academic courses inside and outside curricula with the help of solidary teachers and students. It is to debate, to question, to refute, on round tables, seminars, assemblies, the issues and ideas of our time and our society [. . .] We need to create the most diverse forms of democratic organization for action, for dialogue, for controversy, ample, constant, tireless: committees, councils, symposia, encounters, dialogues with writers and intellectuals of all tendencies.⁸

Revueltas understood academic autogestion as the interruption of a university practice which only ratifies the *status quo*. Academic autogestion is student action that takes on the critical practice of producing knowledge, goes beyond curricula, and makes the totality of political and social problems an object for reflection and consciousness.

What is autogestion? A University and a superior education which are free, active, open to every national or international problem and willing to take action with them and regarding them, through study and analysis that flow into militant political activity.⁹

Revueltas understood that the core problem with alienation is the split dichotomy between subject and object. When that happens, subjectivity tends to be reified. That happens both in party life where the subjective leadership is monopolized by a single group, and in processes of traditional education, where all subjectivity relies on the teacher, and passive objectivity on the student. Revueltas saw in the 1968 student movement a subversion of this relationship, a conquest of subjectivity by students, an exercise of free criticism and unrestricted plurality, and he used that experience to theorize party life and to subvert traditional party theory.

This posits a problem for traditional Marxist organizations. The perspective of self-organization, or "autogestion" has been a subject of discussion between left-wing currents for a long time. Historically, it has been associated with political anarchism. More and more recent critical political movements around the world have tested more horizontal ways of organization: this has to do with the fact that traditional Marxist-Leninist organizations have been proved dangerous, alienating, and false.

What I think is extremely worthy of Revueltas's thought is that his theoretical commitment was never towards an author or towards a doctrine, but rather towards social reality and towards social movements, and I think it is reality that should confront our ideas and conceptions, and not the other way around. The willingness to transform one's ideas and to reassess our own conceptions is the basis of critical thinking, and I think Revueltas is a good teacher for that.

ENDNOTES

1. Adolfo Sánchez Vázquez, "La estética terrenal de José Revueltas," in *IncurSIONES literarias* (México: UNAM / FFyL, 2009).
2. José Revueltas, *Cuestionamientos e intenciones, Obras completas 18* (México, Era, 1978), 26. Arturo Anguiano Orozco, *José Revueltas, un rebelde melancólico* (México, Pensamiento Crítico, 2017), 25.
3. Marx, *Capital*, Chapter V. <https://www.marxists.org/archive/marx/works/1867-c1/ch04.htm>. Consulted April 24, 2019.
4. There are two texts in which Lenin expounds his party theory: *What Is to Be Done?* and *One Step Forward, Two Steps Back*. See Lenin, *Obras escogidas en tres tomos* (Progreso, Moscú, 1955).
5. Max Weber, *Economía y sociedad* (México, FCE, 2005), 231.
6. Revueltas, "Consideraciones sobre la autogestión académica," in *México 68: Juventud y revolución* (Mexico City: Era, 2016), 110.
7. See Revueltas, "Notas sobre la organización," in *Escritos Políticos*, Tomo III (México, Era, 1984).
8. Revueltas, "Nuestra revolución de mayo en México," en *México 68*, 38-39.
9. Revueltas, "Llamamiento a la toma de la universidad," en *México 68*, 60.

Thinking about Exile: Community, Violence, and Law

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THRESHOLD

This is the era of the displaced and the refugee. In this era, it is urgent to reflect philosophically about displacement and exile as an existential situation, about the social stigma and the legal fragmentation of refugees as historical figures. In this text we approach exile from the point of view of philosophy.

Initially, we approach exile from a socio-political perspective whereby a person or group are forced to leave or remain outside of their country of origin due to well-established fears of being persecuted for reasons of race, religion, nationality, or public opinion. This exposes a relationship between violence and contemporary exile. It is enough to contemplate the world's horrors first seen in the Great War of 1914,¹ an event that marks the beginning of the most violent period (hostile, criminogenic, and mortal) in the history of human kind (approximately 160 million killed in the twentieth century as a result of war conflicts).² We see here the rise of instrumental rationality, applied over individuals and collectives, through very efficacious ways in order to manage fear, destruction, and the victims themselves.³

Considering such violence, the last six decades provide a testimony of the wide deterritorialization generated by the same interstated, intrastated, and subordinated wars, taking place for the sake of dictatorships, segregation, ethnic cleansing, genocide, civil wars, international interventions, coup d'états, military coups, and a rampant capitalism,⁴ all of which helps us outline the figure of the exile show up again in every latitude, for each historic paradigm of forced deterritorialization, and it helps settle the theoretical-affective closeness with another kinds phenomena. In this way, Castles and Miller state that "There are a few people, in industrial or developed countries, that have no personal experience about migration or its effects; this [is a] universal experience."⁵

The proximity between the phenomenon of forced deterritorialization and "resettlement" (*migratio*) promotes a tight linkage among contemporary mobilization studies, even though it is not necessarily that one phenomenon is reduced to the other, so that it is enough to witness this mobilization's frictions, rejections, links, and joints on urban spatiality, urged by exiles, expatriates, refugees, asylees, stateless, and travelers.⁶ About this, Edward Saïd says that "modern culture is in great measure an exile, emigrates and refugee's work [. . .] the difference between exiles from before and the ones of our time is (we can emphasize it) the scale: our time it is the refugee era, the one of the displaced one, of the massive immigration."⁷

What I seek here is to explore some structural factors about the exile phenomenon through "philosophical archaeology,"⁸ so long as this method tries to put in perspective the operational forces that survive between the crisis of exile and its consolidation in Western history. We seek to think about contemporary exiles and about extraterritorial exclusion, and, in this way, propose a conceptualization which will help to outline pertinent aspects of exile, in concerns of other current human extraterritoriality phenomena.

