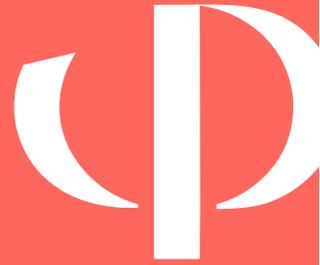


# Hispanic/Latino Issues in Philosophy



FALL 2015

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APA NEWSLETTER ON

# Hispanic/Latino Issues in Philosophy

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CARLOS ALBERTO SÁNCHEZ, EDITOR

VOLUME 15 | NUMBER 1 | FALL 2015

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## FROM THE EDITOR

Carlos Alberto Sánchez  
SAN JOSE STATE UNIVERSITY

The first fifteen years of the new millennium have witnessed an increased enthusiasm for, and a stronger level of commitment to, Latin@ philosophy broadly construed. Recent work in Latin American philosophy dares to go beyond questions into its own possibility (which has, from the start, always been a guiding preoccupation for its practitioners), delving into the intricacies of its arguments, the nature of its contributions to the history of Western philosophy, and the usefulness of its insights to twenty-first-century Latin@s. The opening of the field has also motivated questions into Latin@ philosophy itself, its nature and possibility, as well as the formation of philosophical communities dedicated to its dissemination and advocacy. For instance, the present issue of the newsletter announces the formation of the Society for Mexican-American Philosophy, which aims to philosophically consider topics relevant to the peculiarities of the Mexican-American experience. The Caribbean Philosophical Association also makes an appearance in this issue, advocating for a humanitarian cause that should matter to us all.

The present issue of the newsletter thus includes the announcement of the new society, as well as a statement from one already actively working for the betterment of the Latin@ condition. This is followed by a detailed report and analysis on a conference on Latin American Philosophy held at the University of San Francisco, organized by Manuel Vargas and headlined by Jorge Gracia.

Papers included in the newsletter represent the various ways in which scholars are pushing the boundaries of Latin American/Latin@ philosophy: Grant Silva's "Why the Struggle Against Coloniality Is Paramount to Latin American Philosophy" touches upon the driving motivations of the discipline, while Elizabeth Millán's "Philosophy Born of Colonial Struggle: One Theme, or the Whole Story of the Latin American Philosophical Tradition?" responds to Silva's analysis; José Mendoza argues for just immigration reform in "Doing Away with Juan Crow: Two Standards for Just Immigration Reform," while Andrew Soto appeals to critical race theory to consider the underpinnings of a Mexican-American identity in "White Supremacy, Guera/o-ness, and Colonization: An Argument for a Mexican-American Philosophy." Finally, we close with Kim Díaz's translation of Guillermo Hurtado's homage to Luis Villoro, "Portraits of

Luis Villoro," on the eve of the great Mexican philosopher's passing in 2014.

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## CALL FOR SUBMISSIONS

The *APA Newsletter on Hispanic/Latino Issues in Philosophy* is accepting contributions for the spring 2016 issue. Our readers are encouraged to submit original work on any topic related to Hispanic/Latino thought, broadly construed. We publish original, scholarly treatments, as well as reflections, book reviews, and interviews.

Please prepare articles for anonymous review. All submissions should be accompanied by a short biographical summary of the author. Electronic submissions are preferred. All submissions should be limited to 5,000 words (twenty double-spaced pages) and must follow the APA guidelines for gender-neutral language and *The Chicago Manual of Style* formatting.

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

### BOOK REVIEWS

Book reviews in any area of Hispanic/Latino philosophy, broadly construed, are welcome. Submissions should be accompanied by a short biographical summary of the author. Book reviews may be short (500 words) or long (1,500 words). Electronic submissions are preferred.

### DEADLINES

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

Please send all articles, book reviews, queries, comments, or suggestions electronically to the editor, Carlos Alberto Sánchez, at [carlos.sanchez@sjsu.edu](mailto:carlos.sanchez@sjsu.edu), or by post:

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### FORMATTING GUIDELINES

The *APA Newsletters* adhere to *The Chicago Manual of Style*.

Use as little formatting as possible. Details like page numbers, headers, footers, and columns will be added later. Use tabs instead of multiple spaces for indenting.

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Use *italics* instead of underlining. Use an “em dash” (—) instead of a double hyphen (--).

Use endnotes instead of footnotes. Examples of proper endnote style:

John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 90.

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

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## ANNOUNCEMENTS

### ANNOUNCEMENT OF NEW SOCIETY FOR MEXICAN-AMERICAN PHILOSOPHY

The Society for Mexican-American Philosophy is dedicated to the support and promotion of Mexican-American philosophy in all of its diverse manifestations. It seeks to provide a venue for inquiry into philosophical issues that are of particular concern for Mexican-Americans and, more broadly, persons of Latin American descent. To this end, the society is particularly interested in social justice issues (e.g., imperialism, colonization, immigration, civil and human rights, race, gender, discrimination, and language) as well as issues pertaining to identity and citizenship in its various forms (e.g., social, political, or cultural). This society also supports historical and contemporary research on Mexican philosophy, including the philosophies of Mexico’s indigenous peoples and current work on indigeneity.

For information about upcoming sessions or meetings, contact, on the West Coast, Alejandro Santana (University of Portland) [santana@up.edu](mailto:santana@up.edu); on the East Coast, José Jorge Mendoza (University of Massachusetts Lowell) [Jose\\_Mendoza@uml.edu](mailto:Jose_Mendoza@uml.edu); or, in the Mid-West, Grant Silva (Marquette University) [grant.silva@marquette.edu](mailto:grant.silva@marquette.edu).

### CPA DENUNCIATION OF RECENT DOMINICAN RULINGS

The following is the Caribbean Philosophical Association’s denunciation of the Dominican government’s recent retroactive stripping of the citizenship rights of Dominicans of Haitian descent:

We oppose the Dominican government’s and its defenders’ recourse to the most reactionary forms of state sovereignty as an answer to international criticism and intervention. These rulings not only retroactively strip the citizenship rights of Dominicans of Haitian descent dating as far back as 1929, they violate international conventions, setting a dangerous precedent for the treatment of migrant workers globally. This is yet another instance of the Dominican government’s failure to acknowledge its own hand in creating the vulnerable population that it now wishes to regularize or expel. To be sure, the Dominican government is not singularly responsible for the

intersecting histories of white supremacy, capitalist exploitation, and patriarchy that undergird the Dominican state; the U.S. and Haitian governments, Haitian and Dominican elites, and multinational corporations have invested in market relations that create, rely on, and then dispose of vulnerable Haitian and Dominican workers.

As a transdisciplinary organization that seeks critically to engage and build on Africana, Latin American, and Indigenous philosophies of the Caribbean, we challenge the Dominican state’s reliance on an outmoded conception of state sovereignty that facilitates oppression and exploitation along axes of race, color, class, and gender. We stand with all those who have already strongly condemned the ruling and passage of the law (including several Caribbean governments, the United Nations, civil society organizations, regional and international social justice activists, and the Caribbean Studies Association) and with the Dominican organizations and individuals who have been working for decades for meaningful immigrant, migrant, and citizenship rights and call on the international community, and Caribbean activists, intellectuals, artists, and organizations to work directly with them in opposing violations in the Dominican Republic.

<http://www.caribphil.org>

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## ARTICLES

### *Report on the 2015 Fleishhacker Chair Lecture Series and Latin American Philosophy Conference*

Julio Covarrubias  
UNIVERSITY OF WASHINGTON

#### INTRODUCTION

What follows is a report on the Fleishhacker Chair Lecture Series on Latin American Philosophy, a conference hosted at the University of San Francisco, April 16–18, 2015. My aims are, first, to give a sense of the arguments found in the papers delivered, and second, to offer some reflections on themes which emerged from our discussions, and which I think merit further consideration. These are the themes of the marginalization of Latin American and Latino/a philosophy, and of the potential intellectual and moral obligations which issue from the same. I provide, then, in the order in which they occurred, a brief summary of each presentation, turning thereafter to consider the two themes in question. While much can be said about each of the papers in relation to these themes, though, I limit myself to speaking on just the two papers which provoked the thoughts I would here like to voice, namely, the papers presented by Jorge J. E. Gracia and Grant Silva.

## 1. IMMIGRATION AND SOCIAL TRUST

To begin, the first presentation was José Jorge Mendoza's "Latino/a Immigration: A Refutation of the Social Trust Argument." In his paper, Mendoza takes on *enforcement-first policies* by means of what he calls the *social trust argument*. Now as I understand it, an "enforcement-first" stance on immigration policy is the position that the immigration laws currently on the books ought to be now enforced, even while no comprehensive resolution to the "immigration problem" has been reached. In real terms, then, what this position implies is that undocumented migrants in the United States should be *now* deported, that the border wall ought to be *now* reinforced, and that these things should be done *before* the migrants currently present in the United States are able to obtain or be granted a legal status—and certainly before *more* undocumented migrants enter.

