Regarding ‘the Mother of Anchor-Children’: Towards an Ethical Practice of the Flesh

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Abstract:

Through the figure of “the mother of anchor-children,” Vera-Rosas explores how portrayals of the maternal body of color and representations of the body polity work in tandem to allegorize and reconfigure notions of belonging, good citizenship, and responsible motherhood. The “anchor baby” as the emblem of the ability of first generation immigrants envisioned access to citizenship rights and ‘American’ privilege has become a key feature of post-9/11 rhetoric regarding immigration. Within the context of bills like Sensenbrenner’s HR4437 and Arizona’s SB1070, “the mother of anchor-children” is deemed a social failure and cultural threat since she is at once cast as dependent and an immoral subject. Drawing on the long history of policed maternity in the Americas, this essay shows how for certain racialized mothers, happiness and survival often times necessitate the breaking of the law. These acts of disobedience can be theorized as forms of de-linking from unjust immigration laws.
There is a notice posted on the door of downtown Phoenix’s Justice Center in Maricopa County, Arizona prohibiting *illegal aliens* from visiting anyone in this jail.\(^1\) Below, there is another note informing all out-of-county visitors that it is required to provide a form of proof of residence, such as a utility, mortgage, or rent bill, in addition to the visitor’s state ID. These warning signs, much like our hyper-militarized US-Mexican border, are part of a normalized ensemble of visual symbols, dominant grammars, and state policies and practices that construct the *illegal alien* as a treacherous body, as an antipode to an idealized citizen-subject. Within this context, Sheriff Arpaio’s notices constitute yet another routinized tactic that, like other forms of state surveillance, ensnarl new and old modes of regulation and captivity deployed against those who exist outside the boundaries of legality. And while these notices are symbolic of how Arizona has presently become an epicenter of neoconservative post-9/11 immigrant rhetoric, these signs elicit the seething presence of the past, *the not yet gone:* “No Colored Allowed,” “We serve Whites Only,” “No dogs, Negroes, or Mexicans,” “Japs keep moving, this is a White Man’s neighborhood.” These signs exercise and exemplify the ways in which ethno/racial systems of exclusion and differentiation continue to be central to the making of the modern nation.

One of my persistent concerns is to think about the possibility of a different future with respect to immigration and its representational constraints, particularly in the case of Latina undocumented mothers. This is an onerous and heart-wrenching task since the future cannot be constructed purely without the policies of coercive social regulation and their effects on dreams, desires, and hopes. In fact, much cultural and political labor is performed
to criminalize, moralize, and destabilize the subjecthood of these mothers, to some extent deflating its potentiality as a source of political and collective agency in the US. Given the anti-immigrant backlash that has emerged again in the most recent period with bills such as The Border Protection, Anti-terrorism, and Illegal Immigration Control Act of 2005 (HR4437) and Arizona’s Support Our Law enforcement and Safe Neighborhoods Act of 2010 (SB1070,) how can we understand the figure of the undocumented mother and her political uses in a post-9/11 world? If, as Nicholas de Genova (2010) suggests, “the freedom of movement remains the freedom of life itself, not merely the mundane necessity to make a living, but the freedom to truly live,” how does the figure of “the mother of anchor-children” come to symbolize transnational violence and nativist ideologies of belonging? What forms of sovereignty and selfhood trouble these constructions? Moreover, if a decolonial project, as some scholars contend (Quijano 2007; Mignolo 2005), necessitates forms of de-linking, that is, radical epistemic shifts that pose alternatives to the actual order of things under neoliberal globalization (Mignolo 2005), how can we think about active forms of female disobedience to unjust immigration laws as forms of delinking from the normative ideal of good citizenship and a hegemonic system that renders undocumented mothers as moral failures? How do the lives and stories of these mothers produce nuevas corónicas that can potentially push us to a decolonial understanding of what it means to be a “good,” “responsible,” and a “deserving” subject?

In what follows, I explore the ways in which the figure of the mother of anchor-children circulates in both print and visual contemporary media and political discourses in the context of SB1070 and HR4437, two of the strictest anti-immigration measures in the last decade. Informed by decolonial theory, ethnic studies scholarship, and Third World Women of Color feminisms, I analyze the discursive and symbolic construction of the undocumented female subject as a social burden and the mother of the much-maligned “anchor-baby.” The “anchor baby” as the emblem of the ability of first generation immigrants envisioned access to citizenship rights and ‘American’ privilege has become a key feature of post-9/11 rhetoric regarding immigration. As a consolidation of dominant discourses, the “anchor-baby” trope puts Latina immigrant women in a genealogy of branding, such as that of the Black welfare queen, las madres de la Plaza de Mayo, or Native American stigmatized forms of parenting. The maternal figure that bears the “anchor-baby” is deemed a social/moral failure and cultural threat since she is at once cast as dependent and incapable in numerous mainstream media projections and right wing positionings. Indeed, these two nouns, dependency and incapacity, have historically designated the “negative” space of the Other in terms of gender, race, and geography.

