

Law, Latin@s, “Illegality”
Anth/LSP/AmSt 3762
TTh 11:40-12:55 p.m.
Department of Anthropology, Latino Studies Program, American Studies Program
Cornell University
Fall 2015

Professor V. Santiago–Irizarry
Office Hours: Wednesdays, 3:00-5:00 P.M., *by appointment*
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Course Description:

The Latino experience in the United States is, too often, predominantly shaped by law, state power, and police action. Drawing from a theoretical and methodological toolkit developed within the anthropology of law, this course considers how the condition of “illegality” and the constitution of Latin@s as a population “in need” (Flores and Yúdice 1990) have shaped individual and collective life among them and their communities. Although immigration is salient among the issues we will examine, it will not be the only one and we will stress how it articulates with multiple domains to suffuse and inform other sociocultural processes.

Course Objectives:

This course will help students understand how anthropologists have approached the law and legal systems in their articulation with other sociocultural processes and categories such as ethnoracial identity, gender, and class. Secondly, students will learn how anthropology and other disciplines generate knowledge about Latin@s and their communities through representative ethnographic accounts about them. Third, they will become familiar with debates over the place of Latin@s in U.S. society, particularly as concerns their legal status, conditions, and issues within the context of lingering U.S.-nativist perceptions regarding “otherness” and sociocultural difference. Lastly, they will develop a greater understanding of how the Latino experience illuminates processes that have also characterized the treatment of other ethnoracial/immigrant communities over the course of U.S. history and its national formation.

Required Texts:

Chávez, Leo. 2013[2008]. *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*. 2nd edition. Stanford (CA): Stanford University Press.

Coutin, Susan Bibler. 2007. *Nations of Emigrants: Shifting Boundaries of Citizenship in El Salvador and the United States*. Ithaca, NY: Cornell University Press.

De Genova, Nicholas and Ana Y. Ramos-Zayas. 2003. *Latino Crossings: Mexicans, Puerto Ricans, and the Politics of Race and Citizenship*. New York: Routledge.

Gomberg-Muñoz, Ruth. 2011. *Labor and Legality: An Ethnography of a Mexican Immigrant Network*. New York: Oxford University Press.

Morín, José Luis. 2009[2005] *Latino Rights and Justice in the United States: Perspectives and Approaches*, 2nd Edition. Durham, NC: Carolina Academic Press.

Terrio, Susan. 2015. *Whose Child Am I? Unaccompanied, Undocumented Children in U.S. Immigration Custody*. Berkeley: University of California Press.

Zavella, Patricia. 2011. *I'm Neither Here Nor There: Mexicans' Quotidian Struggles with Migration and Poverty*. Durham, NC: Duke University Press.

Optional Texts:

De Genova, Nicholas and Nathalie Peutz (eds.). 2010. *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Durham, NC: Duke University Press.

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

These texts are for sale at the Campus Store, and on reserve in the library and in the Latino Studies Program at 434 Rockefeller Hall. Other required readings are available on Blackboard. Students are urged to purchase the texts and access the material on electronic reserves to ease their compliance with the course requirements as well as their participation in and comprehension of class discussions.

Course Requirements:

Attendance to all sessions, participation in class discussions, and keeping up with all required readings are **compulsory** in this course and will be considered in assessing your performance in it. Your grade will be based on:

1. Weekly, *one-page*, discussion starters based on present or past examples, culled from public/popular media, relating to the ideas, theories, situations, and issues raised, described, documented, or discussed in the week's readings. Depending on its medium, you will reproduce or briefly describe the example and add a commentary, indicating how it relates to course material and discussions.

Starters are due each *Thursday*. **They will not be graded** but assessed through a checkmark system: a single checkmark will indicate a good choice of material and commentary ("√"), a checkmark with a plus sign ("√/+") will indicate a particularly felicitous submission, and a checkmark with a minus sign ("√/-") will indicate that you may be missing some of the points raised in the readings as shown by your choice of material/commentary. Since we all may occasionally encounter unforeseen obstacles in meeting our obligations, you may opt for not fulfilling this requirement on any two weeks of your choice. **(20%)**

2. Essay type midterm exam. **(30%)**
3. Essay type, take-home final exam. **(40%)**
4. *Timely* attendance and class participation. Three unjustified absences will entail a full grade reduction in your final course grade. Three unjustified late arrivals in class will amount to one absence. **(10%)**

NO LATE PAPERS/SUBMISSIONS WILL BE ACCEPTED WITHOUT A VALID MEDICAL EXCUSE AND ABSENCE FROM AN EXAM WILL ENTAIL A FAILING GRADE IN THE COURSE.