By "social trust," on the other hand, it is meant something like those bonds that hold together and facilitate the cooperative functions necessary for societies to exist, and which (I take it) make democratic societies, in particular, possible. The social trust argument, in turn, goes something like this: A political community cannot survive without "social trust." Furthermore, a necessary condition for social trust is that the political community in question must have discretionary control over its borders and over who is allowed to enter, implying that enforcement-first policies are permissible. Therefore, enforcement-first policies are permissible insofar as they secure social trust. Such a position is often invoked, at least in popular media, as a rhetorical device which relies on the force of concept of illegality, and its association with moral wrongness. Hence, disguised racial animus against migrants comes to be justified by such slogans as "Illegal is illegal."

Now, an implicit claim in the foregoing argument is that unchecked immigration undermines social trust. Guided by the principle that policies should reflect the real sociohistorical circumstances of the United States, Mendoza's strategy against enforcement-first policies is to accept the social trust-style argument, but to dispute the claim that immigration actually undermines social trust. In fact, he claims, enforcement-first policies actually undermine social trust by creating pernicious associations between undocumented status and "Mexican" appearance, turning Mexican-Americans into second-class citizens. If a political community wants to limit migration across its borders, and the rationale for doing so is securing *social trust*, therefore, it cannot do it by *enforcement-first policies*.

As Mendoza notes, this argument doesn't quite get us migrant rights yet, but it does get us an anti-racial profiling stance. The stance he envisions is comprised of two standards. These are the *Equality of Burdens Standard* (EBS), and the *Equal Protections Standard* (EPS). According to EBS, the burdens of immigration policies should be equally shared among citizens. Thus, for instance, if people with a "Mexican appearance" are subject to I.C.E. raids, then upper-class whites should be equally subject to the same. To off-set any further unequal treatment which may result in the carrying out of the requirements of the EBS, Mendoza suggests the EPS. According to the latter, citizens should

receive universal protections against excessive force, and there should be oversight on procedures required by both EBS and EPS.

## 2. LATIN AMERICAN PHILOSOPHY AND COLONIALITY

Leaving the immigration issue to the side, I turn now to Grant Silva's presentation, "Latin American Philosophy as 'Philosophy Born of (Colonial) Struggle.'" In his paper, Silva claims that what distinguishes Latin American and Latino/a philosophy (henceforth, LALo/a philosophy) is, firstly, a concern (implicit or explicit) with *coloniality*, which he glosses as "the implicit power dynamics in colonial and post-colonial societies"; secondly, a concern with *liberation from coloniality*—that is, LALo/a philosophy is philosophy *in the service of the liberation of those oppressed by the system of coloniality*.<sup>1</sup> In so arguing, Silva is in agreement with the philosopher of liberation, Ignacio Ellacuría, that, despite pretensions to the contrary, philosophical practice is always guided or informed by practical concerns, and cannot therefore be reduced to anything like the notion of "the search for truth for its own sake." Latin American philosophy is, he insists, "an inherently politicized intellectual practice." But I take it that it is no different from philosophy in other traditions, save for its *specific* concerns with coloniality.

Now Silva's *explicit* target in this paper is actually Jorge J. E. Gracia—specifically the latter's views (or lack thereof) on the issue of coloniality. However, I here want to focus on what seem to be Silva's *implicit* targets. For clarity, I divide them into two groups, as follows:

(Group 1) (a) those philosophers of Latino/a descent who do not work on issues in LALo/a philosophy (defined relative to the concern with coloniality); and (b) who may even explicitly disavow LALo/a philosophy as a credible subfield;

and

(Group 2): those philosophers, whether or not they are of Latino/a descent, who claim to work on LALo/a philosophy just to advance their careers (for instance, in order to get a job interview), but do not, in fact, work in the area.<sup>2</sup>

Relative to Group 1, Silva argues that those philosophers who claim to work in LALo/a philosophy but yet say *nothing about coloniality still* do implicitly, by that very omission, *display* what they think or feel about it. I take it that what Silva here suggests is that those LALo/a thinkers belonging to Group 1a either (mistakenly) do not see coloniality as a real issue, or they willfully (and wrongly) fail to acknowledge that it is a real issue. But defining LALo/a philosophy as concerned explicitly with coloniality enables Silva to argue that failures to address coloniality are like failures to do LALo/a properly. It is, on my reading of Silva, to do LALo/a philosophy *badly* (i.e., in the wrong way, leaving open that it could still be "good philosophy" in some more general sense of abiding by disciplinary norms).

For the case of Group 2, there is a concern especially that, given how desperate the job market has become, some philosophers may be claiming to work on LALo/a philosophy just to get interviews for jobs, despite having no intention to contribute to this area of study. Using the same style of reasoning as the above, however, Silva makes a case against such philosophers. If you claim to be a LALo/a philosopher but aren't putting in work, the reasoning goes, then aside from simply having something like bad faith, say, you are also in some sense *failing* morally the tradition to which you are claiming to belong. You do not, *properly speaking*, belong to the tradition, or if you do, you are doing it *badly/wrongly*. This is because, on Silva's view, to do LALo/a philosophy is precisely to write on issues pertaining to coloniality. At the end of this report, I will have occasion to return to this topic and offer some reflections on it.

### 3. LUIS VILORRO AND THE PLURALIST NATION-STATE

We turn next to Kim Díaz's presentation on "American Indigenism and Democracy: Assimilation, Pluralism, and Autonomy." Her project surveys the political works of Luis Villoro, with special reference to the discourses on indigenous liberation. Villoro, says Díaz, is concerned that indigenous cultures in Latin America are dying off or being assimilated into the majority mestizo culture. Furthermore, he criticizes liberation discourses for adopting prevalent stereotypes of indigenous peoples which portray them as "not entirely natural slaves but not entirely human either," which leads to paternalism. Mestizos, Díaz points out, think that the indigenous have only two options open to them: (a) to separate into a different society or (b) to be dragged into modernity.

But, on Villoro's view, this dilemma betrays an underlying reluctance to extend meaningful *autonomy* to indigenous peoples. Autonomy, for Villoro, is the freedom to form one's own life plan and pursue it. And the state, as Díaz points out, "needs to guarantee adequate social conditions for the realization of people's freedom to pursue their own life-plan." But Euro-Americans across the continent continue to control the indigenous peoples. "Liberation," however, "requires that Euro-Americans relinquish this control."

Together, the foregoing considerations speak in favor of a third option, which is, namely, the formation of a *pluralist nation-state*, a state whose "only role is to coordinate decentralized subgroups of power." The formation of a pluralist nation-state, according to Díaz, does, however, require a particular form of tolerance. *Mere* tolerance, by which I take it that she means tolerance as *forbearance*, or tolerance arrived at by *modus vivendi*, Díaz thinks, is insufficient for a pluralist democratic community to function. What we need instead is tolerance that develops *esteem* for the other.

### 4. THE STATE OF LATIN AMERICAN PHILOSOPHY IN THE UNITED STATES

We have arrived now, then, to the keynote lecture, given by Jorge J. E. Gracia, "Latin American Philosophy in the

United States: Past, Present, and Future." What Gracia offers in his keynote is, first of all, to sketch the history of the study (or lack thereof) of Latin American philosophy in the United States. Second, he identifies several distinct challenges and threats that Latin American and/or Latino/a philosophy (LALo/a philosophy) faces in receiving uptake to become established in the philosophical canon. Using publication data on LALo/a philosophy as an indicator of interest in the area, Gracia finds that—excepting few and far in between cases—there was virtually *no* interest in LALo/a philosophy until the 1980s. Even today, he points out, the subfield remains peripheral, lacking recognition in the mainstream. The top journals of the profession will not even *touch* LALo/a philosophy. And for that reason LALo/a philosophers have even had to create their own alternative venues (such as this newsletter). On the other hand, LALo/a philosophy looks like it's here to stay, given recent trends in research output, and tenure-track appointments of LALo/a philosophy practitioners.

In short, Gracia paints a stark, though not entirely hopeless, picture. I will not here recount Gracia's findings or detail all of the challenges. But by way of conclusion, I mention only some challenges which stood out to me. First, Gracia claims that a challenge which we must reckon with is that historically many LALo/a philosophers in the United States were and continue to be *dabblers* who do not carry out sustained research on LALo/a philosophy. Gracia dubs these dabblers "dilettantes." Granted that this is often a result of externally imposed constraints, he thinks this dilettantism must nevertheless be replaced by sustained research. Second, warning against the dangers of academic ghettoization, Gracia also suggests looking to other formerly marginalized subfields, such as feminist philosophy and the philosophy of race, which have become integrated into the mainstream, for models. We learn from their experience, he thinks, that we need to get LALo/a philosophers positions in major departments. Finally, he makes note of the urgency of undertaking translation projects, so that Latin American philosophy can actually be taught.

### 5. PLAN FOR WHAT REMAINS

Having thus provided summaries for each presentation, I would like now, in what remains of this report, to turn my focus to those themes mentioned at the outset, of the marginalization of LALo/a philosophy, and of the intellectual and moral obligations which issue from the same. I here limit myself to discussing these themes as they bear on Gracia's and Silva's presentations, given that these provoked the thoughts which I would here like to voice. I start, then, with commentary on Gracia and move on to Silva, thereafter concluding the report.