Discourses about illegality and criminality are often tied to a moral economy of values and proper behavior that become enshrined through reforms and the law. Laws and reforms, “as operations of culture (and power)”, often times work as technologies of moral regulation and social control that delimit the boundaries between good citizenship and aberrant behavior (Gray
2010). For instance, in the context of undocumented mothers, as anthropologist Jonathan X. Inda explains, in a post-social state in full retraction of its social contract a crucial distinction is made between deserving moral poor and undeserving immoral poor. Within this differentiation, the illegal immigrant is constructed as a law-breaker incapable of being a prudent subject. As such, the “illegal” immigrant is portrayed as a governmental problem needing management and regulation. According to this author, the figure of the pregnant undocumented woman is the archetype of an “underclass of dependent subjects who lack moral character and are...unable to be self-sufficient and take responsibility for their own care... [She is] imagined as a mother prone to bearing children she cannot support. Indeed, it is the undocumented woman who has first and foremost been marked as a public charge” and thus a failure (Inda 2006, 112).

Building on the work of decolonial philosopher Enrique Dussel, I want to suggest that the articulation between morality and legality reproduces the logic of modernity/coloniality since it depends on the control of gender, sexuality, and subjectivity and the production of racial difference and exclusion. In his chapter “Moral Legality and Ethical Illegality” from *Ethics and Community* (1988), Dussel writes that morality functions to create what he calls subjective culpability. As he states, “if my moral conscience has been formed within a framework of the principles of the system, it will recriminate me if I fail to comply with the laws of the system. But it will be unable to tell me that the system as a totality is perverse (for conscience applies principles, and does not establish them)” (33). For this Argentinean philosopher, morality exists or is (re)produced by the regime of the law; therefore, it is within the order of death. He contends that the illegalities of the oppressed are an assertion of communal survival and a complete disavowal of what the system (dominant order) proclaims to be good. In a similar way to Foucault (1975), Dussel places a positive value on “crime” as a mode of resistance. This formulation is generative and important to my overall discussion of current anti-immigrant rhetoric and the figure of the “mother of anchor-children” because it provides a framework for identifying the liberatory aspects of illegality as a social and political practice of struggle against the order of the Law. Or as Dussel states, social illegality is a communal resistance and rejection of a system organized by violence and exclusion (Dussel 1988). In this sense, within the context of decolonial thinking and practice, the breaking of unjust laws as a manifestation of ethical disobedience can be framed as a form of de-linking from a hegemonic system that turns persons into sacrificial subjects; that incarcerates, institutionalizes, and blames the poor for their conditions; and that, with racial and gender differentials, reproduces fragility and dispossession across scales.

According to Dussel, it is crucial to make a distinction between morals and ethics. Social moral relations are, for this author, naturalized or normalized behaviors that congeal the prevailing order, even if it is predatory and even if it devalues life and the bodies of racialized Others. As he states: “morality, in the sense of a system of concrete practices, is situated not only on the level of law—the plane of norms or requirements, virtues," but also within real, infrastructural, intercorporeal, “practical relationships among producers, within actual, historical modes of production” (79). It is from this point of view that one can say that moralities of domination are
inscribed within the grammar of modernity/coloniality since immoral subjects have been historically constructed through their exteriority (barbaric, colonial, underdeveloped, dependent, illegal) within a given dominant system (colonialism, imperialism, neoliberal capitalism).

As opposed to morality, Dussel offers ethics as a praxis of liberation, thus, as a decolonial option. That is, for him the ethical is governed by the needs of the oppressed and by an imaginary articulated from the perspective of coexistence. As opposed to morality, which renders certain bodies disposable, “all ethics of liberation is corporeal: it is affirmation of the flesh, of sensibility [and sensitivity to the pain of Others]. The ethics of liberation is ‘fleshy’—if by ‘flesh’ we understand the whole human being in his or her indivisible unit. Thus there is no such thing as a human ‘material body’; there is only ‘flesh.’ Nor is there such a thing as an incorporeal soul; there is only ‘flesh.’” (62–63). Thus, I argue that the illegalities of the undocumented mother can be conceptualized as an ethical practice of the flesh, a corporeal politics of no compliance with “the prevailing law, which has at its disposal the coercive power of such ‘legal’ institutions as the army and the police” (69). As such, illegality becomes a contradictory site of subjection and possibility that can challenge normative frameworks of being, temporality, and space.