STUDENTS ARE EXPECTED TO ABIDE BY THE CORNELL CODE OF ACADEMIC INTEGRITY. IF YOU ARE NOT FAMILIAR WITH THE CODE, ITS PURPOSES, THE CONSEQUENCES OF VIOLATING IT, AND ITS RELATED PROCESSES, I URGE YOU TO EDUCATE YOURSELF AT <http://www.theuniversityfaculty.cornell.edu/AcadInteg/>

NONCOMPLIANCE WITH CORNELL'S CODE OF ACADEMIC INTEGRITY MAY ENTAIL TERMINATION OF YOUR CAREER HERE.

STUDENTS WITH DISABILITIES: PLEASE GIVE YOUR STUDENT DISABILITY SERVICES (SDS) ACCOMMODATION LETTER TO ME EARLY IN THE SEMESTER SO THAT WE HAVE ADEQUATE TIME TO ARRANGE YOUR APPROVED ACADEMIC MODIFICATIONS. MEETING IN OFFICE HOURS WILL HELP ENSURE CONFIDENTIALITY. IF YOU NEED AN IMMEDIATE ACCOMMODATION FOR EQUAL ACCESS, PLEASE SPEAK WITH ME AFTER CLASS OR SEND AN EMAIL MESSAGE TO ME AND/OR SDS AT SDS_CU@CORNELL.EDU. IF THE NEED ARISES FOR ADDITIONAL ACCOMMODATIONS DURING THE SEMESTER, PLEASE CONTACT SDS.

THE USE OF CELL PHONES, LAPTOPS, TABLETS, OR ANY SUCH ELECTRONIC DEVICE DURING CLASS IS FORBIDDEN. PLEASE TURN OFF YOUR CELL PHONES WHEN YOU COME TO CLASS AND REFRAIN FROM USING THEM DURING CLASS SESSIONS.

IT IS YOUR RESPONSIBILITY TO READ THE SYLLABUS CAREFULLY AND TO COMPLY WITH IT!

Lecture and Reading Schedule:

WEEKS 1 and 2 (25/27 August, 1/3 September): Housekeeping and introduction to the course: An overview on law and Latin@s I.

Readings:

Morín, "Foreword" and Chapters 1-4 in *Latino/a Rights and Justice in the United States: Perspectives and Approaches* (2nd edition)

Delgado, "The Law of the Noose: A History of Latino Lynching" (Blackboard)

Sample case: *Hernández v. NY*, 500 US 352 (1991) (Blackboard)

WEEK 3 (8/10 September): Law and Latin@s, an overview II.

Reading:

Morín, Chapters 5, 7-8, in *Latino/a Rights and Justice in the United States: Perspectives and Approaches (2nd edition)*

Supplemental material: “COINTELPRO – Puerto Rican Independence Movement,” in W. Churchill and J. Vander Wall, *The COINTELPRO Papers: Documents from the FBI’s Secret Wars Against Dissent in the United States* (Blackboard)

WEEK 4 (15/17 September): Anthropology, law, language, transnationalism, “illegality.”

Readings:

Dick, “Making Immigrants Illegal in Small Town USA” (Blackboard)

Moore, “General Introduction” and “Certainties Undone: Fifty Turbulent Years of Legal Anthropology, 1949-1999” (Blackboard)

Optional:

De Genova, “Migrant ‘Illegality’ and Deportability in Everyday Life” (Blackboard)

Kearney, “The Local and the Global: The Anthropology of Globalization and Transnationalism” (Blackboard)

WEEK 5 (22/24 September): The pioneer Latino communities in a comparative ethnographic perspective.

Reading:

De Genova and Ramos-Zayas, *Latino Crossings: Mexicans, Puerto Ricans, and the Politics of Race and Citizenship*

WEEK 6 (29 September/1 October): Citizenship, nativism, and the U.S.’s “exceptional” context.

Readings:

Urciuoli, “Acceptable Difference: The Cultural Evolution of the Model Ethnic American Citizen” (Blackboard)

Feagin, “Old Poison in New Bottles” (Blackboard)

Perea, “Part IV, Nativism Past: Historical Context and the New Nativism,” in *Immigrants Out!* (Blackboard)

Includes:

Johnson, “The New Nativism: Something Old, Something New, Something Borrowed, Something Blue”;

Carrasco, “Latinos in the United States: Invitation and Exile”; and

Roberts, “Who May Give Birth to Citizens? Reproduction, Eugenics, and Immigration”

WEEK 7 (6/8 October): “De”-legalizing language difference.

