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ICE Raids: Compounding Production, Contradiction, and Capitalism

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## I. Introduction

On the morning of May 12, 2008, the Department of Homeland Security deployed some 900 agents from the Immigration and Customs Enforcement Agency (ICE) in one of the largest workplace immigration raids to date.<sup>1</sup> Armed with two search warrants, ICE agents descended upon a 60-acre kosher meat plant in Postville, Iowa, arresting an unprecedented 300 workers from Mexico and Guatemala. Workers were charged with “being in the United States illegally or of having participated in identity theft and the fraudulent use of Social Security numbers,” and were then immediately detained and prosecuted as criminals.<sup>2</sup> ICE was not there simply to deport undocumented workers, but to criminalize workers who were not legal. ICE denied employees access to rights as laborers because of their undocumented status as workers in America.

The significant impact of this new form of criminalization on workers’ rights calls into examination how immigration policy and labor rights are changing under expanding processes of globalization and capitalism. As national policy on employment and citizenship are modified, workers’ rights and bodies are constantly experiencing corresponding reconstruction. This project’s purpose is twofold: it will first explore the significant recent changes to American and Mexican transnational policy by examining how ICE raids reconceptualize notions of worker identity, citizenship, and workers’ rights. From there, this project will then analyze how workers can (or cannot) develop progressive political agency under capitalism.

The U.S. Department of Homeland Security established ICE in March of 2003 “as a law enforcement agency for the post-9/11 era.”<sup>3</sup> Since then, ICE has grown rapidly and by 2007 was comprised of “16,500 employees and a \$5 billion annual budget.”<sup>4</sup> Designed to deter and prevent disasters, criminality, and terrorism, ICE enforces “more than 400 federal statutes within the United States. Under those authorities, ICE’s five operational divisions are responsible for enforcing laws that ensure national security and public safety.”<sup>5</sup> To accomplish this, ICE monitors activities such as visa security, identity fraud, illegal arms trafficking, and drug trafficking. Though some believe national security is a necessary service that justifies itself at any cost, mounting political pressure to account for ICE’s large allocation of resources and energy has prompted ICE to focus on immigrants and their deportation, rather than on terrorism and its prevention. Dr. Camayd-Freixas, a translator working the Postville raid, clarifies that “true criminal and fugitive aliens have to be picked up one at a time, whereas raiding a

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1. Erik Camayd-Freixas, “Interpreting after the Largest ICE Raid in US History: A Personal Account,” *The New York Times*, July 14, 2008, <http://graphics8.nytimes.com/images/2008/07/14/opinion/14ed-camayd.pdf> (accessed September 22, 2008), 1.
  2. Susan Saulny, “Hundreds Are Arrested in U.S. Sweep of Meat Plant.” *The New York Times*, May 13, 2008, <http://www.nytimes.com/2008/05/13/us/13immig.html?scp=1&sq=hundreds%20are%20arrested%20largest&st=cse> (accessed September 22, 2008).
  3. Camayd-Freixas, 11.
  4. Ibid.
  5. “Programs” (Immigration and Customs Enforcement, November 26, 2008). <http://www.ice.gov/pi/topics/index.htm> (April 21, 2009).

slaughterhouse is like hitting a small jackpot,”<sup>6</sup> and that consequently, “the criminalization of illegal workers is just a cheap way of boosting ICE ‘criminal alien’ arrest statistics.”<sup>7</sup>

Regardless of whether or not ICE is motivated by maintaining national security or fulfilling quotas, the agency’s responsibility has steadily increased in the post-9/11 political climate and this has resulted in large and frequent immigration raids on factories across the country. A typical raid begins a year in advance with preliminary preparations and investigations. Then, directly before the raid, the government leases land neighboring the factory and establishes a temporary court system.<sup>8</sup> Thus, workplace raids involve months of extensive planning and cooperation between organizations, the Executive Branch (ICE), and the judicial branch (the U.S. District Court). In the case of the Postville raid, ICE leased a local fairground, “purportedly for Homeland Security Training,” and held both documented and undocumented workers from the factory.<sup>9</sup> Workers were offered an arguably coercive Plea Agreement, in which “if you plead guilty to the charge of ‘knowingly using a false Social Security number’ the government will withdraw the heavier charge of ‘aggravated identity theft,’ and you will serve 5 months in jail.”<sup>10</sup> Conversely, a guilty plea meant that “you could wait in jail 6 to 8 months for a trial... Even if you win at trial, you will still be deported, and could end up waiting longer in jail than if you just plead guilty. You would also risk losing at trial and receiving a 2-year minimum sentence.”<sup>11</sup> According to Camayd-Freixas, “some clients understood their ‘options’ better than others.”<sup>12</sup>

## II. Economic Background

In both the United States and Mexico, the trade and immigration policies affecting factory workers’ lives have their origins in the expanding manifestations of globalization. Globalization can be simply defined as “the intensification of linkages and interconnections which transcend the nation state.”<sup>13</sup> The transnational movements that occur in this process take political, economic, cultural, and bodily forms. For example, globalization increases mobility of “things” such as political ideologies, cultural artifacts, images, investments, and bodies. Most theorists agree that things such as ideas, policies, and capital are now experiencing more freedom across borders. However, some theorists argue that the transnational mobility of individuals is ultimately restricted<sup>14</sup> due to borders that are established by national immigration policies and reified by the constraining forces of globalized trade policies.

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6. Camayd-Freixas, 12.

7. *Ibid.*, 13.