And so, if it is true that undocumented persons do engage in a wide variety of what is legally conceptualized as unlawful activities (i.e. the illegal crossing of national borders, working with fake documents, driving without a license, working under the table, etc.), oftentimes these actions are necessary survival tactics of marginalized subjects who pose a threat to the nation-state only in so far as their socio-cultural practices, relations, and activities disrupt and challenge the hegemonic myths of a so-called democratic—White, patriarchal, and heteronormative—American nation and dream. However, one could also argue that unlawful activity does not necessarily disrupt the American dream/nation. That is, the only thing that distinguishes the activities of illegal immigrants and corporate heads is the conscription into crime, legality, and illegality through the articulation of law itself (Luk 2010, email exchange to author). Thus, in this paper legality is defined by the legal structures that subjectify immigrant women and their reproductive lives, situating them within lifelong networks of surveillance and disciplinary relations. I argue that while illegality makes the undocumented woman a hyper-vulnerable subject of state intervention, it is not only the condition of illegality per se that makes her a moral failure since racialized females, particularly single mothers of color, have been historically imagined as violable, impure, and unable to achieve familial normalcy, a precondition to being an upstanding female and U.S. citizen. Such ideological battles also grow out of a longer history of racist genocide in the Americas underpinning U.S. national culture since modernity.

My analysis in the first part of this essay is contextualized in a broader theoretical and political framework to mark a continuity between earlier laws and polices that have functioned to police and moralize other mothers of color, particularly single female parents, and recent immigration laws and discourses that target “the mother of anchor children.” Within this first section, I also
briefly explore the ways in which pro-immigrant rights cultural/activist work can function as decolonial strategies that interrupt what would otherwise be a homogenizing set of opinions and corporate mediascape regarding these undocumented female immigrants. Finally, I turn to the case of Elvira Arellano, an undocumented migrant, single mother of a U.S. born child and Mexican deportee, to show how, as social subjects, these females do not exist in a historical vacuum. In a post-9/11 anti-immigrant climate, Arellano’s case circulated widely in the media and her figure as an undocumented mother was strategically mobilized by both nativist and pro-immigrant rights activists. A close analysis of Arellano’s case makes clear the ways in which economic, security, and immigration policies wreak havoc on the everyday lives of hyper-vulnerable marginal populations. Arellano’s case reveals that for women like her, happiness and survival, as Dussel asserts, often times necessitates the breaking of the law.

Policing The Maternal Undocumented Body

If we are going to have an effect on the anchor baby racket, we need to target the mother. Call it sexist, but that’s the way nature made it. Men don’t drop anchor babies, illegal alien mothers do –Russell Pearce

Historically, it has been through the myth of female incapacity that the productivity (or the value) of women, motherhood, housework, and female labor is hidden, or that reproductive work only appears as the creation of non-value or female dependency (Fortunati 1995). But this logic of female dependency separates economics from politics and culture, therefore, motherhood (Duggan 2003). In anti-immigrant discourses, the term mother of anchor-babies refers to undocumented mothers of US-born children. It is a debasing term suggesting that these women use their children as their “anchor” to U.S. citizenship. As former Arizona state Senator Russell Pearce’s statement states, undocumented females are considered irresponsible subjects who abuse the system because of their capacity for biological reproduction and their non-citizen status. In an effort to regulate and target the so-called dependency of undocumented mothers on the state and have an effect on “the anchor baby racket,” legislators such as Pearce, along with republican senators Nathan Deal and Steve King, have sponsored bills that would deny jus soli to the children of undocumented immigrants, granting citizenship only to the children of citizens, legal immigrants permanently living in the country, or immigrants in the military (i.e. The Birthright Citizenship Act of 2009 and 2013). Unsurprisingly, this neoconservative proposition reinforces the historical relationship between access to citizenship rights through military service, a false promise of incorporation into the American nation that has only left poor communities of color more vulnerable to trauma, injury, and death.

“Personally, socially, and politically,” as Annalise Orleck explains, it “is impossible to speak of motherhood without speaking of social systems of power and domination” since pervasive notions of good-mothering are tied to and shaped by the ideology of the conjugal-heterosexual-nuclear family, thus, by narratives of the nation and citizenship (Orleck
1997, 5). The defeasance of maternity, the social construction of hyper-fertility, and negating the right to bodily integrity are all part of a long colonial history of racist and sexist (read genocidal) policing of female bodies, particularly the bodies of single mothers of color (Zavella 1987, 1997, 2007; Espino 1993; Ruiz 1998; Davis 1998; Bejarano 2002; Ferguson 2000; Spillers 2003; Smith 2005; Hill Collins 2005). As with the case of other working-poor mothers, undocumented women are always already preconceived as potential public charges, therefore, constructed as irresponsible subjects in need of management and regulation (Inda 2006; Fujiwara 2008). Given the recent immigrant debates and responses, I want to suggest that the recent attempt to deny *jus soli* to the children of undocumented mothers demonstrates how portrayals of the maternal body (of color) and representations of the national body work in tandem to allegorize and re-configure notions of belonging, good citizenship, and responsible motherhood. Thus, from the conquest until today, racist practices such as rape, chattel slavery, miscegenation, coercion into sterilization, the privatization of social services, immigration quotas, and discriminatory uses of contemporary reproductive technology continue to further a system of racial inequality and oppression that makes single mothers of color its primary target.