ONE AGAINST THE ONE: THE EXILE

The importance of being in community, to be with others in law and to live in common, will be understood in an negative way, by the exile, whom is left, by decree, "Without family, lawless and homeless."

The exile shows, in this way, the terrible, threatening idea that was cultivated by tradition with philosophical naturality: besides this property or community dominion, besides this cosmos, the scenario is harsh. The other, the senseless space, the far beyond (acosmia, káos) becomes an outside without destiny, without realization, without consecration, without work, without a place: "And he who cannot live in community, or who has no needs for its own sufficiency, is not a member of the city, it is a beast or a god."⁹ However, the Stagirite forgets the third possibility: that there's someone who cannot live in community, and is by imposition an exiled, someone who was and no longer is a member of the city.

As it was told, in front of the possibility of the dissolution of those who love war among their own (the exiled criminal), law should resist, strain, and totally submit the same undoable forces that threaten the order. This was understood by the Hellene with a great juridical clarity. This may have made exile's specialization and historical clarification to have specific gradations (filled with possible ethical, sociocultural, religious, or political causes), evident at the interdiction made by Plato as a theoretical legislator.

In *The Laws*, Plato observes the dangers of bloodshed inside the city-community, whereby what the philosopher does, about this, the widest crossovers between voluntary, involuntary, and "intermedial" homicides (by temper, thymos) performed by doctors, friends, from children to parents, from parents to children, between siblings, from master to slave, from slave to master, between slaves, from a freeman to foreigner and vice versa, between foreigners, between the citizens and the slaves.¹⁰

From this, Plato infers that the exile will work not only as a punishment (law's punitive execution), but also as a regulator of revenge and the contagious violence released by bloodshed within the city limits, which enables the Platonic justice (diké). In this regard, the evocations to purifications, the attendance to temples and ritual processes works as a device, not only for legal administration or at the free use of law forces, but, altogether, these evocations increase the punishment actions as a mediation with sociocultural representations being jeopardized.

Under this criteria, Plato determines that the use of the force starts when the crime's author ignores the containment "preludes" generated by the philosophical reason and the creator of law (reasonings coming from moderation, temperance, and bravery) and the reasoning (logón) (coming from rites and collective opinions) that affirm the fulfillment (revenge payment) which will be paid by the alleged murderer at the Hades.¹¹ In effect, Plato exposes this experience on the geometric mode, of which the Greek was the artificer: a metric techné of the force abuse and the correspondent punishment with excessive force of the law. Violence with violence is paid, even though inside the law this will have the qualitative trait of a revenge, not only legal but legit and impersonal, this that will be called justice (diké): is the city-one (with its institutions and juridical instruments) against the criminal.

This is the subject of energy and its equilibrium, of its virtue (areté) traveling from the epic's spirit and the Nemesis of the fifth century BCE tragedy.¹² For Plato, the city building and its maintenance inside virtue will depend on the relations of forces individual-community;¹³ but when this relation overflows, the rigor of the community force, turned into power, it is emphasized at the same time.

The Platonic speech submits, precisely, the law of exile to an obligation: "what is close to the greatest evil should have the greatest punishment";¹⁴ since there are other regulatory mechanisms for action, like those quoted by Plato: the view of social institutions, the victim's avenger or the fear (fobouménō) to Hades justice. The exile's punishment (phygén epibálein), with the criteria of *The Laws*, involves the search for narrowing and confining its author as a public enemy;¹⁵ all of this evidences i) the irreducibility of an irreversible criminal violence (a cause of death), ii) the corrosion and destructiveness of social links created over homicide (the community juridical derealization), iii) the possibility of becoming contagious (revenge: "deaths that should be purged through other deaths")¹⁶ as a correspondent violence, and iv) the arbitrariness (sociopolitical disequilibrium) that could be carried by a homicidal act.

Facing this homicidal violence—executed by that one who "loves war among their own"—Plato issues laws of exile that seek to isolate, to disarticulate, to set apart, and to turn the aggressor defenseless, making him part of a non-human, non-divine, non-animal dimension, but larval: behaviors and attributes of a being that is not alike or absolutely other, instead has been devalued by its own acts to a condition under which he could be killed.

It is possible to find, in this way, a compensatory relation between the act and the punishment. The community and the punished one appear before the application of the law through violence: the violence of that who dissolves the links, promotes and instills harm, in detriment of other or others' integrity; harm deliberately chosen and imparted by the agent, and that is undesired by that or those who suffer it;¹⁷ and here the force of the community law appears, which looks to fix the broken link by not only neutralizing the violence and its contagion but also the one

who created it. In this point, it is pertinent to go to Girard when he states that:

the damages that violence can trigger are so big, and the remedies are so random, that the importance falls over prevention. And the preventive field is fundamentally the religious field. The religious prevention can have a violent side. . . . The "clever" utilization of certain violence properties, specially its aptitude to move from one object to another one.¹⁸

To kill someone is not something that inside of the legal framework could match with revenge or compensation (as it was on Ancient Greek pre-law); even though the exile is not going to work as a punishment, neither in Plato nor in the Athenian law, solely on the juridical field, instead of that it works on the juridical geometry mixture, social sanction, and ritual process. This is legible in *The Laws*.