### 6. ON THE MARGINALIZATION OF LATIN AMERICAN PHILOSOPHY

Begin, then, with Gracia. After his keynote, I found myself recalling that it wasn't only in philosophy that the study of Latin America, and the study of Latin American intellectual activity specifically, seemed marginal. It is a well-documented fact that the study of Latin America is marginalized in other disciplines, even if it might be thriving as an "area study" generally. For instance, in a

meta-analysis on the state of research on Latin America in political science, John D. Martz (1990) observed an increased estrangement between the disciplinary study of political science and the area study of Latin American studies.<sup>3</sup> Regarding the study of *intellectual activity* in Latin America, the historian John T. Johnson had noted in a 1985 report that in terms of the number of publications on Latin America, no subfield in history had fared as poorly as the history of ideas.<sup>4</sup> One might also mention the little attention paid to Latin America by historians of science—to say nothing of *philosophers of science*.<sup>5</sup>

It strikes me, then, that it may be profitable to situate Gracia's analysis within the context of the status of the study of Latin America in the academy generally. If it turned out that Latin American studies is generally marginalized across disciplines, this would seem to suggest a pattern, and so also a different obstacle than any identified by Gracia—one which is related to the study of *the region itself*.<sup>6</sup> Shortly, I provide considerations in favor of the view that this is the case.

Let me start, however, with an anecdote from my years as an undergraduate philosophy major, one which encapsulates a challenge that I believe we are all acutely aware of, but that we rarely talk about in publication.<sup>7</sup> Having stated my intention to pursue LALo/a philosophy to a peer, I was met with the following response: "What does Latin America have to offer," she asked, "besides bananas and dictatorships?" I was, of course, both astonished and puzzled by the arrogance and contempt expressed by this question, essentially asking that I prove—on the assumption to the contrary—that there is intellectual merit to be found somewhere south of the U.S. border, and so also asking me to justify why it was legitimate to study LALo/a philosophy. What this student associated with Latin America, in other words, was not intellectual activity, but political violence and instability, tyranny and dictatorship, and that term, which rightly offends anyone who knows anything about U.S.-Latin American relations, *banana republic*. "What could *these people*," she must've thought, "barely civilized as they are, have to offer intellectually to the world?"<sup>8</sup>

This latent disrespect and contempt for Latin America is, in my view, a significant, if not *the primary*, obstacle for LALo/a philosophy in the United States—just as latent misogyny is an obstacle for feminist philosophy, and latent anti-black racism is for philosophy of race. In fact, I suspect that LALo/a philosophy is *especially* disadvantaged, exactly in virtue of the fact that *it is* an intellectual activity historically done by people with origins in a racialized geographical region that is precisely *disassociated from* intellectual activity.<sup>9</sup>

Evidence for this disassociation from intellectual activity, and of association with instability and backwardness, is ample. Writing in the 1970s, the political scientist Howard Wiarda had already noted a tendency to talk about Latin America in terms of extremes, which, in retrospect, we can connect to the stereotypes floating around about the region. He cites the emergence of "scare literature" with such titles as "The Eleventh Hour," "Reform or Revolution," "Evolution or Destruction."<sup>10</sup> This followed a pattern of associating Latin America with instability, one

which persists to this day: Witness such titles as "Born in Blood and Fire," "Democracies and Dictatorships," "Cuba: Between Reform and Revolution." Consider the panic with which U.S. media reports on post-Chavez Venezuela, and the general reception, even in the scholarly literature, of the recent "Left Turn" in Latin America, which resorts to such discrediting scare-language as "neopopulism" and "ethnopolitism."<sup>11</sup>

There is also evidence of a widely held assumption, even among some Latin Americans, that the region has essentially contributed nothing intellectually to world history. Latin America, as Wiarda puts it, was "bypassed by the great revolutions associated with the making of the modern world."<sup>12</sup> These are, namely: "The Protestant Reformation, the rise of capitalism, the scientific revolution, the rise of socially more pluralistic and politically more democratic societies, the Industrial Revolution and its many-faceted ramifications."<sup>13</sup> All of this results in even Latin American philosophers dismissing LALo/a philosophy as "merely ideological," "purely literary," "unoriginal," and "derivative," and this sometimes without even *trying* to show that these claims are warranted.

Together, the foregoing factors have contributed to the formation of pernicious stereotypes about the region that obscure its rich intellectual history, resulting in the presumption that intellectual activity simply does not occur in the region, and that whatever passes for it just isn't the real deal. For these reasons, I claim that the marginalization of LALo/a philosophy is tied not just to the marginalization of Latin American studies generally, but the former and the latter are directly tied to the international marginalization of the region itself. For it is the latter which has produced racialized stereotypes of Latin Americans and Latinos that disassociate them from intellectual activity, and instead associate them with backwardness.<sup>14</sup> To think otherwise, I claim, is to regard philosophers as being exempt from the influence of their social-political environment, which is, frankly, implausible. But, if I am right about these considerations, then they set down a challenge not yet identified by Gracia with which we must reckon, and in regards to which no ready-made solutions seem forthcoming. For it seems that so long as Latin America itself is marginalized, so too will be the study of the region and its intellectual activity.

## 7. ON INTELLECTUAL OBLIGATIONS FOR LATINO/A INTELLECTUALS

The foregoing challenge touches on themes which, it seemed to me, went unspoken but tacitly felt in all of our discussions in the conference. Most notably, it seemed to me that there was a special connection between the foregoing theme and Silva's presentation. Briefly, I wish to offer some thoughts connecting the two papers.

To start, it is worth pointing out something left unsaid in Silva's paper. This is, namely, that Silva's project to define LALo/a philosophy as philosophy born of colonial struggle is not just *descriptive*, but also *prescriptive*: it prescribes what LALo/a philosophy is and *should be*. Let us call this position *prescriptivism* about LALo/a philosophy.

It is from this prescriptivism that Silva wishes to conclude that Latino/a philosophers are obliged to put in work on LALo/a philosophy. It would then appear that Silva is committed to the claim that, in the history of LALo/a philosophy, there have been those who have lived up to the intellectual obligation to be concerned with the oppressed (think of figures like Enrique Dussel, Ellacuría, perhaps Las Casas), but that others have not lived up to this responsibility (think especially of figures like Mario Bunge, but perhaps Silva would think that more traditional villains of the canon, like Sarmiento, may also fail to display a proper concern for the oppressed). Hence, today, a Latino/a philosopher who works exclusively, say, on Anglo-style philosophical logic, or Anglo-metaphysics, is also failing in this sense.

Now I take it that Silva thinks (and rightly so, in my view) that the failure to do LALo/a philosophy *proper*, or the act of claiming to do it only for self-gain, is especially heinous or blameworthy for the case of philosophers of Latino/a descent. Left unexplained is why this might be the case. But I think that at the heart of this intuition is something like the position that, for the case of oppressed racial or ethnic groups, there are legitimate moral demands which can be placed by them on their own members, such that, by meeting them, the members in question conduct themselves in a way *proper* to members of that group. For instance, it might be said that I have a burden as a Mexican-American to care for and respect the language and traditions I've inherited from my parents; or, as Charles Mills has suggested for the case of black men, that they have a moral duty to marry black women.<sup>15</sup>

Let us call the foregoing standards of conduct *racialized rules of conduct*: rules which regulate what it takes for me, say, to be a proper Mexican-American, as opposed to a "faulty" one. We might distinguish these rules from *racialized rules of constitution*: those rules which govern when and under what conditions someone gets to *count*, say, as a Mexican-American, and not, for instance, as a Native American or a white.<sup>16</sup>

Supposing that there are such rules, an interesting question is whether (regardless of racial or ethnic descent) there are analogous obligations for members of marginalized intellectual traditions which fall out of the very fact that the members in question *belong* to that marginalized tradition. One way to reconstruct Silva's position might then be this: That there are constitutive rules for playing the game of LALo/a philosophy, and that counting as a LALo/a philosopher means you become obliged by certain rules of conduct. To be a LALo/a philosopher is to be a part of a tradition of thought which has been concerned with our various colonial legacies and the search for freedom from the same. Thus, my being an heir to this tradition imposes on me those intellectual obligations which will further this project.

This is a somewhat less controversial position than the one that there are racialized rules of an analogous kind, but it seems that Silva is also committed to that view. Recall that he seems to think it is especially heinous/blameworthy for philosophers of Latino/a descent to belong to either Group 1 or 2. The reason seems to be this: to be a philosopher

of Latino/a descent and to be unconcerned with LALo/a philosophy, to regard the intellectual efforts of our forebears as unworthy of attention, or, worse, to treat them as a mere tool to advance our own careers, is not only disrespectful to the tradition itself, but perhaps even to Latin American and Latino peoples.