For instance, in 1996 the Personal Responsibility Work Opportunity Reconciliation Act (PRWORA) and The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) notably criminalized citizens and non-citizens in poverty and increased their subjection to state surveillance technologies. PRWORA transformed public assistance into a moralizing
welfare-to-work program that terminated welfare benefits for non-citizens and construed poverty as the result of single-parent households and children being born “out-of-wedlock” (Fujiwara 2008; Ngai 2005). The welfare reform mobilized the figure of the “Welfare Queen” as a way to reinscribe heteronormative relations, family values, and marriage while re-solidifying the racist and sexist ideologies articulated in the Moynihan Report (1965) and discourses on the culture of poverty (Fujiwara 2008). In a similar way, IIRIRA curtailed aliens’ rights, made removal mandatory for a broad range of offenses, “and enlarged the grounds that turn legal immigrants into illegal aliens [and] made it nearly impossible for illegal aliens to legalize their status” (Ngai 268–269). Moreover, it was through IIRIRA that section 287(g) was appended to the Immigration and Nationality Act (1965). Essentially, 287(g) agreements authorize ICE to delegate federal immigration enforcement to state, county, and local law agencies (LEAs) in order to facilitate and expedite the identification and apprehension of non-citizens labeled as “high profile criminals,” a category including human smugglers, drug traffickers, sexual offenders and those engaging in money laundering, and gang and organized crime activity; however, the application of 287(g) agreements has wreaked havoc on the everyday lives of families of mixed legal statuses, increasing the detention and deportation of unauthorized immigrants, thus, exacerbating the separation of families.

As Fujiwara suggests, these 1996 laws—which after September 11, 2001 have been highly enforced—“made personal responsibility an inside-defined proviso for citizenship” (2008). The conservative discourses around these legal policies are teemed with allusions to poor immigrant women as inherently unassimilable and overly dependent. It is important to note that the discursive construction of undeserving motherhood that creates socioeconomic and cultural ideologies of female over-dependency affects (unauthorized) immigrant women in at least three very specific ways: Firstly, the notion of female dependency circumscribes all women since it is founded upon the sexual division of labor of work subjects that reduces women to the realm of the natural, therefore, devaluing their labor power as workers, housewives, and mothers (Fortunati 1995). Secondly, through the axis of race and class, poor dark-skinned single mothers—regardless of citizenship status—are branded as liabilities and threats to the national body. Lastly, immigration policy conceives of female refugees, migrants, and exiles as wives and daughters dependent on both the economic and legal status of a male migrant subject, thus, gendering and framing the relocation process in terms of male rather than female agency (Hondagneu-Sotelo 1995; Zavella 2007).

Considering the above notions of dependency vis-à-vis male subjects and institutions, I want to stress that motherhood and womanhood are historically specific classed and raced subject positions through which the dialectics of female subjection and agency are experienced across the hemisphere. In this sense, the experience of policed maternity reveals the theoretical limitations of trying to understand the social life of working poor mothers in terms of the public and private spheres since the idealized maternal space of the private sphere is always already inaccessible for poor women of color. That is to say, the binary that structures social life in terms of the public and private sphere becomes a problematic distinction (and collapses) when trying
to understand, on the one hand, that working-class women of color have historically been waged-workers (i.e. “public” workers) in white people’s private spheres. On the other, that home and family have historically been sites of constant state intervention for working class women and women of color (i.e. welfare programs, forced sterilization, police brutality, military drafting and interventions, and deportations) (Davis 1981; Franco 1994; Ferguson 2002; Fregoso 2003; Spillers 2003; Smith 2005; Inda 2007, De Genova 2010).

In lieu of any sort of immigration reform or amnesty, what we see expressed through policy and dominant culture are vestiges of the past that make the illegal alien, as Mae M. Ngai (2005) contends, an impossible subject. Ngai’s sociolegal history of the origins of the illegal alien and the making of modern America is important to my overall discussion because it demonstrates the ways in which restrictive immigration policy in the U.S. not only created the category of illegal alien, but also produced an ethno/racial system of exclusion and differentiation (i.e. citizens, citizen aliens, lawful residents immigrants, illegal aliens). These categories and hierarchies so central to the regime of immigration restriction posed enforcement, political, and constitutional problems for the modern state. As she states, “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…a person who cannot be and as a problem that cannot be solved” (Ngai 2005, 4–5). While restrictive immigration policy did occur prior to the tenure of the national origins quota system (1924 to 1965), as Ngai states, The Johnson-Reed Immigration Act of 1924 realigned and hardened racial categories—classifications that continue to cast specific ethnic groups as foreign and as threats to the nation.