If Plato assumes the exile's intensities, this can't be reduced into a subjective gesture of the Athenian philosopher; instead, it will be an operative concept perceptible to Plato and that is beneath the Athenian society of the sixth and fifth BCE centuries. The latent force of the law, of which one should run and be afraid of (*fobéo*) works under a parameter where the coercion is legit and the applied violence is legal: and this follows the idea of the community virtues, considering this like a well-governed and well-educated city. Gernet is clear about it:

precisely in this family relationships order, [the curse] can be directed with a view to satisfaction and sanction, to the whole group. We have then have the background of a characteristic part of city's right, which guaranteed the respect of familiar moral with particular procedures in cases where an internal discipline was not enough; it happened, in example, when the homicide revenger was not showing up and, overall, in the case of "mistreats", about a certain relatives' category. The case makes us think about one of the Rome's "royal laws", many of them, at least, and it can be say without doubts, represent an authentic reminiscence of an old habit: in virtue of a ploratio of the father or the mother "mistreated" by the son, this was entrusted, under the sacer appellation, to the "relatives' gods" [Legis Regiae, IV, 1]. Disposition that is not much less juridical, since even the social sanction that goes with it has a religious nature. But, what does ploratio really mean? . . . the "consecration" of the guilty one equals to an out-of-law declaration. In order words: the ploratio fulfillment, magical act, can have an analogous effect to the one that will be accomplish after the juridical proceedings.¹⁹

It turns out, then, that the one without family, lawless and homeless stated by Nestor, sang by the Iliad poet, has been consolidated on the cursing writing of law. The testimony brought by the Platonic writing is relevant as a structural exile factor, compiled on *The Laws*: the city, the "all against one," is not fortuitous that the law about homicide and exile are right up next²⁰ to the exhibition made by the Old

Athenian to his interlocutor, Clinias, about the laws related to those who are disposed by the gods of the city (the wicked),²¹ to the traitors,²² and to all of those who damage the laws affecting the constituted order ("unfair facts, in general").²³

LAW SAYS IT SO: "KILL HIM WITH IMPUNITY"

If the Athenian constitution was based on the city-state organic idea,²⁴ this could give us a clue about the concentration of powers (juridical, political, and civil-religious), followed by minimum basis for individual rights; so the city, as a sociopolitical community, gets consolidated with almost unlimited and direct sovereignty, with the power to punish (juridical category, unsuspected until then).²⁵

So it seems a "natural" sequence what will be disposed by the Platonic law against the criminal, who was sentenced to exile "in the name of the whole city":

if someone with premeditation and injustice kills someone of his lineage by his own hand, he should first be set apart of the common activities so as not contaminate temples, the market, the seaport or any other public gathering, the same if there is or there is not someone to prohibit it: the law prohibits it, in effect, and it will be prohibiting it in the name of the whole city. . . . The guilty one will be punished with death and will not be buried in his victim's country, not only because of his ungodliness, but also because of his immodesty. If he runs away and refuses to be judged, the banishment will be perpetual (phygón). If one of this banishers (pheygéto) puts a step on the deceased's land, the first of their close ones who finds it, and even one of the citizens, kill him with impunity, or, tie him well and deliver him to the magistrates who judged him, to be killed. . . .²⁶

As it can be seen, the deterritorialization criteria as a sign of exile as punishment in all its intensity is just the beginning of the way the event will be happening. The force of the whole community's power, the name that signs this force, the name of the city, has in its act the power to transform everything that is related to it into law: it shapes power (violence as a damage in the form of law) and the individuals as citizens, but, besides that, it has the power to deform individuality by a force applied until the limit, not only the territorial limits but also the existential limits that makes the human being humane, as Aristotle says.

The exiled criminal carries the weight of the punishment that is tied to a process in which not only he is everyone's enemy, but anyone is also his enemy under "a simple and brutal principal":²⁷ he is the common enemy, a public and notorious wanted criminal.

Certainly, the juridical factor (the regime, power, and the force of the law) totally transformed the interpersonal and tribal notion as a wound to the city's commonwealth because it took care of—on the sociopolitical space qualification, that we recognized as polis, and the acts made on this space—attracting and involving the violent

events of individuals against individuals in a more abstract relationship.

The transformation, today we understand it, is a sophisticated sign: that one that goes from individual revenge to justice. To restore the community's functionality (broken by the unfair events) Greek thought introduced the law that fulfilled the promise which will be the direct threat to the aggressor who forgot to be afraid of the onto-juridical equation everybody-one. That is why a fellow citizen's ("brother," that of the same lineage, born from and in this political cosmos: a homeland, a phratría)²⁸ murder becomes a common problem and its shared solution becomes a civic duty: the city is the one cursing, banishing, pursuing, and executing; it is what exempts all juridical responsibility to whoever kills the pursued one, i.e., the exiled one.

EXILE

[a] person obligated to abandon or to stay out of his native country because of fears about being persecuted due to race, religion, nationality or public opinion; a person who considers his exile as temporary (even if it can last a long lifetime), with the hope of coming back to his homeland, whenever the circumstances allows it to, but it seems precluded or incapable as long as the factors that put him into the exile are still present.²⁹

In contrast to these considerations, we should specify that if the exiled was, before modernity, punished—in a direct and personal way—not only by ideological motifs but by juridical reasons, this was done because he was a disturber of the peace, as it can be seen since Homer and Plato.