8. *Ibid.*, 1.

9. *Ibid.*

10. *Ibid.*, 5.

11. *Ibid.*

12. *Ibid.*

13. Sonya Andermahr, Terry Lovell and Carol Wolkowitz. *A Concise Glossary of Feminist Theory* (London: Arnold, 1997), 90.

14. Patricia Fernandez-Kelly and Douglas S. Massey, “Political and Economic Dimensions of Free Trade: Borders for Whom? The Role of NAFTA in Mexico-U.S. Migration.” *The Annals of the American Academy of Political and Social Science* 610 (2007): 98.

One economic structure under which globalization takes shape is neoliberalism. While also a general philosophy like globalization, neoliberalism refers more specifically to a set of policies offering countries the ability to “integrate into the global economy through trade liberalization...Free trade offer[s] an opportunity to reshuffle capitalist forces by defining new and more favorable conditions for the profitable deployment of assets overseas.”<sup>15</sup> One of the most well-known examples of neoliberal policies is NAFTA, or the North American Free Trade Agreement. This agreement was established in 1993 between Canada, the United States, and Mexico, “not merely to facilitate trade and open markets, but to expand opportunities for capital investment.”<sup>16</sup> With the increasing interconnectedness enabled by neoliberal policies, the U.S. invests capital and establishes American-owned factories in Mexico. Thus, under policies such as NAFTA, neoliberal economics are instated to encourage the flow of capital and investment.

However, unlike capital, policies, and institutions, not everything experiences increased mobility under globalization; very often, the resulting economic policies coincide with a tightening of immigration policies. As a result, the movement of ideas, currency, policies, and bodies across national borders is not always multidirectional, especially in the case of the United States. For example, at the same time NAFTA was created to allow the easy flow of currency from United States to Mexico, the U.S. also implemented Operation Hold-the-Line, a blockade discouraging immigration to El Paso, Texas.<sup>17</sup> As these coinciding implementations illustrate, although American trade policy and immigration policy are generally seen as independent from one another, they are created with similar ends in mind. Legal theorist Gabriela Gallegos explains that “the concurrent increase of free trade and border control implicates two sets of policies: one opens the border for trade; the other shuts it to immigration.”<sup>18</sup> What we see is not simply a multidirectional opening of borders and an intensification of movements, but rather a pre-mediated coordination of opening and closing borders in certain directions. This valuing of material goods over the prerogative of individuals reveals neoliberalism’s prioritization of monetary profit.

Ultimately, globalization is in theory an increase in transnational connections. In practice, however, globalization is the augmentation of capitalist movements and trade liberalization policies. Indeed, only countries with the most power and capital are able to fully take advantage of trade liberalization. In addition to benefiting successful capitalist countries, globalization also affects the daily lives of factory workers. As shown, many neoliberal trade policies work to enable goods to be constructed and transported at the lowest cost. In order to achieve this, transnational corporations must find and maintain cheap and flexible labor. These new and emerging transnational economic policies consequently foster spaces where workers are effective, obedient, and available at low costs. Immigration policies come into play as they establish who can work where and for what wages. In the case of Mexico, immigration policies attempt to contain workers south of the U.S.-Mexico border, ensuring an availability of workers in a location where wages are generally lower than in the United States. In the U.S., immigration policies make it illegal for non-citizens to participate in the labor force, guaranteeing that non-citizen workers who do participate in American employment are marginalized, vulnerable, and

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15. Fernandez-Kelly, 101.

16. Ibid., 99.

17. Gabriela A. Gallegos, “Border Matters: Redefining the National Interest in U.S.-Mexico Immigration and Trade Policy.” *California Law Review* 92 (1994): 1732.

18. Ibid.

denied rights afforded to American citizens, including fair wages, employee benefits, labor negotiation and legal protection.

In both the U.S. and Mexico, immigration policies are reifying economic structures and neoliberal economic policies are, in turn, maintaining the stringent borders established by immigration policies. The mutual reinforcement of these policies is concretely illustrated by ICE raids, where seemingly independent trade, labor, and immigration policies are shown to operate together to determine the status of factory workers in the United States. Consequently, in globalized sites of production, political and economic forces intersect to construct “appropriate” working subjects.

### III. Producing Subjects

The intersection of trade and immigration policies is neither a new nor unacknowledged phenomenon; many theorists have argued that these two state bodies both work toward the increase in capitalist profit. This quest for profit ultimately affects the bodies and identities of factory workers. In her study of *maquiladoras*, or export-processing plants along the U.S.-Mexican border, gender theorist Leslie Salzinger outlines how both economic and immigration policies contribute to the construction of factory workers’ gendered subjectivities. Salzinger argues that individuals become gendered subjects through interpellation, “the process whereby a subject is created through recognizing her- or himself in another’s naming.”<sup>19</sup> Citing theorist Louis Althusser, who coined the term interpellation, Salzinger elaborates that “in Althusser’s conceptualization, the subject is addressed by a single immanent discourse.”<sup>20</sup> Thus, interpellation is the process whereby subjects recognize, internalize, and embody the discursive ways in which they are named or addressed. Salzinger’s study of interpellation reveals how workers in *maquiladoras* primarily gain subjectivity by taking on the positionings, representations, and statuses afforded to them by their factory peers, superiors, and overarching working conditions.