Ngai’s work is a history of U.S. immigration policy and practice that disrupts the dominant narrative of American exceptionalism and the universality of the nation’s liberal democratic principles. Moreover, it enables us to see how the legal edifice of restriction that began in the 1920s continues to inform American ideas and practices about citizenship, race and the nation-state. Her work provides us with a critique that rethinks American immigration history in the context of global developments and structures. By doing so, Ngai frames restriction not only in terms of domestic politics but also as part of interstate system. That is to say, her globalist approach to restriction understands the ways in which foreign policy is often, if not always, implicated in the formulation of immigration policy. Inevitably, a global framework makes visible the role that the United States, as a world power, has played in creating the condition for people’s (forced) movements across nations and in the production of (illegal) immigrants as cheap and disposable labor, as agents of potential threat, and, ultimately, as impossible subjects.

Thus, retorting the “biological nature” of so-called “mothers of anchor-children” enables (former) Senator Pearce, a lead advocate for SB1070 and supporter of the bills that would deny jus soli to the children of undocumented immigrants, to disarticulate mothering from structures of inequality and cultural practices; consequently, like the underlining rhetoric of the
Moynihan Report, today nativist portrayals of undocumented mothers can be conceived as another expression of the “welfare queen” mobilized to demarcate belonging through policy and reform. Contrary to nativist’s arguments, I argue that the undocumented mother is but one modality of the historical consciousness of policed maternity in the Americas (Franco 1994). Further, I contend that the undocumented mother embodies a mother whose displacement can be traced through the detrimental impact of market-based reforms in Latin America and the realities of post-9/11 surveillance mechanisms and discourses.

While nativist arguments against illegal immigration tend to oversimplify the issue of unauthorized flows by resorting to the criminalization of the working poor, personal stories make conditions of exit in relationship to colonial/neocolonial projects and histories of empire and racial capitalism center stage. The repressive conditions in Arizona that predated and followed the partial passing of SB1070 are not exceptional. Nativist sentiments and the tightening of immigration law is not unique to the United States; in the global North places such as France, Germany, and Spain are making it very much impossible for displaced subjects (especially “illegal aliens” and particularly undocumented mothers) to live and make a living outside of a state of persecution and hyper-vulnerability. Thus, the state of emergency experienced by migrant communities at the local, national, and international level points to the disparate ways in which the world, as many scholars argue, opens up for the mobility of capital while inefficient and pernicious policies attempt to shut down the movements of peoples being displaced by the same unequal global circulation of power and capital (Poblete 2003; Ngai 2004; Ortiz 2010).

Legalización Ahora! (2010)   By: Jesús Barraza

This point of uneven circulation of power and capital is effectively conveyed by artist Jesus Barraza’s poster, a sort of *affiche* people carried during anti-SB1070 protests. Above the image of an “indigenous looking” woman carrying a baby on her back, Barraza writes *la demanda popular del sujeto migratorio* of immediate legalization: ¡Legalización Ahora! Below the
image, written in both English and Spanish, it states that “If capital can cross borders so can we.” Unlike dominant renderings of relocation that underscore the masculine subject as the agent of social transformation or migration, Barraza’s poster not only frames a dark-skinned female as a moving subject, but it evokes the figure of the mother as displaced and illegalized by capitalist forms of corporate transnationalism. In Barraza’s image, however, the immigrant mother appears not only as a victim of capitalism, but also as a questioning agent challenging the inadequacies of a hegemonic system. The signing and partial passing of SB1070 is perhaps the ultimate expression of how (illegal) immigration is framed, as Inda suggests, as the result of individual and immoral acts rather than the product of a baleful capitalist system dependent on the hyper and interlocking exploitation (and violations) of labor, family, and environmental rights. Consequently, Barraza’s work can be seen as part of a decolonial aesthetic that has been central to the political mobilization of immigrants and their allies and an imaginary of a world otherwise.