It will be emphasized that in this horizon of comprehension of antiquity, communities are built by social networks, managed in a direct way and by direct representation, for which proximity and recognition were made by social bonds, formal and informal deals from some individuals to others. In this direction, Elnadi and Riffat say this about the exile:

On those remote times in which the community regulated in its minimum details the behavior of each one of its members, to exclude on of them was, practically a death sentence. Not only the group protection was denied, and he was left alone in front of the unknown, but also the link with his ancestors and the possibility of . . . building a home was forbidden. He had no more psychic support points to give him confidence. Lost for the community, was also lost for himself.³⁰

This geographic and demographic framework (space legal qualification and sociopolitical of the individuals) is "the-one" that Plato considers while thinking about the city-state, even though the exile will keep on operating also under similar circumstances within the Roman pre-law, early medieval law,³¹ and the Spanish pre-law.³² The exile is conceived, time after time, under this fundamental context in which the juridical history of the communities is looking to punish, by implementing a prevention mechanism about the violence spread and contagion, order alteration

or against any other fact that could endangered the community; all of this from the discursive relations created between the common order (philosophical-ontological), public crimes (juridical), the stigmatization (moral-religious), the rights (juridical) deprivation and persecution until death (existential threat).

With these measures it was possible to set a rational procedure structured for penal repression that goes from one side to the other. From there, to comprehend the community on its foundations implies, rigidly, to mark not only the horizontal and progressive line of a positive consciousness of itself that goes from the myth to the law, passing by the literary *paideia* to its consecration in philosophy and law.³³ The political community inherited by the West and reproduced in its fundamental characteristics time and time again along the centuries is forged also by the underlying violence and the exclusion principles which are made of violence,³⁴ that which changes its forms, gradates, and intensities, but that is latent, potentially active, to act against its own (those called by the community as "ours": *polités*, *civies*, neighbor, or citizen) in all the legitimacy and legality; since in all the variants created by the West, the community is not losing (on the contrary, it seems to intensify) its constituent potential of repression and exclusion.³⁵

Like this, beyond the known geographic relegation, the most evident factor of exile, the accusation of a crime (*publicum*) weighs in the penal infraction, which at the same time authorizes, by the civic law, so that any citizen could apply against the aggressor the persecution and impugn death: "should be subjected to process for whom will like to pursue him in the name of the deceased one."³⁶

The fearsome figure shows the metamorphosis: anyone can be a "hunter of exiles" (*phygadotherás*) as part of the right granted by the city; since the exiled is not a fellow-citizen (*phratér*) anymore, an equal and is now within the line of being in a barely defined zone (man-animal: larva) at being deprived of rights, security, and political recognition.

The "forced estrangement" of the enemy of the people has become the penal infraction of "all against one," that arithmetically corresponds—and not without some strangeness—to that who with his violently deliberate action has become into the "one against all."

This shows, certainly, the most evident characteristic and the most referred to in the history of the exilic condition: banishment. Because the exile is represented as banishment, our tradition deploys the concept to individual or a collective in movement, escaping, estranging away.³⁷ This has its profound significance.

THE CONCEPTUALIZATION OF EXILE

Insofar as the punishment that holds the exile becomes clearer, it is necessary to bring attention to deterritorialization as the most evident factor in exile, but not the only one. From here we are prepared to show the exile within the current context and to coordinate it with significations through time, with the purpose of giving an account of its meanings and the way they are interlaced between diverse eras and contexts.

Based on the information analyzed, what we have pointed out as exile arises in a determined historical moment and gets consolidated, at first as a term, then as the conceptual system of the community who signs and confirms the regulation of a moral, religious, philosophic, juridical, and political network.

In this way, we can conceptualize and suggest that exile means a set of criteria that shows regulated actions beginning with the juridical consolidation of the political community. Because this is a specialized mechanism, a group of discursive and operational instruments of territorial exclusion destined to revoke the individual's full use of his citizenship rights, belonging and recognizing the sociopolitical links of the community. The displacement activated expel the communal disturber and his violent actions, living him without protection or security, therefore, as criminal—an individual violent toward the community and violated by it—is at the will of whoever wishes to kill him without impunity.

The relationship settled by the Aristotelian definition of man as a living animal capable of a political existence and also capable of articulation places the possibility of the word itself to what is politically agreed, what is fair and what is not, what is good, and how to persevere in it.³⁸ This is confirmed by Aristotle: "this thing's community is what constitutes the home and the city."³⁹ The impediment to this common word places the exile—who has a voice (*phoné*) but not a word (*logos*)—in a zone, not only of political recognition, but also of existential indifference: for which the Platonic mandate of not interacting with the infected being due to the violence he triggered against the community gets stronger.

According to the above, exile as punishment is not only a forced displacement, a criminal neutralization, or community strangeness; as if this is not enough, the exile is asked to live the criminal "abandonment" "a bando"⁴⁰—abandoned, forlorn, by the humane ordering that inscribes and sorts the ways of living in a determined space.

We recall that the Greek polis not only created a space but also invented and founded the close relationship between political reality and ontological reality in order and measure. That is why the deterritorialization in which existence gets formalized ("family-less"), the elimination of rights proclaimed in a common speech ("law-less"), and the roofless state ("home-less," without protection) in which the exiled has been left in—"an out of" from the humane concurrence—will be the clear goal of the juridical mechanism. For this, forced exclusion was not only of the geometrical space—like the community neither was the individual's arithmetical addition; instead, exile consisted and consists in the complexness of space as a vital horizon.⁴¹ The exile depends on the juridical tensions that regulate, sanction, limit, indicate, and control the situation (the here and now) with an absolute, continuous, and supposedly universal pretension (held on the idea of juridical-political and ontological proximity equality) to talk about civilized relation to prescriptive spaces, the we and the inside, against external spaces, the outside in which the savage, barbarian, and uncontrollable ruled by legitimate space prevails.⁴²

In this way the punished one is the derealization of every right and every familiarity. Deprived of rights, from "his zone" (that is not "his" because it was neither created nor elected), the community keeps the exiled in an extraordinary tension, because for him the community has become something that threatens and pursues him, that hunts him: "whoever finds him can kill him without impunity."