It strikes me then that, for his view, Silva must assume more general claims like the foregoing. But he has not explicitly argued for them. Moreover, these are obviously controversial positions, especially with respect to race and ethnicity.<sup>17</sup> This is not to say, however, that they are for that reason mistaken. In fact, I believe that the question of racialized rules demands greater attention from philosophers of color than is currently given.

But notice that we are back to the previous theme of the marginalization of LALo/a philosophy. Recall my suggestion, in the foregoing section, that the marginalization of LALo/a philosophy (and of Latin American studies generally) is entangled with the general marginalization of the region. If we identify coloniality as the source of this marginalization, then it becomes clear that the struggle against coloniality is itself entangled in the marginalization of LALo/a philosophy. Hence, if LALo/a philosophy somehow inherently involves the struggle against coloniality, then for that reason the struggle will take place *within* philosophy itself. The impulse to hold members of Group 1 and 2 morally blameworthy, then, comes in virtue of the fact not just that Latin Americans and Latinos are marginalized politically but that LALo/a philosophy is itself marginalized and held in contempt. What seems to be the source of our moral disquiet here is that the philosophers in question do not show a respect which is properly owed to LALo/a philosophy *in virtue* of its being a philosophy born of struggle. To disrespect the tradition in these ways, it may be claimed—and here I do affirm it—is to express a principle of social organization on which the subjugation and marginalization of Latin America and its peoples is affirmed, and the value of the tradition denied.<sup>18</sup>

## 8. CONCLUSION

But now these reflections come to a close. In the foregoing, I have summarized all presentations given at the Latin American philosophy conference, and I have offered some thoughts regarding the themes of the marginalization of Latin American philosophy, and of those obligations which I believe seem to issue from this marginalization. In the course of these reflections, I provided considerations for thinking that the marginalization of LALo/a philosophy, and hence of Latino/a philosophers, is in part due to the general marginalization of the study of Latin America, and the study of the intellectual activity of the region in particular, both of which are, in turn, related to the international marginalization of the region. This, I claimed, presented obstacles not yet identified, namely, the prejudgments of everything Latin American as being backwards and specifically *not intellectually* interesting.

It is likely, I suggested, that this is directly tied to the international geopolitical marginalization of Latin America. I thus identify the causes of this marginalization with the dynamics of coloniality to which Silva alludes. As a

consequence, it seems that the marginalization of LALo/a philosophy will persist so long as Latin America itself remains marginal. Our struggles for intellectual recognition come, in this way, to be tied together to the struggles of our peoples for social and political recognition, connecting also the question of marginalization to Silva's prescriptivism. Out of this fall those intellectual and moral obligations discussed in the foregoing. By reference to the idea of rules of conduct and constitution, moreover, I raised the questions of whether such rules exist, not just for members of oppressed or marginalized groups, but also for members of marginalized intellectual traditions. I suggested that the answer to both of these questions was a Yes, but these themes obviously merit a deeper engagement than can now be given.

NOTES

1. Unless otherwise indicated, all quotes are pulled directly from the presentations.
2. I note that it's not without irony, respecting this latter target, that Silva is here essentially concerned that there are usurpers out there who are, so to speak, "taking our jobs!"
3. See John D. Martz, "Political Science and Latin American Studies: Patterns and Asymmetries of Research and Publication," *Latin American Research Review* 25, no. 1 (Nov. 1990): 67–86. To take just a sampling of his findings on publication data: between 1960 and 1987, out of the total of 1,155 articles appearing in the prestigious journal *American Political Science Review*, just 17 of them (1.5 percent) were on Latin America; in the *Journal of Politics*, 18 of the 892 publications (2 percent); in *World Politics*, 18 of 461 (3.9 percent) (Martz, "Political Science and Latin American Studies," 70). At the same time, during that period, there was a consistent percentage of submissions by political scientists (between 22 and 28 percent) to area studies alternatives like *Latin American Research Review*, indicating that political scientists working on the region have been engaged in sustained research (ibid., 75). Martz suggests there is a certain irony, then, given the low numbers of publications in the major disciplinary venues, that we should not anticipate to find in *political science journals* the major empirical and theoretical contributions to come on Latin American politics. "That commentary alone," he concludes, "speaks eloquently about the relationship between Latin American area studies and the discipline of political science" (ibid., 83). (A further irony is that this paper was not actually published in a political science journal, and instead in a Latin American studies one.) See also Martz, "The Place of Latin America in the Study of Comparative Politics," *The Journal of Politics* 28, no. 1 (Feb 1966): 57–80.

I am unaware of any follow-up study on Martz's findings, but I took the liberty of casually browsing the *American Political Science Review* while writing this article and counted that, to date, a total of about 17 articles with titles on Latin America were published in the past 15 years. For *World Politics*, I counted back five years for a total of three or four publications on Latin America. Obviously, my numbers should be confirmed before they are cited.

Finally, it is worth pointing out that the low number of publications in political science journals are still numbers which we in philosophy can at this time only ever *dream* to see in the "top" journals in our field.

4. See John T. Johnson, "One Hundred Years of Historical Writing on Modern Latin America by United States Historians," *The Hispanic American Historical Review* 65, no. 4 (Nov. 1985): 763.
5. My understanding is that there are not many U.S. scholars, and even fewer philosophers, who have given much attention to the history of science in Latin America. For an introduction to this topic, see Jorge Cañizares-Esguerra and Marcos Cueto's "Latin America" in *An Introduction to the History of Science in Non-Western Traditions*, eds. Douglas Allchin and Robert DeKisky (Seattle: History of Science Society, 1999), 49–62. Recently, Manuel Vargas has advocated for the study of Latin American history and philosophy of science in "Lessons from the Philosophy of Race in Mexico," *SPEP Supplement* (2000): 18–29.

6. This contrasts with, for instance, Manuel Vargas's approach of identifying challenges to LALo/a philosophy which are internal to the field, or which are due to the content of LALo/a philosophy. See Vargas, "Real Philosophy, Metaphilosophy, and Metametaphilosophy: On the Plight of Latin American Philosophy," *CR: The New Centennial Review* 7, no. 3 (2007): 51–78.
7. For instance, in Gracia's presentation, this topic is completely omitted. So also in Vargas's discussion of challenges to Latin American philosophy (Vargas, "Real Philosophy, Metaphilosophy, and Metametaphilosophy").
8. I later recalled this episode after reading the opening words of Charles Mills's (2007) paper on "White Ignorance":

Imagine an ignorance that resists.

Imagine an ignorance that fights back.

Imagine an ignorance militant, aggressive, not to be intimidated,

an ignorance that is active, dynamic, that refuses to go quietly—not at all confined to the illiterate and

uneducated but propagated at the highest levels of the land, indeed presenting itself unblushingly as

knowledge.

See Charles Mills, "White Ignorance," *Race and Epistemologies of Ignorance*, eds. Shannon Sullivan and Nancy Tuana (Albany: State University of New York Press, 2007), 13–38.

9. Again, Johnson noted that the subfield which fared most poorly in regard to Latin American history was the history of ideas ("One Hundred Years," 763). He speculates as to the causes, but here again there is also a failure to consider or even recognize widely held stereotypes and prejudices, even if they are only implicitly held, that Latin America simply is not intellectually interesting (ibid., 763-64).
10. Howard Wiarda, "Toward a Framework for the Study of Political Change in the Iberic-Latin Tradition: The Corporative Model," *World Politics* 25, no. 2 (Jan., 1973): 206.
11. The paradigm case is perhaps Jorge Castañeda's influential "Latin America's Left Turn" in *Foreign Affairs* 85, no. 3 (May/June 2006). This article provoked a number of responses, such as Hector E. Schamis, "Populism, Socialism, and Democratic Institutions," *Journal of Democracy* 17, no. 4 (2006): 20–34; Kenneth Roberts, "Latin America's Populist Revival," *SALS Review* 27, no. 1 (2007): 3–15; and Mitchell A. Seligson, "The Rise of Populism and the Left in Latin America," *Journal of Democracy* 18, no. 3 (2007): 81–95. Notably, the latter tried to argue using survey data that the shift to the left in Latin America meant a shift away from democracy.
12. Wiarda, "Toward a Framework for the Study of Political Change in the Iberic-Latin Tradition," 209.
13. Ibid.
14. It bears noting that the claims I have argued for here are by nature speculative. The kind of study required to assess the claims I have made would likely require cross-disciplinary expertise and perhaps interdisciplinary collaboration. No one I know of in our discipline has attempted such a project, and no one in the near future is likely to do so. For that reason, I proposed to offer a start here. Conceding that all of this may be ultimately mistaken, I am for my part persuaded of what I have said, and I hope to be persuasive enough to convince this audience (or at least to have stirred someone up enough to undertake the more thoroughly comprehensive kind of study required to assess my claims). I am surprised, though, that I have not encountered a publication which has explicitly connected the marginalization of Latin America, and its study, to the marginalization of LALo/a philosophy in the United States. For it seems to be a widely held, if unarticulated, sentiment among LALo/a philosophers, even among Latin Americanists generally. In any case, if I owe anyone credit for these thoughts, it is likely Michael Mitchell, with whom I studied Latin American politics as an undergraduate. Discussions in his seminars began my thinking of the marginalization of LALo/a philosophy as tied to the general marginalization of the region.
15. See Charles Mills, "Do Black Men Have a Moral Duty to Marry Black Women?" *Journal of Social Philosophy* 25th Anniversary Special Issue (1994): 131–53.