The legal realm, then, is mobilized as a way to reproduce a capitalist logic. Whilst the U.S. Department of Justice filed one of the lawsuits against Arizona’s SB1070, the federal government’s ineffective and detrimental approach to immigration policy and reform is partially at fault for creating the conditions that authorize and legitimize local and state officials to enforce federal immigration law through 287(g) programs. As one of the flyers circulating for the national day of action against SB1070 demanded, the call was not only to stop the passing of this bill, but also to press for the immediate end of 287(g) agreements, which create incentives for police to engage in racial profiling. In theory, these agreements, which operate either on a jail, task force, or hybrid model, are designed to focus law enforcement capacities at border security and/or community safety. In practice, however, the 287(g) programs have enabled the day-to-day policing and terrorizing of predominately immigrant spaces causing, on the one hand, an increasing tension and mistrust between immigrant working-poor communities and the police; and on the other, as evinced by the practices of Sheriff Arpaio, they are reproducing a climate of misapplication, abuse, and fear where families of mixed legal statuses are being torn apart through the detention and deportation of “lawbreakers” (Rodríguez et al. 2010).

It is not surprising that in the face of fatally flawed border and neoliberal policies and in the absence of a comprehensive immigration reform anti (illegal) immigration blocs are turning to 287(g) agreements as a way to respond to so-called contemporary crises “caused” by illegal aliens. Through the collapsing of unauthorized flows (drug trafficking, human smuggling, illegal immigration) as national threat(s,) non-citizens who are far from being what ICE formally identifies as high profile criminals fall pray of what can be defined as legalized tactics of racial profiling and harassment. Fundamentally, the enactment of these state-sanctioned practices exemplifies the ways in which the convergence between immigration and criminal justice policies extends the logic of mass-incarceration policies to immigrant populations.
Therefore, the latest political efforts to deal with the issue of illegal immigration by pushing to reconsider the constitutional amendment that grants birthright citizenship to the children of undocumented parents rearticulates race, the national, and the maternal body. If, as Linda suggests, the figure of the pregnant undocumented mother is the archetype of an “underclass of dependent subjects who lack moral character and are... unable to be self sufficient and take responsibility for their own care,” (2006) what is then our obligation to a social subject who has been constructed and marked as a public charge and ethical failure? Must we claim her both as mother and outlaw? Can our identification with the undocumented mother open up new imaginaries that refuse the morality that justifies the disposability of the poor?

Let me briefly turn here to the story of Elvira Arellano, an undocumented migrant, single mother of a U.S. born child, and Mexican deportee, to further advance my analyses of the political and cultural meanings of the figure of “the mother of anchor children” and to show how the representations of these women function to rearticulate race, the national, and the maternal body. Moreover, I also wish to explore how her case offers us the radical possibility to identify with those mothers who do not represent an idealized or positive form of motherhood (and who are marked by multiple forms of illegality). This I believe demands from us to reconsider (or delink from) our own moral assumptions about what constitutes a good female citizen or mother in a world structured by dominance.

She refuses to go silently⁵...

In August 15, 2006, Elvira Arellano courageously challenged a final order to report to the U.S. Department of Homeland Security for deportation by taking refuge and seeking sanctuary at Adalberto United Methodist Church in Humboldt Park, Chicago. Her act of disobedience to U.S. immigration authorities, as scholar Nicholas De Genova (2010) states, necessitated her radical “immobilization” and the politicization of her life as migrant worker and mother, as she “voluntarily” confined herself to the church’s premises. That is, through sanctuary, as a peculiar and tactical form of captivity, Arellano enacted her supplicatory yet powerful refusal to be coercively removed from the space of the U.S. nation-state.
Arellano’s refusal to appear before the immigration authorities can be conceived as an act of de-linking since her active disobedience was grounded on her embodied memories and experiences as an undocumented immigrant and single mother. In other words, her refusal was not one of mere resistance to unjust immigration laws, but an action that questioned and rejected the validity of a whole economic and political system that rendered her as exploitable, disposable, and as a moral failure. Consequently, one can say that Arellano’s stand was based on an epistemology of location (or what Mignolo has termed geo and body-politics of knowledge,) an understanding or logic emanating from her history of displacement across borders. That is to say, while this woman’s refusal to obey the immigration authorities in 2006 marked the beginning of her notoriety, hence her hypervisibility as the mother of an “anchor-child,” her history of dispossession and subalterity predates her claims for sanctuary and her illegal crossings of a densely militarized topography.

Born in San Miguel Caurahuango, Michoacan, an agricultural town in the southwest of Mexico and one of the main states of Mexican migration to the United States, Arellano belongs to a peasant class that historically has been affected by a series of land reforms, binational labor contracts, and the long shadow of structural violence. As the granddaughter of a guest worker for the Emergency Farm Labor Program (commonly known as The Bracero Program, 1942–1964,) her family was part of a cross-border labor market and engaged in transnational circuits of caring even before she was born. Impacted by the North American Free Trade Agreement (NAFTA) and Salinismo, Carlos Salinas de Gortari’s technocratic vision of neoliberal reform, Arellano first migrated to the United States in 1997: a first attempt that culminated in her detention and deportation.