The Greek comprehended that exile was not only fulfilled by geographical marginalization, but also by its very possibility: the power of the law, of what is "commanded by the community," to decree and triggered the force of the law converted into violence in the search of the disarticulation and even the unpunished elimination, given that the exiled has no identity, is no longer a citizen, and has been deprived of his appropriations (cultural, political, and religious) and his properties (economical and social).

The criminal (exiled not because of being the exiled and a paradigmatic figure stops being a criminal to the eyes of the law) is the alterity of this possible violence for which the community, the harmed sociopolitical body, has not a designated place; it means it has not and is not giving destiny, space, or time because the spaces generated by the community are within its legal frameworks, as are the city walls.

CONCLUSIONS

Exile is a punishment that transfigures life as "death-in-life." The exiled life carries the taste for violence of an entire people (he is the killer of a "brother" in the law or deaf to what the community commands). He who is exiled is intermedium and an unrelated being and is also the sociopolitical-juridical sign of a profound alteration that was able to distinguish and select the accurate factors to get a contradictory relationship: death in life, that which does not achieve the corporal punishment or the absolute and explicit suppression of the criminal existence.

With this it is possible to devise criteria that evidences destructive actions, regulated by a displacement, expulsion, and a declared unprotectedness, capable of putting the individuals that were once a community inside a grey and undetermined zone.

The severity of exile during Antiquity has at a time "positive," "beneficial," "necessary," and "insuperable" criteria for the community so conceived within the promise-threat dynamic under which the collective regulations work. But, in general, exile is still very much operative in modern nation-states, this because the definition of space, the delimitation of borderlines and legal systems, opens places and generates coexistence spaces (voluntary and forced), but, at the same time, closes these places, thereby relegating and abandoning entire sectors of the population in sociopolitical death zones. This is possible due to the consolidation of identity into "citizenship" in the process of democratization. With this consolidation it was possible to guarantee, in a positive way, the union of civic identity, rights of belonging and participation: "nationality." But, on the other hand, the nation-state promoted and kept the power to deny citizenship and challenge rights and entry to some individuals to the juridical-political space.⁴³

Nowadays, and beyond the geopolitical dimension, there is the city's topopolitical power, which concentrates itself, wealth, and other dynamics that flow through an intermittency of rights, obligations, punishments, juridical-political process, everyday reconfiguration of sociocultural alterations, control, security, violence to privacy and intimacy, defenselessness, etc.⁴⁴ And for this very reason it has been necessary to create new structures of power that restrain space, diversity, encounter, and conflict.⁴⁵

In this current panorama we talk about the reach and meaning of exile. Perhaps, if it has been possible to explain with any clarity the notion of territorial displacement as an alteration factor for individual dispositions, the analysis should yield figures who had committed no "crime" at all, but are submitted to punishment similar to exile.

Exile, not only as deterritorialization, but as a disqualification of life, can contribute analytic criteria to those individualities and collectives that exist in states of warfare, familyless, lawlessness, homelessness, as they are displaced migrants, refugees, indigents, vagabonds, street children, unemployed (job-less), all of whom are abandoned to a social, economic, juridical, and political homeless situation.

ENDNOTES

1. See Javier Rodrigo, *Una historia de la violencia. Historiografías del terror en la Europa del siglo XX* (México: Anthropos-UAM, 2017).
2. See Christian Gerlach, *Sociedades extremadamente violentas. La violencia en masa en el siglo XX*, vol. 1 (México: Fondo de Cultura Económica, 2015); Eric Hobsbawm, *Guerra y paz en el siglo XXI* (Barcelona: Crítica, 2006).
3. Margaret Urban Walker, *Moral Repair Reconstructing Moral Relations after Wrongdoing* (New York: Cambridge University Press, 2006), 89–98.
4. See Alto Comisionado de las Naciones Unidas para los Refugiados, "La situación de los refugiados en el mundo: en busca de la solidaridad. Resumen," <http://www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/Publicaciones/2012/8989> (consultada el 4 de enero de 2012).
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8. Giorgio Agamben, *Signatura rerum. Sobre el método* (Barcelona: Anagrama, 2010), 148.
9. Aristotle, *Política* (México: UNAM, 1963), I, 1253a.
10. Plato, *Las leyes* (Madrid: CEPC, 1999), 864b–865a.
11. *Ibid.*, 869e.
12. Jacqueline de Romilly, *La Grecia antigua contra la violencia* (Madrid: Gredos, 2010), 29–60.
13. Nicole Loraux, *La ciudad dividida. El olvido en la memoria de Atenas* (Buenos Aires: Katz, 2008), 79–81.
14. Plato, *Las leyes* (Madrid: CEPC, 1999), 867b.
15. Philippe Gauthier, *Symbola. Les étranger et la justice dans les cités grecques* (Nancy: Universidad de Nancy II, 1972), 144–45.
16. Plato, *Las leyes* (Madrid: CEPC, 1999), 870c.