The different systems of power operating within factories ultimately shape the ways in which workers recognize themselves as subjects. However, workers can also gain subjectivity by simply existing within institutions of power, as philosopher Michel Foucault argues. Sonya Andermahr explains, “Foucault goes beyond the Althusserian (mis)-recognition and consent model of ideological subject-formation/subjectation in his concept of ‘regimes of knowledge/power.’”<sup>21</sup> For Foucault then, the subject is produced not *through*, but rather *by* modes of power that inscribe themselves directly on the body. Foucault explains that the subject is brought about by “the meticulous control of the operations of the body, which assured the constant subjectification of its forces and imposed on them a relation of docility-utility.”<sup>22</sup> As disciplinary institutions within neoliberal power structures, ICE and American and Mexican factories are able to produce workers both through interpellation and bodily regiments.

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19. Leslie Salzinger, *Genders in Production* (Berkeley: University of California Press, 2003), 17.

20. *Ibid.*, 176.

21. Andermahr, 217.

22. Michel Foucault, “Docile Bodies,” in *The Foucault Reader*, ed. Paul Rabinow (New York, NY: Pantheon Books, 1984), 181.

Salzinger's study of interpellation within *maquiladoras* maps directly onto cases in American factories. However, economic and immigration policies are not just manifesting predominantly within factory walls. These economic and political forces of production are now also operating through ICE raids. Notably, due to differences in location, structure, and policy, each process of subjectification along the factory assembly line or in ICE's criminalization procedure produces workers differently. Yet by effectively producing subjects, both American and Mexican factories and ICE raids are able to influence and produce many aspects of workers' identities, relating to gender, citizenship, and even humanity. And these processes of production construct subjects in fluid, complex, and often contradictory ways.

#### IV. Constructing Workers in Mexico

In *Genders in Production*, Leslie Salzinger documents the ways immigration and trade policies contribute to the production of Mexican workers in *maquiladoras*. Her case study not only highlights the ways that these workers are subjected to multiple constructions, but also serves as a relevant comparison to the production of workers in American factories. Salzinger explores how workers' subjectivities are produced in four different Mexican factories, focusing on how feminine gender is constructed in a variety of different ways. Salzinger begins by showing that the production of workers originates from procedural changes wrought by neoliberal economics. She explains that "globalization has many components, but a central impetus for the process as a whole is capital's increased capacity to move in search of better—cheaper, more malleable, more highly skilled—workers."<sup>23</sup> Salzinger argues that docile workers are not simply found, but rather produced within factory walls. The production of subjects within *maquiladoras* occurs through both interpellatory processes and regiments operating directly on the body. Workers' subjectivities, Salzinger notes, are "structured and bounded by managers' ongoing, sometimes contradictory, efforts to constitute productive workers. These attempts are incarnated in the most mundane, repetitive, and trivial of linguistic and bodily practices."<sup>24</sup> Two of Salzinger's case studies, one at a factory she calls Panoptimex and the other Partimex, illuminate how interpellation and bodily surveillance produce workers in variable ways.

The first factory in which Salzinger did participant observatory research was Panoptimex, located in Ciudad Juarez, along Mexico's northern border. The factory produces not only low-end TVs, but also creates visually "sexualized gendered subjectivities."<sup>25</sup> This is achieved through both interpellatory processes and bodily monitoring. Salzinger shows that managers of this plant have not introduced the stereotype of the docile female worker, but have rather utilized this existing image in order to hail their employees. Salzinger argues that "the image of a nubile young woman bent over a motherboard haunts contemporary global production. ... It constitutes reality—functioning as a template against which workers are imagined and imagine themselves."<sup>26</sup> Aware of this trope, managers see to its implementation through close management of workers' bodies. In an area designed for high visibility, "workers' bodies too are marked: yellow tunics for new workers; light blue tunics for women workers; dark blue smocks

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23. Salzinger, 9.

24. *Ibid.*, 5.

25. *Ibid.*, 52.

26. *Ibid.*, 9.

for male workers.”<sup>27</sup> The bodies of workers are not only distinguished, but carefully watched. Salzinger describes the women workers, recalling “rows of them, smiling lips drawn red, darkened lashes lowered to computer boards, male supervisors looking over their shoulders—monitoring finger speed and manicure in a single glance.”<sup>28</sup> As a result of these hailing practices, women become highly feminized, often wearing high heels and short skirts to work. In Panoptimex, both bodily regiments and interpellatory processes combine to ensure that women employees take on a specific gendered subjectivity.

In Partimex, the second factory explored, women workers are not constructed as feminine gendered subjects. Salzinger significantly concludes from this scenario that workers’ gendered identities are “fundamentally restructured and resignified within the meaningful practices of the current locale.”<sup>29</sup> For Salzinger, this auto-producing plant located in the small agricultural city of Santa Maria “will make clear how productive femininities which contradict transnational images can also be manufactured in global assembly.”<sup>30</sup> By instituting a new form of labor control, termed Cambio (short for Change in Motion), Partimex has attempted to neutralize gender ideologies by situating different groups of workers as equal. Not only do all persons within the factory have the same outfit, but managers also work to obscure “sharp distinctions of power and privilege between managers and workers”<sup>31</sup> by giving up their ties for the smocks themselves. As workers are interpellated in this process, they are not constructed as hyper-feminine, but rather as assertive and non-traditional.<sup>32</sup> Although gendered performances are limited in this context, gender ideologies are reworked, rather than neutralized. Salzinger explains, “Thus, ‘productive femininity’ functions as an other to be negated—it is not absent. Cambio’s silence around gender is expressive, successfully addressing particular gendered subjects.”<sup>33</sup> By utilizing gendered images and conceptualizations to produce workers, it is clear that although workers are constructed differently, “femininity remained central, but its meaning proved variable.”<sup>34</sup> While factory processes may produce either feminine or non-feminine workers, the masculine- and feminine-gendered templates always permeate the workplace to be enforced, negated, or problematized.