Two years later, she made her way to Oregon. Already a single mother, by the year 2000, she was working as a janitor at Chicago’s O’Hare Airport, one of the main sites of surveillance, raids, and detentions after 9/11/2001. In 2002, soon after the Immigration and Naturalization Services (INS) became part of the Department of Homeland Security, and all immigration functions where transferred to Immigration and Customs Enforcement (ICE), Arellano was arrested during a security sweep, convicted of Social Security Fraud, and ordered to appear before the immigration authorities. After a long year in sanctuary at Adalberto United Methodist Church, public protests by immigrant rights activist, and a vocal refusal to appear before the immigration court, she was arrested while coming out of an immigrant-family rights talk at Olvera Street in Los Angeles.

It is within this long history and its material dimensions that Arellano’s act of disobedience and breaking of the law acquires its powerful meaning as a form of de-linking, thus, as a decolonial gesture. As many scholars contend, histories of Latin American migration are, for the most part, embodied stories of overlapping regimes of subjection that position specific subjects, particularly females marked by subaltern or colonial difference, as always already residing in a terrain of displacement, extreme vulnerability, misrecognition and death (Franco 1999; Mignolo 2005; Coutin 2000; Menjivar 2005, 2006). It is my contention that Arellano’s
disobedience calls into serious question the epistemology of colonial difference that sustains the uneven distribution of power (Mignolo 2005, 2010) in at least three very specific ways: 1) Her powerful refusal to be coercively removed from the space of the U.S. nation-state takes to task the immigration and national security policies that function as technologies of regulation and control to demarcate the boundaries of national belonging, constructing certain (racialized) persons as threats, thus, as impossible, deportable, or sacrificial subjects. 2) By always positioning herself as a victim of NAFTA, she makes visible the ways in which neoliberal projects further reproduce a state of fragility and dispossession for the global poor. 3) And lastly, Arellano’s dissent (and her lack of subjective culpability for breaking the law) is an affront to the dominant American culture and (middle class) values that construct her as an immoral poor subject— as the mother of an anchor-child.

Here, it is important to note that Arellano’s year of sanctuary and deportation in August 19th 2007 took place immediately after massive mobilizations against The Border Protection, Anti Terrorism, and Illegal Immigration Act of 2005, popularly referred to as H.R. 4437 or the Sensenbrenner Bill. Across the United States, a myriad of histories enlaced as thousands gathered to protest a congressional legislation that divested value from immigrant lives, conflated terrorism with illegal migration, and construed caring for unauthorized aliens as a felony. An image of excess, the grotesque body of the alien over-flooded the streets of Los Angeles, Chicago, Dallas, Miami, Denver, New York, Washington and other cities. Participants turned into an embodied economy of symbols, as they carried signs, banners, and flags that gestured toward the illegal immigrant as a body constituted in the contradictory space where capitalism meets nationalism (Summers-Sandoval 2008). It was during this moment of nativist sentiment and immigrant rights mobilizations that Elvira Arellano came to embody a mother whose displacement articulated the detrimental impact of market-based reforms in Mexico’s agricultural sector, the realities of post-9/11 surveillance, and the painful results of tactics of state terror through deportation.

According to Amy Skonieczny “a particular discursive construction privileging traditional, dominant American myths made [the North American Free Trade Agreement’s,] passage in Congress possible” (Skonieczny 435). As this author argues, public discourses about the American Dream and American Exceptionalism constructed NAFTA as the extension of US values of “democracy, freedom, and liberal economies around the world.” Moreover, as a neoliberal project, NAFTA was crafted as a developmentalist promise—as a Faustian pact that would eventually move the Mexican nation out of its condition of backwardness towards Modernity. But as Mignolo has argued, “the concepts of development and underdevelopment are new versions of the rhetoric of modernity insofar as both concepts were invented to re-organize the temporal and spatial colonial difference” (i.e. the denial of coevalness) (Mignolo 2010). In other words, the categorizations that have historically rendered places and peoples as uncivilized, backward, savage, or barbarian have been mobilized through neoliberal economic polices and national security discourses to rearticulate the temporal and spatial difference central to the coloniality of power. Crucial to this re-articulation
is the way in which punitive (and often fatal) policies conflate terrorism, illegality, and trafficking, as witnessed, for instance, through H.R. 4437, SB1070, the enactment of 287(g) agreements, and the increasing detention and deportation of unauthorized immigrants.

For females like Arellano there is, literally, no easy way in or out. Labeled as a mother undeserving of US citizenship and ineligible for political asylum because “she is not at risk” of persecution, incarceration, or death in her country of origin, Arellano’s conditions of exit, both from Mexico and the United States, reveal the inner workings of systemic patterns of disadvantage and hyper-exclusion across geopolitical borders: Her story forces us to critically rethink what exactly it means to be at risk. Arellano’s case and the sanctuary and immigrant rights movements advocating in her favor make visible the otherwise unacknowledged ways in which US foreign and national policy has a detrimental impact on people’s daily lives. But her case also provides us with an-other story, a different paradigm grounded on refusal and disobedience.