16. I got the idea for this distinction in a conversation with Bernard Kobes, who pointed me to John Searle's distinction between *regulative rules and constitutive rules* in *Speech Acts* (Cambridge: Cambridge University Press, 1969), 33. The distinction is this: "regulative rules regulate antecedently or independently existing forms of behaviour; for example, many rules of etiquette regulate inter-personal relationships which exist independently of the rules. But constitutive rules do not merely regulate, they create or define new forms of behaviour. The rules of football or chess, for example, do not merely regulate playing football or chess, but as it were they create the very possibility of playing such games."
17. Most philosophers, under the influence of liberal individualism perhaps, would reject this view on the grounds that there is not a proper way to be a Latino/a and also no proper way to be a Latino/a philosopher. After all, to claim that there are moral obligations in virtue of one's (unchosen) race or ethnicity, they would say, is to essentialize the very same, which is descriptively mistaken insofar as races are not real, and it might be thought to be morally impermissible insofar as it denies the "priority of individual liberty," or imposes unwanted obligations on individuals without their consent. I am of the mind that this line of argument is mistaken in regard to racialized and oppressed/marginalized groups. Someone wanting to make the case would want, however, to distinguish between the in-fact rules which our social reality collectively sustains, some of which may be pernicious (e.g., Jim Crow-era rules of conduct), and those that would be appropriate rules for people of color to adopt in order to combat oppression. In a future work, I would like to expand on this theme, but here I set this issue aside.
18. This, of course, is not to say that we cannot criticize our philosophical forbears. It is just to point to the social meaning attached to the disavowal and dismissal of LALo/a philosophy by other philosophers, and particularly by Latino/a philosophers.

## Why the Struggle Against Coloniality Is Paramount to Latin American Philosophy

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As a Latino philosopher who teaches and specializes in Latin American philosophy, I am often frustrated by explanations of this subfield that describe it as "philosophy, just south of the United States border" or "any kind of philosophy done in Latin America."<sup>1</sup> Other ways of putting this suggest that Latin American philosophy is an area of thought concerned with *the history of philosophy in Latin America* as opposed to the possibility of a *distinctive Latin American philosophy*, the former often a report on easily recognizable sub-disciplines—such as Marxism, phenomenology, philosophical anthropology, analytic philosophy, axiology, philosophy of law—as they have taken place in Latin America (including Brazil), the Caribbean, and even amongst Latino/as in the United States.<sup>2</sup> Although meant to be inclusive (perhaps too inclusive), the above descriptions are vague and mislead those unfamiliar with the field. They eclipse a "tradition," for lack of a better word, that takes the idea of Latin America and all the identity crises that come with this regional affiliation as the point of departure for philosophical analysis and practice.<sup>3</sup>

This tradition places much importance on the goal of liberation, the idea of freedom (an idea realized in various ways), the significance and unavoidability of "place" or one's circumstance, and the need for creativity and/or "openness," especially in terms of how one thinks and lives

in light of coloniality (not just colonization), as central to philosophical practice. The previous, however, are topics and concerns of great importance in other branches of philosophy and even in other disciplines. Thus, as Jorge J. E. Gracia explains below (in so many words), I am perhaps only capable of painting a picture of Latin American philosophy as "philosophy born of [colonial] struggle," to slightly tweak the phrase coined by the African American philosopher Leonard Harris.<sup>4</sup> This limitation is not a problem; I have no problem viewing Latin American philosophy as part of a larger philosophical practice committed to struggling against coloniality in its various manifestations. I think this imbues Latin American philosophy with a proclivity towards *praxis* that is missing in most of academic philosophy. In addition, I think there is an important difference between *philosophizing from freedom* and *philosophizing for the sake of freedom*. Philosophy looks different and often assumes "non-canonical," "non-philosophical," or "non-traditional" purposes and problematics in political and socio-economic contexts plagued by ongoing structures of oppression, especially those resulting from coloniality.

For the most part, philosophers residing in imperial, developed countries are typically *free* (or at least free enough) to think without the constraints or burdens of their particular social, cultural, racial, and gendered existence. These individuals tend to think "universally" and their subjectivity or identity rarely enters the philosophical purview, except for discussions of identity writ large (in the sense that J. Locke talks about personal identity). This is especially true when the face of philosophy reflects the dominant racial, gender, class, and/or sexual norm, or when one's status in country or place of residence is authorized by the state; that is, when one's subjectivity is legally, metaphysically, and socio-historically secure. To philosophize from this perspective does not mean that one is totally free of conflict or strife, for nobody lives a life free of turmoil of some kind. Nevertheless, there exist ways of practicing philosophy that begin from socially advantageous positions that subsequently delimit the philosophical practice.

For those in colonial (and even "post-colonial") circumstances that find themselves on the side of underdevelopment, poverty, marginality, and domination, this luxury is not so apparent.<sup>5</sup> For those that think *for the sake of freedom* the exigencies of their circumstances force a critical reflective stance that targets oppression, structural inequalities, pain, and suffering. Since "privileged" philosophers think from perspectives where their interests and problems are recognized and align with traditional or historical philosophical problematics, their status as philosophers is never in question. Those philosophers who begin from contested, dominated, and oppressed social locales are said to think about "non-philosophical" issues, their discourses remain unauthorized and non-canonical for reasons that reflect nothing other than bias, blatant disregard, and the force of history.<sup>6</sup> These are the non-philosophers, the ones that use philosophy for instrumental reasons, and in so doing jeopardize their stance in academic and intellectual circles—this where I place Latin American philosophy.

While the above dichotomy admits of problems on multiple levels, it nonetheless presents opportunity to examine the difference offered by Latin American and other ways of doing philosophy. Whatever Latin American philosophy (LAP) may be, philosophy at the service of freedom plays a crucial role in the tradition I am concerned with, one that cannot be subsumed into a retelling of the history of Western thought as it has taken place south of the U.S. border. More than just the history of philosophy in the region, Latin American philosophy is an example of what philosophy looks like in the face of coloniality.<sup>7</sup>

What follows contains a weak claim and a strong claim (perhaps a better way of describing these is to say descriptive and normative). The weaker claim is that one can interpret or describe the works of various Latin American philosophers as concerned with freedom, liberty, and the problem of colonization or coloniality, even when this is not the explicit goal of the author. More often than not, no interpretation is needed. Whether it is national liberation or questions of *mestizaje*; epistemic or political justice for indigenous peoples; freedom from political, racial, or gender oppression imposed by a patriarchal/colonial order; the importance of authenticity or originality in light of colonialism; or even anti-essentialist understandings of Latino/a identity, a majority of what constitutes Latin American philosophy revolves around, has been impacted by and concerned with, coloniality and liberation. This is not to suggest that every page of Latin American philosophy contains the words “colonial,” “coloniality,” “liberation,” or derivatives of these terms. Nevertheless, I believe that one is hard pressed to find “pure” philosophical content in Latin America that is not in some way engendered by or valued for its contribution to Latin American societies or cultures. This imbues Latin American philosophy with a tendency towards political thought, such that the term “Latin American *political* philosophy” is a pleonasm at best and a tautology at worst.

So as to take the more difficult route, I offer Gracia’s thoughts on why coloniality or colonization *cannot* be the basis for LAP as an example of an implicit instance where liberation-themes nonetheless abound. In his essay, “Ethnic Labels and Philosophy,” Gracia argues that what is distinctive about Latin American philosophy, or that which unites Latin American thinkers under the umbrella of “Latin American philosophy,” cannot be “the experience of so-called coloniality, or even perhaps marginality.”<sup>8</sup> Colonization cannot serve as the basis for Latin American philosophy since not all experiences of colonialism are uniform nor is colonization unique to Latin American history. Coloniality as the basis for Latin American philosophy establishes conditions that are either too strict, such that it leaves out some of the region’s best thinkers who never wrote a word about colonization, or this criterion establishes conditions that are satisfied by many non-Latin Americans, e.g., Africans, Asians, and perhaps even North Americans. At best, Gracia continues, “even if one were to accept that coloniality is in fact something that characterizes Latin American philosophy, this would help to separate it only from philosophy which is a product of the First World, not from the philosophy of other parts of the world that have also suffered colonial exploitation.”<sup>9</sup>