Ultimately, Salzinger’s research in Mexican *maquiladoras* highlights the way women’s gender identities are in flux and often produced in contradictory ways. Though not fully emphasized, another important aspect of Salzinger’s research is the exploration of the production of male *maquiladora* workers, who are also constructed in numerous ways. In both of these factories, men occupy liminal positions. In Panoptimex, although men are masculinized by performing “the ‘heavy’ work of assembling,” they are also emasculated by the topography of the factory, a “girl-filled, guy-dotted space” where male supervisors constantly monitor only female workers.<sup>35</sup> The men on the floor are excluded, unable to either watch or be watched. In Partimex, the situation is even more complex for men. The men here experience constant

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27. Salzinger, 57.

28. Ibid., 51.

29. Ibid., 25.

30. Ibid., 75.

31. Ibid., 82.

32. Ibid., 2.

33. Ibid., 89.

34. Ibid., 100.

35. Ibid., 64-65.

fluctuations between inclusion with their American superiors and inclusion with their Mexican peers. Salzinger explains that “there is substantial pressure to begin building a Mexican managerial workforce, both from the Mexican state and indigenous elites and from *maquila* headquarters in the United States looking to lower labor costs.”<sup>36</sup> Thus, male managers identify both with their American managerial equals and their Mexican employees. Salzinger states, “Mexican plant managers in the industry are constantly juggling—trying to emphasize their Mexican insider and outsider status simultaneously.”<sup>37</sup> In Mexican *maquiladoras*, both men and women employees’ identities are undergoing construction and are produced in partial and multiple ways.

Mexican *maquiladoras* not only produce workers’ gendered subjectivities, but also work to reconstruct fundamental ideas of what it is to be human. Factories in Mexico produce workers as post-human entities increasingly incorporated into the machines they operate. Salzinger indirectly discusses this form of construction as she addresses the working conditions in Panoptimex and Partimex. In Panoptimex, assembly lines are operator-controlled. This means that “the chassis comes to a halt in front of the worker, who inserts her components and pushes a button to send it on.”<sup>38</sup> Though workers control the pace of the machine, they are still prompted to maintain machine-like efficiency. Salzinger describes this process, recounting, “There is no piece rate, no moving assembly line to hurry her along. But she hurries anyway.”<sup>39</sup> Yet through the awareness of their manager’s constant gaze and, hence, their own high visibility, workers are compelled to keep the desired pace.

At Partimex, workers become incorporated into their machines in that each task on the assembly line reaches completion only by the acknowledgement of the machine. According to Salzinger,

each worker stands at a station. As the board goes by, she routes, inserts, or wraps a particular series of cables. Each insertion is accompanied by a rewarding electronic beep. It takes about a minute for a board to pass a given station, so individual workers repeat the same set of gestures close to five hundred times a day.<sup>40</sup>

These operations clearly interpellate workers as an inseparable part of the machine they are working, producing them as machine-like parts of the factory as a whole. Thus, in the case of Mexican *maquiladoras*, not only are workers’ gendered subjectivities produced in variable ways, such as feminine or non-feminine, but they are also produced in contrary ways with regards to their humanity. These multiplicitous subjectivities are constituted by factory conditions; hence, they are not simply constructed by managerial decisions, but rather, they are ultimately shaped by the intersections of trade and immigration policy. As trade policy sees to it that U.S. capital is invested in the creation of *maquiladoras*, and immigration policies keep workers in Mexico by tightening the U.S.-Mexican border, these two overarching forces come together to produce subjects in Mexican factories.

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36. Salzinger, 77.

37. Ibid.

38. Ibid., 61.

39. Ibid.

40. Ibid., 82.



## V. American Immigration and Citizenship

In the case of American factories, the productive forces of trade and immigration policies imbue not only conditions inside factory walls, but also manifest in Immigrations and Customs Enforcement raids. Though there are a multitude of industries monitored by ICE, this project specifically examines the production of immigrant workers in U.S. meatpacking factories. Since the early 1990s, the U.S. meatpacking industry has been deemed the “most dangerous industry in America,”<sup>41</sup> and is therefore dependent on the labor of immigrants who have fewer job opportunities and less power to speak out. Thus, “over the past decade, the meatpacking, poultry, manufacturing, construction, service, and domestic industries have joined agriculture as the predominantly immigrant workforces.”<sup>42</sup> Immigrations and Customs Enforcement has not been blind to this trend and has followed suit, focusing “on traditionally immigrant-dominated industries such as meatpacking, construction, poultry processing, and service.”<sup>43</sup> Overall, the trade and immigration ideologies manifested in both U.S. meatpacking factories and ICE raids have come to produce immigrant workers in multiple and ambiguous ways.