Today, as a Mexican deportee residing in Maravatio, Michoacan, Arellano continues to carry on and to carve out spaces for the possibility of individual and collective futures otherwise. After her deportation, she became an active advocate for the human rights of Central American immigrants traversing the also highly militarized and hostile terrain of Mexico. Her story shows us that while “subjects may not be able to escape the effects of the discourses that construct them, they can still resist and even alter them” (Kang 2012, 511). Given that both bills, H.R. 4437 and SB1070, attempted to make it a felony or imposed penalties on those providing humanitarian assistance, transporting, or sheltering unauthorized immigrants, can our refusal to obey the law through our assertion to care for or claim the undocumented mother, that is, the (racialized) female outlaw, open up alternative forms of sociality, politics, and collective and individual futures?

Conclusion: Ilegal y qué?

In this essay, I have explored the present-day rendering of U.S. Latina mothers to formulate a dream of alternative futures of freedom from race, class, sex, and citizenship boundaries, while establishing a continuation between the past and present policing of racialized maternity. Unfortunately, it is impossible to look at maternal immigrants as subjects of all kinds of cultural and political imaginings that render the labor, love, and desires of Latina undocumented mothers invisible. Thus, dominant representations and policies have mobilized the figure of the “mother of anchor-children” to reinscribe heteronormative relations, family values, and marriage while re-solidifying (neocolonial) racist and sexist ideologies about national belonging. Alternative representations of these women can defamiliarize our understandings or common sense knowledge about these mothers by revealing the effects of state policy and violence on subjects’ lives. The continuous policing of the racialized maternal body that I theoretically described in this essay and its significance for understanding contemporary debates on immigration, cultural activism and conservative politics, as I have analyzed here, illustrates the
degree to which “the reproduction of future immigrant generations” wreaks havoc on present day Latina maternal bodies, in both material and symbolic terms.

I have suggested that claiming the undocumented mother can move us towards decolonial ways of being and knowing that make refusal and disobedience central to imagining and creating a world otherwise. Yet, our claiming should not be an uncritical eulogy of the feminine that may reduce the mother to nonexistence or to give selflessly as the result of biological fate; rather, our claiming of the undocumented mother necessitates a decolonial politics of justice that addresses and critiques the exploitation of maternal generosity and the construction of the feminine Other as “the pre-ethical condition for ethics” (Guenther 2006). As such, claiming the undocumented mother, as Guenther has argued in a different context, demands “a reinterpretation of gender and sexual difference along ethical lines” in order to imagine non-patriarchal/non-capitalist/non-heteronormative meanings of motherhood where familial relations are no longer constrained to the triad of mother, father, and child (55). This, I contend is an understanding that recognizes the ways in which normative notions of Motherhood and Legality operate to discipline and moralize females, particularly those women who reside at the crossroads of racism, sexism, and poverty. In this sense, it is the undocumented mother’s deviation from (or failure to reproduce) the norm that creates a break of the moral and legal code. Or, as Foucault suggests, “confronted with discipline on the face of the law, there is illegality, which puts itself forward as a right; it is indiscipline, rather than the criminal offense that produces the rupture” (Foucault 1975).

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**Notes**

1 Maricopa County is perhaps the most high-profile 287(g) jurisdiction in the U.S. In September 1996, *The Illegal Immigration Reform and Immigrant Responsibility Act* appended section 287(g) to the Immigration and Nationality Act (1965). The 287(g) addendum is one of fourteen agreements that ensure the collaboration between ICE and local officials, falling under the category of *Agreements of Cooperation in Communities to Enhance Safety and Security* (ACESS). Though passed in 1996, it was not until July 2002, a year after the 9/11/2001 attacks, that ICE signed the first Memorandum of Agreement (MOA) with Florida’s Department of Law Enforcement. Notwithstanding that the intent of the 287(g) program is substantially similar to these other safety and security programs, it specifically permits local police to enact immigration enforcement on a daily basis under the premise of effecting community safety. See Rodriguez (et. al., 2010).
For Mignolo, the project of decoloniality requires new chronicles that are not grounded on Eurocentered paradigms of knowledge.

See Ballesteros (2005), Menjivar (2006), and Ellermann (2009). Also see BBC News “Spain tightens immigration Law” [link]. Also read the guardian.co.uk “French Police Accused of Rough Tactics in Immigrant Eviction” [link].

For a discussion on the three different models authorized by 287g agreements see Rodríguez (et. al.,2010)

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