There is much to appreciate in Gracia’s comments, particularly his anti-essentialism and turn to a familial-historical model for understanding group identities (Gracia’s *modus operandi*<sup>10</sup>). Both are worthwhile contributions to philosophy of race and ethnicity, and, as I will suggest, epitomize a Latin American philosophical concern with freedom from totalizing concepts, the type of which are typified by colonial impositions. Gracia assumes that like ethnic groups themselves, it is wrong to think of “ethnic philosophies” in essentialized ways that rely upon necessary and sufficient conditions. There is no one definitive characteristic or trait that defines the members of an ethnic group. Instead, ethnic groups are cluster concepts, groupings united on their relation to a variety of traits to characteristics, none of which are necessary and often context-specific. Ethnic philosophies supervene on ethnic groups, and the fact that members of an ethnic group do not share in a single feature entails that a philosophy arising from this group cannot harbor universal characteristics. Gracia holds that “ethnic philosophies are historical realities enmeshed in webs of complicated relations.” He continues, “a proper understanding of them must reflect this reality [. . .] the conditions of membership vary, as history itself does, allowing for different groupings and ways of looking at them.”<sup>11</sup>

There are two dimensions of Gracia’s views that are worth focusing on. One pertains to the idea of history itself; the other to how history is interpreted. There are various ways of explaining what history is: (1) facts or events that have taken place; (2) interpretation or accounts of facts as performed by historians; and (3) “history” as a discipline, which entails an assortment of meta-historical and methodological principles and commitments.<sup>12</sup> This variegated understanding of history results in no exclusive way of looking at the past or even agreement upon what constitutes “history.” One’s interests, goals, proximity, or distance to the subject in question condition how they view the past. To impose a single monolithic interpretation of the past frustrates other ways of viewing history and, more importantly, preempts the formulation of novel perspectives. For ethnic philosophies like Latin American philosophy, such imperial approaches to its history limit the range of possible interpretations (and manifestations) in the present and future. As I take it, Gracia’s views are not just about the multiplicity that is the past, but also about the dynamic and creative nature of the present determined by that “past” and the possibility for an open future. To say that all members of an ethnic philosophy necessarily share in one common feature is to totalize or master the practice and boundaries of that philosophy. This means the concepts that arise from this group will be limited by the conditions that are imposed by an over-determined historical view. This would be the colonization of a particular ethnic philosophy.<sup>13</sup>

My “liberationist” reading of Gracia’s work is supported by his views on ethnic groupings. While discussing the problems that arise when one expects all Latino/as to speak Spanish or eat beans and rice or dance salsa, namely, the problems with stereotypes, he writes:

These examples illustrate the fact that to be Latino does not entail much that is generally associated with the stereotype. But why should this lumping and homogenization generate fear in the Latino population? Why do we find strident voices complaining and warning about this phenomenon? *Because we worry that by being lumped together into one stereotyped group, the reality which we are will be misunderstood—we will be taken as what we are not and this can affect our lives in significant ways, some very nefarious to our well being.* Homogenization becomes particularly dangerous in political contexts because the government often formulates and implements social policy based on stereotypes.<sup>14</sup>

Again, the problem with stereotypes is that they impose an image of what it means to be from a particular group before individuals have a chance to define themselves. Stereotypes limit how our reality will be understood. While Gracia may fall back on the claim that there is no normative dimension to his argument for the familial-historical view, meaning that he is simply painting a more accurate picture of reality, the moral dimensions of his train of thought are visible in the above passage (i.e., “nefarious to our well being”).

Gracia’s comments are reminiscent of what the philosopher of liberation, Enrique Dussel, writes while speaking about the victim of colonization:

Distant thinkers, those who had a perspective of the center from the periphery, *those who had to define themselves in the presence of an already established image of the human person* and in the presence of uncivilized fellow humans, the newcomers, the ones who hope because they are always outside, these are the ones who have clear mind for pondering reality.<sup>15</sup>

“Distant thinkers” are those residing on “the outside” of hegemonic circles and totalizing systems; those in colonial peripheries in relation to a center that is Europe; those for whom their status as a rational subject implies spatial connotations, i.e., an aperture or distance from the imposing views of the center; those who had images of humanity’s past cast upon them in terms of being considered barbarian, pre-modern, savage, inferior. “Newcomers,” or those for whom creative interpretive practices are possible, are best suited to ponder reality since, as Dussel continues, they do not seek to defend any privileges or ideological perspective.

For Gracia, the lack of necessary and sufficient conditions does not rob ethnic philosophies or ethnic groups of an identity. Like proper names or dates of birth, there is a sense in which ethnic philosophies have specific points of origin or arise from a set of circumstances that is unique to that grouping (this uniqueness does not entail that the traits in question will not be shared by others). However, one cannot think of that identity as anything other than contingent and contextual. Although Latin American philosophy may have a starting point, say the “discovery”

of America, as Gracia does, and a range of topics that tend to be discussed by various thinkers that fall within this area of study, these are historically contingent and always contextualized. Thus, what is called “Latin American philosophy” is not meaningless, as this title signifies a set of questions that are clumped together for a variety of reasons, none of which should reign supreme. Thus, to say that Latin American philosophy maintains an inherent tendency towards liberatory thought is simply to highlight a contingent history that makes sense in light of a desire to differentiate Latin American philosophy from those descriptions of this field posed at the onset of this essay (for the reasons offered above in addition to those that come below).

I ask, if the burden of differentiating Latin American philosophy from Anglophonic interpretations of the philosophical canon falls upon the texts and ideas that do not just retell the history of Western philosophy south of the U.S. border but represent a particular way of doing philosophy that is unique to “Latin America” and other parts of the world, why continue with such descriptions of LAP as those provided at the onset of this paper? How might those *other* texts, the ones that are often emphasized when explaining what LAP is or why this area makes worthwhile contributions to academic philosophy in the United States, be the real difference makers, so to speak? How does this point to that which distinguishes LAP from “mainstream” understandings of philosophy?

To say that colonialism *ought* to be a starting point for Latin American philosophy is where controversy starts. It is problematic, I admit, to think of colonization as an indispensable basis for Latin American philosophy (and note that I am aware of the totalizing nature of my claim). First off, as Gracia explained above, not all Latin Americans have suffered colonialism equally. Here, however, I think there is a tendency to think about the experience of colonization strictly from the perspective of the victim. I offer as example the way whiteness has been understood in the context of the United States for support.

It is often the case that white people report that the experience of race does not play a central role in their life. Being part of the dominant racial group, race is not an issue for whites the way it is for Blacks, Hispanics, Native Americans, or Asians. Nonetheless, is this to say that white identity is race-less? Is this to assume that whiteness has not been impacted by the existence of race? Of course not; the white experience of race—for the most part, since white people always want to remind of the fact that nonwhites can be racist to whites as well—is best understood as constituting the oppressive side of race relations. Self-effacing white people who claim to be “white-trash” sound as ridiculous as me claiming to be “male-trash”; regardless of how much I hate it, others will assign to me the privileges that come with masculinity. Nevertheless, even if whites do not “feel” race, there is a way in which white identity is predicated on the existence of nonwhites. Given that whiteness has often been associated with rights, privileges, and benefits denied to others, whiteness operates more in antagonistic ways. While we may not be able to positively identify what whiteness is, we can, and historians often do,

identify the way in which whiteness is a social, political, and legal construct that was used to exclude Asians, African Americans, and now Hispanics.<sup>16</sup>

In short, one's experience of race, or colonization for that matter, does not have to begin as victim. This is pertinent to my goals in this essay since it sets up the stronger claim: Latin American philosophers ought to think of themselves as concerned with "philosophers for freedom."<sup>17</sup> I hold this view to such an extent that *the absence of colonialism or liberation-themes from their work can be interpreted as a stance on colonization*, especially when injustices and inequality is ubiquitous in their immediate surroundings (the culpability and definitiveness of silence). We can take the absence of explicit engagement with the idea of coloniality as the basis for one's opinion on this topic: they do not really care about it or represent such a privileged approach to philosophy such that they cannot really be considered part of the Latin American tradition.<sup>18</sup>

This stronger claim is partially supported by Ignacio Ellacuría's (the Jesuit philosopher murdered during the Salvadorian civil war) views on the liberating aspects of philosophy and his normative suggestion that philosophers *ought* to concern themselves with the socio-historical contexts they inhabit.<sup>19</sup> Crucial to Ellacuría's views on philosophy are both a *critical* and *creative* components.<sup>20</sup>

Since it plays a role in supporting political and socio-economic institutions, one of the natural targets of philosophical critique has always been ideology. Being the means through which humans sustain themselves, socio-economic and political institutions are literally shaping human reality by structuring and determining the lives and communities of those they serve. Even though it may be inherently neutral, ideology, an outgrowth of existing institutions, affixes itself to the prevailing understanding of reality and reinforces the status quo. In doing so, ideology assists in the stifling of growth, thereby denying the community the possibility of life. If human communities are composed of living beings, their interests and concerns cannot be captured by a single economic or political structure backed by an ideological outlook that justifies itself. That would be to say that all human problems, concerns, and creative outputs have reached their zenith, something obviously untrue if we are speaking about living beings. Philosophy and philosophers fail to represent the dynamic entity that is the community when they are not sufficiently critical of ideology. Philosophers are those individuals that ought to concern themselves with this stagnation of life else they deny the conditions that engender ensuing philosophical thought. For Ellacuría, the fact that Latin American cultures lack a philosophy of their own reflects part of the reason why the region remains in the grips of inequality and violence.