Similar to the variable production of gender in Mexican *maquiladoras*, immigrant workers in the U.S. are produced conflictingly as both citizens and non-citizens. Citizenship is a concept both similar to and different from gender identity. Like identifying with one gender, national citizenship is defined as having “full membership of a community,”<sup>44</sup> and involves both identifying as a citizen of a national body and being recognized by this body as a valid member. In becoming a gendered subject, one can self-identify with one realm of the man/woman dichotomy (or very often not), but in order to be legally recognized, one needs to be legible within this dualistic system. Citizenship follows a similar logic; though one can live out life like a citizen, as many undocumented workers have done by entering the American workforce, legal recognition is necessary to merit the full legal and extralegal benefits of citizenship. Thus, the concepts of gender and citizenship are similar: they are both social constructs that are influenced, produced, and validated by state policies. Yet citizenship also differs from gender in that state contestation is much more frequent. As evidenced by ICE raids, the state implements direct interventions that confront and challenge citizenship status. The state does not currently fund “gender raids.” Citizenship is one realm of identity that is currently coming under attack in ICE raids. Therefore, in the case of immigrant workers in the U.S., producing workers begins in the factories and culminates in the direct confrontation and reconstitution in ICE raids. In this process, enveloping ideologies on immigration and citizenship see to it that workers are undergoing constant fluctuations of inclusion and exclusion, establishing citizenship identities that are often contradictory.

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41. Kenneth B. Noble, “Accord is Seen Reducing Injury in Meatpacking.” *The New York Times*, November 23, 1988,

<http://query.nytimes.com/gst/fullpage.html?res=940DE6DF153AF930A15752C1A96E948260&scp=1&sq=accord%20is%20seen%20in%20reducing&st=cse> (accessed September 22, 2008).

42. Leticia M. Saucedo, “A New ‘U’: Organizing Victims and Protecting Immigrant Workers.” *University of Richmond Law Review* 42 (2008): 895.

43. *Ibid.*, 896.

44. Andermahr, 26.

## VI. Workers in America: Factories and ICE Raids Produce Citizens

American meatpacking factories are able to impart notions of inclusion and exclusion in that they have simultaneously sought low-wage undocumented workers, while denying them full labor rights as American citizens. Anthropologist Mark Grey shows that “as a result of global competition, downward pressure on wages and relocation of industries, many corporations depend on immigrants and refugees to provide low-cost labor.”<sup>45</sup> Factories capitalize on immigrant workers’ low status; they will not grant workers the protection and wages guaranteed to the average American citizen. Much of this is due to American immigration policies, which can be traced back to the 1986 shift in attitude from immigration tolerance to immigration repression.<sup>46</sup> In 1986, the U.S. government set up the Immigration Reform and Control Act that “simultaneously criminalized the hiring of unauthorized workers by U.S. employers and massively increased funding for the U.S. Border Patrol.”<sup>47</sup> Simply put, meatpacking factories interpellate workers as if they were citizens, through inclusion in the labor market, yet they also exclude them from this identification by hiring them illegally, ensuring they do not receive the rights, wages, and recognition of American citizens.

Demographic research has shown that Mexican workers take on the dual identity of citizen and non-citizen, constructing two localities that can be conceptualized as ‘home.’ In his study of a meatpacking factory in Marshalltown, Iowa, anthropologist Mark Grey shows that immigrant workers maintain close ties with their hometowns in Mexico, while building new communities in their U.S. residences. Grey states that “migration between Mexico and Iowa became the norm whether Anglo managers found this palatable or not.”<sup>48</sup> Most of the workers in the Iowa factory keep homes in Mexico and are able to capitalize on high worker turnover rates, which allow them to quit jobs, visit their family, and later return to the States to be rehired.<sup>49</sup> Aside from maintaining homes in their countries of origin, workers also set up new communities, where large diasporas come together to create new American communities. Grey notes that “once a critical number of workers established themselves in the new community, others—friends and kin—followed.”<sup>50</sup> By creating two conceptualizations of their home locality, workers are able to simultaneously identify as part of an American community and as a non-citizen.

Though workers may take on dual identities as both citizens and non-citizens, conforming to their ambiguous construction through factory policies, the state has the ultimate say as to who is a citizen. Thus, workers are not only produced inside their factories, but also outside the factories, through their criminalization in immigration raids. ICE raids are productive in a multitude of ways. Not only do they police the definition of citizenship, they also have deeper productive effects on factory workers, producing their identities as criminals and even as part of humanity. These imparted identities are also contradictory and partial: some workers are

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45. Mark A. Grey, “Immigrants, Migration, and Worker Turnover at the Hog Pride Pork Packing Plant.” *Human Organization* 58 (1999): 16.

46. Fernandez-Kelly, 107.

47. Ibid.

48. Grey, 21.

49. Ibid.

50. Ibid.

criminalized, while others are not, and workers are simultaneously posited as sub-human and post-human.

## VII. American Factories: Producing Men, Machines, or Criminals?

The production of workers as both sub-human and post-human begins inside factory walls, where workers are subjected to conditions that often violate human rights. In 2005, reporter Steven Greenhouse documented how “Human Rights Watch ha[d] issued a report that harshly criticizes a single industry in the United States, concluding that the nation’s meatpacking industry has such bad working conditions that it violates basic human and worker rights.”<sup>51</sup> The workers are cramped into small spaces, repeating the same monotonous motion over and over, often “being asphyxiated by fumes and having their legs cut off and hands crushed.”<sup>52</sup> Given these inhumane conditions, workers are thus constructed as sub-human; they are denied the full protection that human rights merit. These conditions are not the only reason the meatpacking industry has come under media scrutiny. In 2004, one plant “was asked to change its slaughtering methods after an animal rights group secretly documented workers cutting the throats of living steers and letting them bleed to death.”<sup>53</sup> This issue demands comparison: the equally horrific factory conditions to which workers and animals are subjected further reveals how workers are positioned as less than human. Maltreated workers become further dehumanized when activists work solely to change inhumane factory conditions for animals and not these workers.