17. Vittorio Bufacchi, "Two Concepts of Violence," *Political Studies Review* 3 (2005): 199.
18. René Girard, *La violencia y lo sagrado* (Barcelona: Anagrama, 1983), 26-27.
19. Louis Gernet, *Antropología de la Grecia Antigua* (Madrid: Taurus, 1980), 206-207.
20. Plato, *Las leyes* (Madrid: CEPC, 1999), 867a.
21. *Ibid.*, 852a.
22. *Ibid.*, 857a.
23. *Ibid.*, 859b.
24. Eduardo Nicol, *La idea del hombre* (México: Herder, 2004), 111.
25. Louis Gernet, *Recherches sur le développement de la pensée juridique et morale en Grèce. Étude sémantique* (Paris: Abin Michel Ed., 2001), 433.
26. Plato, *Las leyes* (Madrid: CEPC, 1999), 871a-e.
27. Philippe Gauthier, *Symbola. Les étranger et la justice dans les cités grecques* (Nancy: Universidad de Nancy II, 1972), 144.
28. The expression *áphrator* (that we translate as "familyless") in the Homeric formulation enunciated by Nestor has a resonance in here: the *phratría* was during the Homeric period a brotherhood or community that grouped a series of related families which were part of a tribe subdivision; in the Athenian *polis* each *phratría* refers to a political-religious community constituted by thirty families from the same tribe, see Émile Benveniste, *Vocabulario de las instituciones indoeuropeas* (Madrid: Taurus, 1983), 168-69.
29. Paul Tabori, *Anatomy of Exile. A Semantic and Historical Study* (Michigan: Harrap, 1972), 27.
30. Bahgat Elnadi, y Adel Riffat, "Lucas y sombras del exilio," *Correo de la UNESCO* (París: UNESCO, 1998), 8-9.
31. Aldo Schiavone, *Ius. La invención del derecho en Occidente* (Buenos Aires: AH, 2009); Desiderio Cavalca, *Il bando nella prassi e nella dottrina giuridica medievale* (Milán: Giufre, 1978), 65-77.
32. Eduardo de Hinojosa, *El derecho germánico en el derecho español* (Madrid: CEH, 1915); David Nirenberg, *Comunidades de violencia. La persecución de las minorías en la Edad Media* (Barcelona: Península, 2001), 33-55.
33. Werner W. Jaeger, *Paideia: los ideales de la cultura griega* (México: Fondo de Cultura Económica, 1957), 19-47.
34. Michel Maffesoli, *La violencia totalitaria. Ensayo de antropología política* (Barcelona: Herder, 1983), 29.
35. Hannah Arendt, *Los orígenes del totalitarismo* (Madrid: Taurus, 1974), 559.
36. Plato, *Las leyes* (Madrid: CEPC, 1999), 871e.
37. Claudio Guillén, *El sol de los desterrados: literatura y exilio* (Barcelona: Quaderns Crema, 1995), 24.
38. Jacques Rancière, *El desacuerdo. Política y filosofía* (Buenos Aires: Nueva visión, 1996), 13-26.
39. Aristotle, *Política* (México: UNAM, 1963), 1252b.
40. Giorgio Agamben, *Homo Sacer I. El poder soberano y la nuda vida*, (Valencia, Pretextos, 2010), 135-42.
41. Doreen Massey, *For Space* (London: Sage, 2005), 55-59.
42. *Ibid.*, pp. 149-50.
43. Giorgio Agamben, *Homo Sacer I. El poder soberano y la nuda vida*, (Valencia, Pretextos, 2010), 203-18.
44. Judith Butler, *Marcos de guerra. Las vidas lloradas* (México: Paidós, 2010), 60-61.
45. Paul Virilio, *Ciudad pánico. El afuera comienza aquí* (Buenos Aires: El zorzal, 2006), 94-97.

Book Excerpt: Marx on Bolívar

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Some reactions to Bolívar's social and political philosophy have focused on aspects of his moral character. A prominent critic of this sort is Karl Marx, who in 1858 published a biographical note about El Libertador in *The New American Cyclopaedia*. After declaring that Bolívar had some traits of moral character unworthy of someone called "The Liberator," Marx goes on to ascribe to Bolívar moral vices such as cowardice, envy, brutality, disloyalty, boastfulness, despotism, and frivolity. Surely, these are bad traits of character for anyone to have, and especially for a military commander. But Marx here is engaging in a series of *ad hominem* (i.e., arguments against the person) that may be fallacious depending on the facts about Bolívar's actions and attitudes during the Wars of Independence. Evidently, only if based on accurate relevant evidence concerning those facts can criticism of this sort have any force. And even if it has force, it may leave Bolívar's philosophical thoughts untouched. On my view, we should be suspicious about Marx's arguments against the moral character of Bolívar because they count with an exceedingly weak evidential support: Marx's sources were narratives by a few European historians of the time, who probably had no firsthand knowledge of the facts of the war. Without further support, we have no reason to accept, for example, the charge that "the few successes of the corps [of Bolívar] were entirely owed to British officers, such as Col. Sands." Or that once the Spanish threat was reduced, Bolívar "no longer thought it necessary to keep up the appearance of generalship, but leaving the whole military task to Gen. Sucre, limited himself to triumphal entries, manifestos, and the proclamation of constitutions."