Yet, never is this criticizing done for no other sake besides questioning the status quo; an implicit goal of philosophy has always been to bring about change, to improve the situation at hand, or at the very least assist in making alternatives to the status quo imaginable (and thus possible). Philosophy does this by making clear the foundations, or lack thereof, of ideology. For Ellacuría, without sufficient critique, there

cannot be creativity, an aesthetical, epistemological, existential, and even political category (remember what José Martí says in *Nuestra América*: "Gobernante, en un pueblo nuevo, quiere decir creador").

Philosophy has always been "creative," i.e., connected to freedom from oppression and striving for a kind of openness or responsiveness to life. As Ellacuría wrote in "The Liberating Function of Philosophy,"

We can say that philosophy has always had to do with freedom, though in different ways. It has been assumed that philosophy is that task of free individuals and free peoples, free at least of the basic needs that can suppress the kind of thinking we call philosophy. We also acknowledge that it has a liberating function for those who philosophize and that as the supreme exercise of reason, it has liberated people from obscurantism, ignorance, and falsehood. Throughout the centuries, from the pre-Socratics to the Enlightenment, through all methods of *critical* thinking, we have ascribed a great superiority to reason, and to philosophical reason in particular, as a result of its liberating function.

[. . .]

This matter of philosophy and freedom gets to the fundamental purpose of philosophical knowledge, which even if it is understood as a search for truth, cannot be reduced to being a search for truth for its own sake.<sup>21</sup>

In almost a prophetic sense, to think of Latin American philosophy as "philosophy born of colonial struggle" returns philosophy to its original purpose. Whether it is from ignorance, misuses of reason, political force, or popular dogma, a liberatory dimension has always been part of philosophy.

For Ellacuría, the beauty that is philosophical thought renders this liberatory tendency explicit when it serves as the mouthpiece for a community's concerns, interests, and means of critical and creative self-understanding. Critical and creative thought necessitates engaging the full range of humanity, not just the elite. Philosophers may be the voice of the community, but they are not a revolutionary vanguard. Part of the philosopher's epistemological tool kit is the greater portions of society (in Latin America), the poor, dominated, and oppressed. Philosophers fail to formulate complete conceptions of truth, beauty, meaning, and value when the oppressed, poor, and marginalized are ignored as sources for knowledge.

That being said, for one to grow up amidst colonial oppression, experience it, or perhaps even benefit by it, and yet not think philosophically about it takes a tremendous amount of effort. To not write about it means that one is an "ideologue," which implies a denier life. It is difficult, if not impossible, to think philosophically as a Latin American and not be concerned with colonization or a derivative subtopic in some way. To not do so requires

conscious effort and willful ignorance, the type of which ought to be morally culpable. For those that worry that this normative standard leaves out many of Latin America's best thinkers, I think there is a way in which we can keep those who do not write on colonialism in the LAP canon: We should interpret their silence on this topic as indicative of their stance on this issue. Namely, it is an issue not worth their attention. Their lack of concern or attention renders them complicit with the ideology that supports the status quo, which on the one hand stagnates the dynamism that is the human community. In the context of Latin America, to leave ideology intact is to turn one's head to social and political institutions responsible for the deaths of the poor, oppressed, nonwhite (or insufficiently *mestizo/a* and *mulatto/a*) masses.

What is the nature of philosophy for those who are existentially compelled to philosophize? Philosophy, for those in this predicament, is not a choice. It is a vocation; the pursuit of freedom imposed by the non-freedom one lives; a duty brought on by a reality that denies the humanity of people. This is what Latin American philosophy as a philosophy born of colonial struggle means, and that is how I think about Latin American philosophy as a tradition that exceeds the history of philosophy south of the U.S. border.

**NOTES**

1. See the comments made by Manuel Vargas in "Multicultural Philosophy Panel 2: Comparative Philosophy" (<https://vimeo.com/58932466>, accessed July 1, 2015).
2. For a brief discussion of the difference between these characterizations (one that also explains how they are compatible and not antagonistic), see Susana Nuccetelli, Ofelia Schutte, and Otávio Bueno, "Introduction" in *A Companion to Latin American Philosophy* (Malden, MA: Wiley-Blackwell, 2007), 1-2. See also Nuccetelli, "Latin American Philosophy," *A Companion to Latin American Philosophy* (Malden, MA: Wiley-Blackwell, 2007), 343-57.
3. When Latin American philosophy is understood as simply the history of philosophy in Latin America or "philosophy south of the U.S. border," any philosopher in Latin America or with a Hispanic surname becomes a Latin American philosopher. I worry about this when it comes to job prospects for those who work in this area. I think this subfield requires more specialization rather than just inclusion for the sake of adding numbers. I thank Kim Díaz for reminding me of Tommy Curry's comments in this regard. Perhaps all this paper calls for is more specialization.
4. See Leonard Harris (ed.), *Philosophy Born of Struggle* (Dubuque, IO: Kendall/Hunt Publishing Company, 1983). Only the historical specificity of the struggle against coloniality as it has taken place in Latin America can differentiate Latin American philosophy from say African, Asian, and more. I am aware that colonization does not happen in any uniform or monolithic way; hence, my desire to talk about "philosophy born of colonial struggle" in a general sense.
5. The qualifier that runs throughout this sentence implicitly acknowledges that not all who come from colonial circumstances represent an oppressed or victimized perspective. Thus, there are many from Latin American metropolises that represent elite points of view and philosophize from freedom. As I explore below, especially in my discussion of Ignacio Ellacuría's views on the nature of philosophy, all academic or professional philosophers think *from* freedom. Some philosophers, however, are more interested in living an understanding of philosophy that places it at the service of various social, political, and economic pursuits.
6. Along these lines, see the contributions by Ofelia Schutte and Jorge J. E. Gracia to George Yancy's *Reframing the Practice of Philosophy: Bodies of Color, Bodies of Knowledge* (Albany: SUNY Press, 2012).
7. Coloniality is not necessarily the rule of a particular colonial order or regime, like that of Spain in Mexico or Peru, but is the power dynamic implicit to colonial systems resulting in stratified social hierarchies divided in terms of class, land rights, race, gender, political power, education, and even knowledge-proprietor or that known. There are thus ontological, historical, and epistemological dimensions to coloniality. Although national liberation may take place, and thus a society may be "post-colonial," there is a sense in which the power dynamics implicit to colonization (i.e., coloniality) may still be operational. Aníbal Quijano, "Coloniality of Power, Eurocentrism and Latin America," *Nepantla: Views from the South* 1, no. 3 (2000).
8. Jorge J. E. Gracia, "Ethnic Labels and Philosophy," *Latin American Philosophy: Currents, Issues, Debates*, Eduardo Mendietta, ed. (Bloomington, Indiana: Indiana University Press, 2003), 63.
9. *Ibid.*
10. See also Gracia, *Hispanic/Latino Identity* (Malden, MA: Blackwell Publishers Inc., 2000), 48; Gracia, *Surviving Race, Ethnicity, and Nationality* (Rowman & Littlefield, 2005), 49-55; and Gracia, *Latinos in America: Philosophy and Social Identity* (Malden, MA: Blackwell Publishers, 2008).
11. Gracia, "Ethnic Labels and Philosophy," 58.
12. *Ibid.*
13. Compare Gracia's thoughts on history of those of Enrique Dussel in his recent political philosophy and ethics. Dussel begins his three-volume work on political philosophy with the first volume a rethinking of the history of political thought. Rather than start with the Greeks, Dussel ventures back farther to reveal the sources for the Greek terms for "justice," "demos," "equality," and "destiny." See Enrique Dussel, *Politics of Liberation: A Critical World History*, trans. Thia Cooper (London: SCM Press: 2011 [2007]), 15-16. His ethics does the same. The point of comparison with Gracia is that where multiple ways of viewing the past lead to a variety of ways of thinking about the present and future. Novel justice claims or ethical ideas do not come from nowhere; they have a history.
14. Gracia, *Latinos in America*, xi-xii. Emphasis added.
15. *Ibid.*, 4. Emphasis added.
16. See Ian Haney López, *White By Law: The Legal Construction of Race* (New York: NYU Press, 2006 [1996]).
17. At this point, some may worry that I am creating a scenario where I undermine the dynamic nature of Latin American philosophy. Risieri Frondizi articulated such a concern in his famous essay "Is There an Ibero-American Philosophy?" *Phenomenology and Philosophical Research* Vol. IX, no. 3 (1949). As Frondizi explains, philosophers who attempt to think from the perspective of a Latin American "corrupt" (my word) the philosophical process. By trying to be Latin America or *think* as a Latin American, one runs the risk of self-consciously limiting the creative process and perhaps even obviates the possibility for an authentic LAP (351-53). The conscious attempt to think in Latin American ways, whatever that may be, is a self-imposed handicap that might result in the abandonment or dismissal of many ideas that fit the Latin American script. Much like being "cool," one just is; trying to be "cool" is not cool. I do not see this as much of a problem as I do further proof of the importance of unbridled creativity (or freedom) in LAP.
18. The following comments are inspired by Charles Mills's discussion of racial justice and racism in the work of John Rawls. See Charles Mills, "Rawls on Race/Race in Rawls," *The Southern Journal of Philosophy* XLVII (2009): 161-82.
19. Ignacio Ellacuría, "The Liberating Function of Philosophy (1985)," in *Essays on History, Liberation, and Salvation*, Michael E. Lee, ed. (Maryknoll, NY: Orbis Books, 2013), 93-119.
20. Ellacuría, "The Liberating Function of Philosophy," 96-107.
21. *Ibid.*, 93-119.