This sub-human construction of workers’ identities is only exacerbated through ICE raids. After the Postville, Iowa factory raid, workers were detained, prosecuted, and again subjected to inhumane conditions. Translator Erik Camayd-Freixas described the conditions of the makeshift court system, perhaps ironically titled, the “National Cattle Congress,” as “a sort of concentration camp.”<sup>54</sup> Here, workers were treated like animals, “shackled at the wrists, waist and ankles, chains dragging.”<sup>55</sup> Camayd-Freixas points directly to workers’ subhuman treatment, claiming that the brevity and harshness of each worker’s trial “oddly resembled a judicial assembly line where the meat packers were mass processed.”<sup>56</sup> This hailing as a piece of meat, in addition to maltreatment within meatpacking factories, clearly produces workers as less than human. Even local bystanders recognized ICE’s violation of human rights, with one woman simply commenting, “This is not humane.”<sup>57</sup>

Comparable to the case in Mexico, immigrant workers in the U.S. are also produced as post-human through their increasing inseparability from the machines they operate. Researcher Mark Grey has also shown that “the highly mechanized nature of the modern packing plant

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51. Steven Greenhouse, “Meat Packing Industry Criticized on Human Rights Grounds.” *The New York Times*, January 25, 2005, [http://www.nytimes.com/2005/01/25/business/25cnd-meat.html?\\_r=1&scp=1&sq=meat%20packing%20industry%20criticized&st=cse](http://www.nytimes.com/2005/01/25/business/25cnd-meat.html?_r=1&scp=1&sq=meat%20packing%20industry%20criticized&st=cse) (accessed September 22, 2008).

52. *Ibid.*, 1.

53. Saulny.

54. Camayd-Freixas, 1.

55. *Ibid.*, 2.

56. *Ibid.*, 4.

57. *Ibid.*, 15.

means that the pace and nature of tasks are dictated by machines, not individual workers. All a worker provides is his/her physical labor, filling in where the machine cannot do the work.”<sup>58</sup> Workers bodies seem to disappear as they become part of the machines they operate: concerns about injuries and safety lose out to the factory’s main goals of speed and efficiency. Factory managers are hardly concerned with bodily harm, despite the fact that this industry has some of the highest injury rates. Reporter Kenneth Noble explains that one of “the most serious of these injuries, carpal tunnel syndrome, is a blockage of the channel that carries the nerve to the hand. It results from a repeated action by a part of the body, *at the pace of a machine* [emphasis added], and weakens the grip and often leaves the fingers immobile.”<sup>59</sup> In U.S. factories, the machines dictate the speed of production, subsuming the worker and hailing them as part of a larger mechanized structure.

In addition to being ambiguously positioned within the dualities of citizen/non-citizen, subhuman/human, and human/machine, these immigrant workers are also constructed as criminal and non-criminal. Workers are placed within this contradictory standpoint precisely because of the fluid and arbitrary designation of criminality perpetuated by ICE raids. Though ICE intends to criminalize all illegal immigrant workers, its actions are not consistent. After the Postville, Iowa raid, ICE detained and criminally prosecuted over 300 workers for “identity theft and the fraudulent use of Social Security numbers,”<sup>60</sup> where they face a potential two-year jail sentence.<sup>61</sup> During the next large raid, which took place at a manufacturer of electrical transformers in Laurel, Mississippi, ICE arrested over 600 workers, but prosecuted relatively few. Reporter Adam Nossiter cited one analyst of this raid, Kathleen C. Walker, who hoped that ICE’s criminalization process had changed. He explains that Ms. Walker claimed, “‘they got a lot of heat from different avenues’ ... referring to the outcry from advocates over the mass, rapid-fire nature of the criminal proceedings, which took place on the grounds of the National Cattle Congress in Iowa.”<sup>62</sup> Though ICE representatives insist their policies have not changed, their inconsistent criminalization practices cause the idea of worker criminality to be continuously in flux. As a result, factory workers are situated liminally—perhaps criminals, perhaps not. In addition, factory policies add to this ambiguity, turning a blind eye to workers’ “criminal” status when they need laborers and turning workers over to ICE when the government initiates immigration raids. Thus, as the very idea of criminality fluctuates, immigrant factory workers are hailed in contradictory ways and produced as ambiguous subjects within the criminal/non-criminal dichotomy.

Overall, American and Mexican factory workers bear the brunt of the expanding search for profit under industrial globalization. The variable and contradictory productive forces at play in both factories and in ICE raids force these workers to not only accept low wages, but take on new and ambiguous identities.

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58. Grey, 22.

59. Noble, 1.

60. Saulny.

61. Camayd-Freixas, 5.

62. Adam Nossiter, “Nearly 600 Were Arrested in Factory Raid, Officials Say.” *The New York Times*, August 27, 2008, <http://www.nytimes.com/2008/08/27/us/27raid.html?scp=1&sq=nearly%20600%20arrested&st=cse> (accessed September 22, 2008).