Reading:

Perea, “Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English” (Blackboard)

FALL BREAK: 10-14 OCTOBER 2015

WEEK 8 (15 October): *Midterm*

WEEK 9 (20/22 October): Recurring discourses and myths I.

Readings:

Chávez, “Preface and Acknowledgements,” “Introduction,” and “Part I: Constructing and Challenging Myths,” in *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*

Huntington, “The Hispanic Challenge” (Blackboard)

WEEK 10 (27/29 October): Recurring myths and discourses II.

Reading:

Chávez, “Part II: Media Spectacles and the Production of Neoliberal Citizen-Subjects,” in *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*

WEEK 11 (3/5 November): Immigration and labor networks.

Reading:

Gomberg-Muñoz, *Labor and Legality: An Ethnography of a Mexican Immigrant Network*

WEEK 12 (10/12 November): Transnationalized immigration, globalized criminal networks, and citizenship.

Reading:

Coutin, *Nations of Emigrants: Shifting Boundaries of Citizenship in El Salvador and the United States*

WEEK 13 (17/22 November): NO CLASS!

**American Anthropological Association Meeting
18-22 November 2015, Denver CO**

WEEK 14 (24 November): The bureaucratic experience.

Readings:

Gomberg-Muñoz, “The Punishment/*El castigo*: Undocumented Latinos and U.S. Immigration Processing” (Blackboard)

Terrio, *Whose Child Am I? Unaccompanied, Undocumented Children in U.S. Immigration Custody*

THANKSGIVING RECESS: 25-29 NOVEMBER 2015

WEEK 15 (1/3 December): Cross-border iterations and the construction of immigrant memory.

Reading:

Zavella, *I'm Neither Here Nor There: Mexicans' Quotidian Struggles with Migration and Poverty*

FINAL EXAM: TO BE ANNOUNCED

COURSE BIBLIOGRAPHY

- Carrasco, Gilbert Paul. 1997. "Latinos in the United States: Invitation and Exile," pp. 190-204, in J. Perea (ed.), *Immigrants Out! The New Nativism and the Anti-Immigrant Impulse in the United States*. New York: New York University Press.
- Churchill, Ward and Jim Vander Wall. 1990. *The COINTELPRO Papers: Documents from the FBI's Secret War Against Dissent in the United States*. Boston: South End Press.
- Delgado, Richard. 2009. "The Law of the Noose: A History of Latino Lynching." *Harvard Civil Rights-Civil Liberties Law Review* 44:297-312.
- De Genova, Nicholas. 2002. "Migrant 'Illegality' and Deportability in Everyday Life." *Annual Review of Anthropology* 31:419-47.
- Dick, Hilary Parsons. 2011. "Making Immigrants Illegal in Small Town USA." *Journal of Linguistic Anthropology* 21(S1):E35-E55
- Feagin, Joe R. 1997. "Old Poison in New Bottles: The Deep Roots of Modern Nativism," pp. 13-43, in J. Perea (ed.), *Immigrants Out! The New Nativism and the Anti-Immigrant Impulse in the United States*. New York: New York University Press.
- Flores, Juan and George Yúdice. 1990. "Living Borders/Buscando America: Languages of Latino Self-formation." *Social Text* 29:57-85.
- Gomberg-Muñoz, Ruth. 2015. "The Punishment/*El castigo*: Undocumented Latinos and U.S. Immigration Processing." *Journal of Ethnic and Migration Studies*.
- Hernández v. NY* 500 US 352 (1991)
- Huntington, Samuel. 2004. "The Hispanic Challenge." *Foreign Policy* 141:30-45.
- Johnson, Kevin R. 1997. "The New Nativism: Something Old, Something New, Something Borrowed, Something Blue, pp. 165-189, in J. Perea (ed.), *Immigrants Out! The New Nativism and the Anti-Immigrant Impulse in the United States*. New York: New York University Press.
- Kearney, Michael. 1995. "The Local and the Global: The Anthropology of Globalization and Transnationalism." *Annual Review of Anthropology* 24:547-65.
- Moore, Sally Falk (ed.). 2005. *Law and Anthropology: A Reader*. Malden, MA: Blackwell Publishers.

Perea, Juan F. 1992. "Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English." *Minnesota Law Review* 77:269-373.

Roberts, Dorothy E. 1997. "Who May Give Birth to Citizens? Reproduction, Eugenics, and Immigration," pp. 205-219, in J. Perea (ed.), *Immigrants Out! The New Nativism and the Anti-Immigrant Impulse in the United States*. New York: New York University Press.

Urciuoli, Bonnie. 1994. "Acceptable Difference: The Cultural Evolution of the Model Ethnic American Citizen." *PoLAR* 17(2):19-35.