On the other hand, the unreliability of Marx's sources is by no means established. His critique has supporters (e.g., Draper 1968) who argue that, charitably construed, Marx objects to Bolívar's propensity to favor authoritarian power, something amply illustrated in the constitutions he wrote for Bolivia and Gran Colombia. True, Marx says that one of those documents qualifies only as a "Bolivian Code, an imitation of the Code Napoleon." Marx, of course, was not inclined to endorse the universal value of democracy, a form of polity that he predicted would become obsolete after the decline of capitalism, when society gets ripe for entering the next historical phase—namely, that of a proletarian revolution leading to socialism. But democracy was a progressive polity for him during the phase of capitalism. On the other hand, the phenomenon of restoration of empires during capitalism, to which he referred as "Bonapartism," was reactionary during that phase, Marx thought, for it implied a regression to absolute monarchies of a previous historical phase, even if they do not involve a return of power to a king.

Could Bolívar respond to the charge of Bonapartism? It is true that he declined the offer of the throne of Gran Colombia. But although he was not interested in becoming its king, he did entertain the possibility of being its president for

life, and also exerted dictatorial powers more than once. Furthermore, during the Wars of Independence he did cultivate a friendship with British imperialism, something that should have been suspicious to Marx—as equally must have been Bolívar’s enthusiastic praise for absolute monarchy.

In addition, numerous writings strongly suggest that Bolívar did not endorse democracy as usually understood as form of polity for Latin America. If this is what Marx really meant to say, I might agree. However, at no point does Marx provide textual evidence that he had read Bolívar. And he does not engage with Bolívar’s arguments, which is something I’ll do next.

There is abundant textual evidence of Bolívar’s sympathies for authoritarian governments. It suffices to look at classic texts such as the “Manifiesto of Cartagena,” “Jamaica Letter,” and the “Angostura Address”—or the constitutions he wrote for Bolivia and Great Colombia. Bolívar repeatedly offers, as a reason for preferring centralized governments, the hypothetical claim that liberal democracy would undermine aggregate happiness, safety for all, and political stability. For this hypothesis, he offers only the dogma that Latin Americans cannot have democracy because of their unique history—and, most important, their unique mixed racial and ethnic backgrounds. On his alternative for them, they should accept the leadership of a centralized government run by privileged Criollos, who were the only people electable in his system. Consider the people of Gran Colombia: had they accepted Bolívar’s constitution for them, they would have had a government with an elected president for life and an elected but hereditary senate dictating all their laws and regulations. In addition, what Bolívar called “Moral Power” would have been vigilant of their actions or beliefs, ready to censor them when considered “immoral.” After 1823, during a brief period as dictator, he in fact created such a branch of government, which in turn made illegal the teaching of Bentham’s writings (in what Andrade and Lugo-Ocando [2018] regard as a concession to the Catholic Church).

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BOOK REVIEW

Rape and Resistance

Linda Martín Alcoff (New York: Polity, 2018). Paperback, \$24.95. ISBN: 978-0-745-69191-6.

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Professor Linda Martín Alcoff’s book *Rape and Resistance* is both timeless and timely. It is timeless because it centers on the historical institutional factors that allow and condone sexual violence and assault. It is timely because it demands a recalibration towards the victims’ personal experiences and voices based on prominent, recent activist events that discredit and, even too often, criminalize victim reports by those very same institutions that are supposed to protect but simply ignore and silence them. Taking a stand with other epistemologists of resistance, Alcoff’s main purpose is, then, to develop “a program that focuses not simply on getting the word out, but on reforming and transforming the conditions of reception in the public domains in which our words emerge” (24). Unlike others, though, she does not push a relativistic agenda where every voice is given their space, but a local and “pluritopic” assessment of context where we can base “the transformative and subversive potential of survivor speech [as] absolutely dependent on its truth-value” (54). My comments revolve around this point.

One of Alcoff’s goals is to resist the widely held idea that sexual violence, and particularly rape, is a byproduct of war and militarism, and in general, of concrete deviant situations/events and individuals. And I cannot agree more. As Alcoff shows, we must “denaturalize” rape and sexual violence as an anomaly and, instead, move towards an argument that demonstrates sexual violation is “a systematic sanctioned practice . . . an orchestrated practice” (25). Only then can we make institutions and leaders accountable for such practices. As an example, one can take the case of rape in prisons. The inmate is incarcerated as punishment and, very often, left by themselves once inside. When raped, the mainstream assumes that is simply a byproduct of carceral life, and few ever question the double punishment of sexual violence. Alcoff does not provide further details on how to address this problematic in her book, but it is obvious how her approach to sexual violation would look into this case.

Second, Alcoff accounts for the vilification of the victims by the same institutions that are supposed to protect them—being silenced by certain sensationalist press/media (or all media in general) by the blaming of the victims (“What was she wearing?” “Why did you not defend yourself?” “What were you doing there so late?”), and what, lastly, she defines as a culture of “harsh public criticism and threats” against the victim of sexual violation in general (28). Alcoff labels this “the second rape” (29): the public humiliation and harassment that victims often suffer after reporting the events. (In fact, Alcoff links this with racism as well, since victim vilification may vary depending on the race and class of the victim and perpetrators, which highlights

the racialization of criminal activity. This is a separate issue, which is, of course, very important as Alcoff shows us, but I will not analyze it here.) Thus the “second rape” gives us the impression that “the public visibility of rape and sexual violence is today a complex phenomenon,” and of course it is (28). However, it seems to me that there is some tension between addressing this problematic, even by institutions and media that publicly and on paper say so, and the way that these same institutions actually handle these situations. I am thinking specifically about Title IX policies in universities that are, it seems to me, in place only to protect the “image and reputation” of the institution and not to protect students or victims, as has been obvious in recent polemic (and some still not public) cases, including at my own institution.