## VIII. Consequences for Factory Workers

The production of workers in fluid and often multiple ways can be both constraining and enabling for factory workers. Currently, the positioning of workers in both Mexico and the United States is oppressive in that it keeps workers locked in a vulnerable liminality. Constrained between modalities of insider and outsider, criminal and non-criminal, man, animal, and machine, workers cannot assert their right to speak out against factory conditions. The powerless liminality initiated inside factory walls is maintained by a combination of trade policy and immigration policy, two coinciding capitalist institutions. Neoliberal economic policies, like NAFTA, increase U.S. investment in Mexico, encouraging Mexican nationals to remain in Mexico and work for low wages at American-owned factories. Simultaneously, U.S. immigration policies refuse to allow and recognize non-citizen workers in the American workforce. This reifies the country's economic structure, as it regulates who can work where and for what wages. Thus, the combination of these overarching political and economic policies guarantees workers' ambiguous constructions and upholds worker vulnerability. Significantly, this protects current factory conditions and allows the oppressive structures of capitalism to flourish in turn.

Gabriela Gallegos explains how by capitalizing on worker vulnerability, these coinciding state bodies are able to maximize capitalist profit. She argues "international trade policy and immigration policy operate under different sociopolitical and economic frameworks; however, both claim to maximize wealth in accordance with the national interest."<sup>63</sup> Thus, contemporary trade and immigration laws work to achieve the same end—profit. This goal is ultimately achieved through the maintenance of worker liminality, immobility, and vulnerability, or, in other words, characteristics reified through the combination of economic and immigration laws. Though seemingly independent, both of these legal bodies depend on the construction of workers as liminal, ambiguous beings. As these policies contribute to the production of these multiplicitous subjects, they create vulnerable workers who cannot act out against the effects of capitalism's ever-increasing drive for profit.

What is interesting about the case of workers currently in the United States is not simply that the ideologies of trade and immigration policies are manifesting in institutions of production, but rather that ICE raids are now emerging as a large part of this process of producing subjects. ICE raids (re)produce workers' contradictory positions in order to further worker vulnerability, which allows for the continuation of their low economic statuses and the maintenance of the current capitalist structure. In the law review "A New 'U': Organizing Victims and Protecting Immigrant Workers," author Leticia M. Saucedo argues that ICE raids maintain worker vulnerability through capitalizing on non-citizens' fear of prosecution and deportation. She explains, "ICE has calculated raids to instill fear in both employers and employees in such workplaces."<sup>64</sup> By intimidating workers, ICE ensures that Mexican laborers are kept in their ambiguous positions. Though U.S. factories include undocumented workers in American labor processes, ICE raids serve as a constant threat of exclusion, deportation, and criminalization.

Thus, ICE raids use fear to reinforce workers' statuses within the American economic structure—a position necessary to maintain the current American economy. The current economic system would collapse if immigrant workers did not occupy low-wage brown-collar

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63. Gallegos, 1733.

64. Saucedo, 896.

jobs such as factory work. Consequently, state policies do not seek to rid the country of these workers, but rather to keep them in marginal and ambiguous positions. In addition to the ever-present threat of ICE raids, the state upholds immigration policies that keep workers in their illegal status. Saucedo explains, “Congress failed to reach a compromise that would protect our borders and legalize already present undocumented immigrants.”<sup>65</sup> The state has no interest in either excluding these workers or protecting them, since American immigration and trade policies need to maintain worker vulnerability in order to achieve the state’s economic ends. The undocumented status of workers makes them liminal figures who work just as American citizens do, but without the protection that American citizenship merits. Without legal protection, workers cannot speak out against bodily injury or attempt to organize and unionize. The ability to unionize would offer immigrant workers the power to assert their identities as citizens, but without this right, workers are held in between realms of citizenship and criminality. This vulnerability enables further capitalist gain by guaranteeing that workers cannot speak out against their situation or their wages. Thus, ICE raids compound the productive effects of factories, embodying immigration and trade policies to produce vulnerably ambiguous workers. In turn, the multiplicitous production of workers, enabled by both factory conditions and ICE raids processes, allows capitalism to flourish.

## IX. Possibilities for the Future of Factory Workers

Though the contradictory positioning of workers upholds capitalist structures, workers may also find that their emerging constructions offer potential spaces for progress, be it either for bettering factory conditions or perhaps even for making changes to the capitalist system altogether. One potential site of intervention opens up when one seeks to embody contradiction. Gender theorist Donna Haraway completed much work on embodying contradiction and has shown the power of this identity through her mythical figure, the cyborg. For her, the cyborg is “a cybernetic organism, a hybrid of machine and organism.”<sup>66</sup> Through the production of multiple identities, factory workers in Mexico and the U.S. can be aligned with the figure of the cyborg. This figure, both natural, unnatural, man, animal, and machine is ultimately about contradiction. This figure holds many identities as compatible, embodying dualities that were once seen as mutually exclusive. For example, the cyborg disrupts the gender dualism of man and woman, not by “attempting to heal the terrible cleavages of gender,” but rather by holding these previously incompatible realms together.<sup>67</sup> The cyborg deals not only with gender, but with infinite contradictions, incorporating and disrupting dualisms by embodying them ironically. Irony is pivotal for Haraway. For her, “irony is about contradictions that do not resolve into larger wholes, even dialectically, about the tension of holding incompatible things together because both or all are necessary and true.”<sup>68</sup> As a creature of contradiction and partiality, the cyborg puts many dualities at stake. All contradictions within which workers are produced also work to position them as cyborgs. Workers, like cyborgs, bring together oppositional aspects of identity, and in doing so, can create new modes of being, acting, and subverting oppression.

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65. Saucedo, 899.

66. Donna Haraway, *Simians, Cyborgs and Women: The Reinvention of Nature* (New York: Routledge, 1991), 149.

67. *Ibid.*, 150.

68. *Ibid.*, 149.