Alcoff’s book, though, puts emphasis not on the hidden agenda that many institutions have but rather upon what she sees as:

a contestation over the epistemic and discursive terms in which sexual violations can enter the larger public domain [and] the conventions about who can speak, what they can speak about, who will be accorded the title of expert, or credible witness, how the circulation of speech occurs, and what the subsequent effects of the speech will be in both discursive and extra-discursive, as well as legal and extra-legal, arenas. (29)

Of course, this raises some kind of tension, or even contradiction perhaps, between allowing and encouraging victims to speak up and the ways that their speech is handled. At this point, Alcoff provides some suggestions to alleviate the tension: We should all understand how victims’ speech is framed and circulated; we should build better practices about the selection and handling of stories, and about institutional policies (and even ethical norms) to encourage a more responsible way of covering stories (30); and we should not forget that these norms and practices could only apply to and affect institutions, and never individuals, if we actually want to preserve primary liberties and rights. In brief, Alcoff suggests that we, as a community that cares about victims, should “aim for a world in which the patterns in which our speech circulates can become more perspicuous as well as subject to critical analysis” (31).

Accomplishing this, Alcoff says, requires individuals to be educated in a way that encourages the development of what José Medina labels “meta-lucidity”: The second order capacity of reflection upon the ways in which one arrives to know something, the skill of being aware of one’s own biases, which includes, as Alcoff insists, awareness regarding those things upon which we are “meta-insensitive,” as well (that is, blind to one’s own insensitivities). The strategy that Alcoff proposes, then, is to educate with permanent scrutiny on how we learn, know, and reason at a meta-level, how to organize our attention and perception, and, even better, how we arrive to perceive things and produce habits that cross into our conscious experience and affect our comprehension of these very same sources of information that often are indicative of certain structures of inequality and discrimination.

For some epistemologists of resistance, such as Medina, the solution is simply to become acquainted with such conditions of perception in order to be aware of the “limitations of dominant ways of seeing,” to make sure that our perceptual habits are not unfounded or unjustified because the whole point is to be considered as epistemically responsible agents under conditions of oppression. For Alcoff, however, the point must be to change the contextual conditions in which institutions form and enforce those very same ways of seeing, and change existing conditions for many other ways of seeing.

The problem with Medina’s strategy is that perhaps one cannot confront by herself what is called “epistemic injustice,” since one can be pushed towards what Luvell Anderson has called “hermeneutical impasses.”¹ Or, in other words, how is one to modify her own epistemic habits simply because she witnesses some conflict between her beliefs and frameworks of interpretation? It is perfectly possible to think of a situation where one may be aware of some kind of injustice, but what about someone who is not? How should we address this, especially given that those who do not see things as unfair dominate institutions and institutional narratives? Medina’s strategy seems a little bit too simplistic and relativistic. Alcoff provides myriad examples of the increased visibility of cases of sexual harassment and aggression and the increase of public consciousness about it. However, there is a conundrum here, since we have seen very little justice for victims and only a symbolic punishment of very few notorious cases (with a lot of pushback from very prominent people and institutions). Alcoff says that this dissatisfaction comes from the fact that Medina got things right at a descriptive level: Epistemic friction will always exist because there will always be different interests and frameworks of information. However, Alcoff insists, the prescription does not work, since not everything can or must be allowed. So the only appeal is to some kind of coherence or consistency between the set of views at play.

According to Alcoff:

The potential benefits of epistemic friction in encouraging more meta-lucidity occur because we strive for coherence in our lives, some basic consistency. . . . The epistemic pay-off of friction occurs when there is communication across the silos and a motivation to rethink practices in each domain *in light of others*. . . . The pay-off of epistemic friction in enhanced meta-lucidity comes about because we are trying to reduce the friction. (33)

To make the claim for coherence, Alcoff states that we must put our attention onto the notion of “echoing/echoability” (34). The difficulty and special demands of echoing sexual violation seem to isolate the cases of rape. However, they do not. They are institutionally embedded and permitted, so the echoability of victims’ speech (the way that it expands its scope) must work in the same ways that other organized protests work. We should work together in developing nets of safety and knowledge by sharing methods of communication for victims that could

generate an understanding of “the limitations of dominant ways of seeing” (39).² That is, we require some kind of appropriation for the voice movement, where, first, one can report or share experiences in a judgment-free safe space and, second, the negative image of the survivor—which arises because their credibility is called into question and/or because of hidden institutional agendas—is eliminated. In other words, to eliminate the repressive culture against the victim and the reporters, we must first create a safe space for all where the raped person and her allies are neither criminalized nor retaliated against.

Since what is coherent or consistent may come from somewhere or someone else, and that can exclude our beliefs, sources, and views, we can’t simply let institutions and the people who represent them off the hook. In addition, Alcoff explicitly mentions that this is not a solitary enterprise, but appeals to individual cases (for example, the case of a Muslim activist, fearing repercussions for speaking up, who uses anonymity for fighting against certain traditions in her community, supposedly in the name of everybody who is against such practices) (42). In other words, the concerns are these: How can concrete victims’ reports have a truth-value if there are no available truth-conditions that sanction these concrete cases in particular, individual terms? How can we believe the reports when we still have an immoral institutional culture where the victim and their allies are going to be criminalized and punished? Because of this, we have much work to do in changing the truth-conditions (and the institutional culture) of our common ground. Because Alcoff has written an important and necessary book, we have some hope for how to shift the context of truth-value for survivors.

ENDNOTES

1. See “Hermeneutical Impasses,” *Philosophical Topics* 45, no. 2 (2017): 1–19.
2. See José Medina, *The Epistemology of Resistance* (Oxford: Oxford University Press, 2013), 47.

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