New modes of operation are possible in that contradiction implies multiplicity, and therefore it provides a standpoint from which to access multiple perspectives, knowledges, and strategies. Like Haraway, gender theorist Gloria Anzaldúa also explores the possibilities of contradiction, but this time through the figure of *La Mestiza*, a figure who “not only... sustain[s] contradictions, [but] turns the ambivalence into something else.”<sup>69</sup> Anzaldúa explains that the figure of *La Mestiza* can be extrapolated to examine the life of different border cultures. Using the case of the U.S.-Mexico border, Anzaldúa describes the creation of a border culture: “the U.S.-Mexican border *es una herida abierta*<sup>70</sup> where the Third World grates against the first and bleeds. And before a scab forms it hemorrhages again, the lifeblood of two worlds merging to form a third country—a border culture.”<sup>71</sup> For her, a border culture is occupied by those with multiplicitous identities. Anzaldúa argues, “*Los atravesados* live here: the squint-eyed, the perverse, the queer, the troublesome, the mongrel, the mulatto, the half-breed, the half dead; in short, those who cross over, pass over, or go through the confines of the ‘normal.’”<sup>72</sup> This culture eloquently exemplifies the condition of Latino workers in the United States: “living in a no-man’s-borderland, caught between being treated as criminals and being able to eat, between resistance and deportation, the illegal refugees are some of the poorest and the most exploited of any people in the U.S.”<sup>73</sup> Though greatly oppressed and marginalized by their embodiment of two localities and, hence, their inability to fully take on one culture, border people are also able to open up new modes of thinking and acting from living within contradiction.

From taking on ambiguities and pluralities, Anzaldúa argues that *La Mestiza* can create new ways to subvert oppression. She explains that *La Mestiza* is able to accomplish this by taking on a new consciousness. By embodying dualities, the border person does not simply rework opposing modalities, but rather, “in attempting to work out a synthesis, the self has added a third element which is greater than the sum of its severed parts. That third element is a new consciousness... its energy comes from continual creative motion that keeps breaking down the unitary aspect of each new paradigm.”<sup>74</sup> It is precisely this new consciousness that offers those with contradictory subjectivities a space of agency and change. The new consciousness is not about simply reacting or resisting oppression. Anzaldúa shows that by just resisting, a counterstance is established; “a counterstance locks one into a duel of oppressor and oppressed; locked in mortal combat, like the cop and the criminal, both are reduced to a common denominator of violence. ... all reaction is limited by, and dependent on, what it is reacting against.”<sup>75</sup> Instead, border people are able to look past oppositional thinking and dualistic viewpoints. With her new consciousness, “*La Mestiza* constantly has to shift out of habitual formations; from convergent thinking, analytical reasoning that tends to use rationality to move toward a single goal (a Western mode), to divergent thinking characterized by movement away from set patterns and goals and toward a more whole perspective, one that includes rather than

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69. Gloria Anzaldúa, *Borderlands/La Frontera* (San Francisco: Aunt Lutte Books, 2007), 25.

70. I have chosen not to translate Anzaldúa's Spanish phrases, for she does not translate them in her text, as a stylistic choice.

71. Anzaldúa, 25.

72. Ibid.

73. Ibid., 34.

74. Ibid., 102.

75. Ibid., 100.

excludes.”<sup>76</sup> With a new way of operating and working against oppression, those with contradictory identities are not left simply to resist or rebel. Rather, for border people endowed with new consciousness, strategies, and viewpoints, “the possibilities are numerous once [they] decide to act and not react.”<sup>77</sup>

## X. Conclusion

Given that nothing is ever wholly oppressive or resistant, workers’ multiple constructions are not only ambiguous along the lines of gender, citizenship, and cyborg, but also ambiguous in their potential for change. The current status of workers in both the United States and Mexico opens up new and complex subjectivities that can both uphold and subvert capitalism. Contradictory identities enable capitalism by restraining workers from accessing fair rights and wages in order to maintain the cheap labor necessary under globalization. Yet workers can potentially appropriate these dualistic identities. As argued by Gloria Anzaldúa, those with contradictory identities have a history of opening up new spaces, perspectives, and knowledges. By embodying multiplicity and partiality, workers can aid in processes of immigration reform, suggesting policies that foster new and multiple forms of inclusion rather than the strictly bound categories of citizen or non-citizen. Immigration reform has typically focused on the creation of a new type of American visa, either offering non-American nationals the chance to be in the country with restricted rights or for a restricted time. Positioned as citizens, non-citizens, sub-human, and human, workers are prime candidates for negotiating a middle space between the full rights of a citizen and the limited rights of a non-citizen. Workers have a unique vantage point from which to suggest new modes of acting, working, and being recognized in between the confines of citizen and non-citizen. As a result, workers are in a powerful position: they are desirable political allies for both those seeking to expand immigration rights and also for those wanting to tighten immigration policies and create a compromissary status between citizen and non-citizen. Subjectivities that are contradictory and partial are, therefore, potentially problematic to capitalist structures which seek to close borders and advance industry and its profits, rather than the condition of its workers.

These fluid identities operating within factory walls and ICE detention centers merit much examination as they exemplify how capitalism affects the bodies of workers and how these workers could potentially hail new forces of change. In an age where capitalism is globally expanding and continually profiting, perhaps it is time we turn to factory workers worldwide to explore how state policies are affecting workers’ rights and immigrants’ rights. From there, we might learn how to better the lives of these producers and, consequently, alter the oppressive structures of capitalism.

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76. Anzaldúa, 101.

77. Ibid.



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