## *Philosophy Born of Colonial Struggle: One Theme or the Whole Story of the Latin American Philosophical Tradition?*

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In his ambitious paper, “Why the Struggle Against Coloniality Is Paramount to Latin American Philosophy,” Grant Silva identifies several problems with attempts to define Latin American philosophy and then suggests what he takes to be a more promising path towards a definition of the tradition. Silva uses the themes of colonization, liberation, and creativity to guide his account of Latin American philosophy, an approach that is promising. As he puts it, Latin American philosophy is “philosophy born of colonial struggle”; as such, he adds, “[w]hatever Latin American Philosophy (LAP) may be, philosophy at the service of freedom plays a crucial role in the tradition I am concerned with.” Colonial struggle and freedom are enduring themes in the Latin American philosophical tradition. The hybrid identity of Latin America—a troubling mix of European and American influences and complexes—and the ensuing problems said identity have created for the recognition of Latin American philosophy as having any clear space on the traditional map of philosophy have led to an enduring crisis of identity which has generated what might be called an excessive cycle of self-criticism and self-questioning within its philosophical tradition. Silva’s focus on colonial struggle and his push to emphasize the contributions of the Latin American tradition to social and political issues in their most concrete forms (that is, in the voices of the oppressed, the poor, and the marginalized) is a valuable contribution to the endemic problem of defining Latin American philosophy and defending its original contributions. I think that if developed in detail, the path Silva offers us would lead us to a richer understanding both of what Latin American philosophy offers and of how to come to an understanding of central texts from the tradition of Latin American philosophy.

From the outset, however, I was troubled by the emphasis on philosophy at the service of freedom. First, because the term “freedom” is a difficult one, so we need to be given a careful account of it if it is going to give movement to the case Silva is making in his paper. The term “freedom” seems to open up a host of issues that would have to be addressed before we could use the description that Silva is offering. At one point in the paper, in taking Jorge Gracia to task for rejecting coloniality as the basis for understanding Latin American philosophy, Silva does laud Gracia’s anti-essentialism and his turn to a familial-historical model for understanding group identities. As Silva writes: “Both are worthwhile contributions to philosophy of race and ethnicity, and . . . epitomize a Latin American philosophical concern with freedom from totalizing concepts, the type of which are typified by colonial impositions.” So, is the freedom at stake in Silva’s account a type of “freedom from totalizing concepts”? Being more specific about the freedom informing his view that Latin American philosophy is a kind of philosophy at the service of freedom would help

make a stronger case for the view that Silva is presenting in his paper. Of course, once a working definition of “freedom” is offered, we would then need a more detailed defense of why we would want to describe philosophy as at its service. I think this way of describing Latin American philosophy may pose serious problems for Silva’s account, and ultimately become a disservice to the tradition he is seeking to restore. Silva is impatient with those who cannot accept that philosophy is at the service of freedom, those who reject any such moves to instrumentalize philosophy. I wonder (or is this really a hope?) if we can get to the level of dedication to social change and respect and care for the marginalized which Silva seeks, that is, to a philosophy dedicated to struggle, without reducing philosophy to its service as a tool of social change. I am not interested in preserving the purity of philosophy or of granting it any queen-like status, but I am also concerned that particularizing its tasks too narrowly could do precisely the damage that has been inflicted upon the Latin American philosophical tradition by years of neglect, namely, such a move could silence important voices of that tradition, not because they speak the wrong language (Spanish), but rather because they write about the wrong things (logic, the beauty of the Andean mountains, truth as propositional versus truth as existential, etc.).

Silva clearly articulates why we need to address the Latin American philosophical tradition in a new way in order to overcome the dismissive ways it has been received by the Anglophone philosophical tradition. In his paper he also carves out a much needed intellectual space in which to understand the problems fueling the Latin American philosophical tradition. Silva’s paper is part of a project to combat exclusion and silencing of a tradition that he is indeed imbuing with a new, stronger voice. Yet, that voice becomes exclusionary at points. I fear that Silva is addressing an injustice and then creating a new injustice. As he writes:

It is difficult, if not impossible, to think as a Latin American and not be concerned with colonization or a derivative subtopic in some way. To not do so requires conscious effort and willful ignorance, the type of which is morally culpable.

This matter of “thinking as a Latin American” sounds rather essentialist to my ears, and to link that thinking to a particular subject matter, i.e., colonization, and then to attribute nefarious motives in the absence of such subject matter, to any given thinker, seems a lot like thought control, which, it seems to me, would not make for the development of healthy, progressive philosophy, but rather would result in ideology. Silva makes a claim in direct opposition to this point when he writes, “For one to grow up amidst colonial oppression, experience it, or perhaps even benefit by it, and yet not think philosophically about it takes a tremendous amount of effort. To not write about it means that one is an ideologue, which, in Ellacuría’s sense of the term, implies that one is a denier of life.” No one wants to be an ideologue—the ideology that concerns me is the ideology that denies freedom. Silva may be guilty of condemning Latin American philosophers to doing philosophy in a particular way, of scripting them too tightly.

For a philosopher who is placing freedom at the center of his inquiry, this lack of freedom granted to philosophers in Latin America seems particularly out of place. Silva seems resigned to accepting exclusions, writing, "My goal is not to exclude, but undoubtedly, this will be a consequence of my project. Instead, my goal is to preserve the tradition of thought in LAP that stands out in comparison to Anglophone understandings of philosophy." I think that Silva's desire to preserve the tradition of LAP is of the highest value, and I think that he, in fact, has the elements not only to preserve but to revive and lead the tradition in new, tradition-affirming directions. But I don't think we need to accept exclusions born of scorning Latin American thinkers who are not concerned with colonization in order to carry out the valuable project that Silva has delineated in his paper.

Part of my discomfort with such exclusions is that in such moves of exclusion and of scripting who and what counts as a Latin American philosopher we ghettoize the very tradition we are attempting to preserve, revive, and develop. Latin American philosophy and Spanish-speaking philosophers remain ghettoized. We have special committees to oversee the treatment of Hispanics in philosophy, in part because inclusiveness of this group cannot be taken for granted. We have to market sessions at the American Philosophical Association meetings so that they will appeal to mainstream philosophers: logic in Brazil is a crowd pleaser, while the topic of indigenous thought in America draws only a few eccentrics. The theme of German philosophy in the Americas is seen as more valuable than addressing the problem of modernity in Latin American, for the stentorian philosophical voice of the German tradition inevitably overpowers the muffled voice of the Latin American tradition. Paying serious attention to something like the problem of modernity in Latin America would surely be a sign of progress, of an overcoming of the "colonial condition" in which we have placed Latin American philosophy, for it would present Latin American thought in an autonomous light. But we cannot secure such autonomous light by limiting the freedom of Latin American thinkers, preventing them from taking their thought where their questions lead them. Whether we think the resulting work is good or bad is one matter, and we might even agree that the best work done within the tradition of Latin American philosophy is the work that deals explicitly with the colonial condition. But to deny that a given contribution by a Latin American thinker simply does not belong to the tradition because of its content seems not only wrong but damaging to the very future of the tradition. Colonial struggle is a central problem of the Latin American philosophical tradition, but why must we create a hierarchy according to which only those contributions that address this matter are really Latin American philosophical contributions—why not acknowledge that the tendency of thought within the Latin American tradition that deals with colonial struggle is a central one, a tendency that has shaped many of the valuable contributions of that tradition, while also acknowledging that there are other tendencies? Even if we cannot offer final words on what Latin American philosophy is, certainly we can all agree that there is a vast territory of themes and figures, of questions and of proposed answers to those questions. Rather than looking for exhaustive definitions and becoming entangled in the

inevitable exclusions that come with such approaches, perhaps we should focus on the exclusions within the tradition so that we can continue to make the tradition more and more inclusive as we strive to achieve for the Latin American philosophical tradition the recognition that it deserves.

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## *Doing Away with Juan Crow*

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In May of 2008, Roberto Lovato wrote an article for *The Nation* magazine entitled "Juan Crow in Georgia." Lovato's article begins in a manner that is now familiar to those of us who pay close attention to the plight of DREAMers:<sup>1</sup> it tells us about a sympathetic young person, living in the United States under less than ideal circumstances, who nonetheless has a big American dream. In this particular case, the young person in question is fifteen-year-old Marie Justeen Mancha. At the time, Mancha was living with her mother in Reidsville, Georgia. The two of them had recently migrated to Reidsville and were eking out a meager existence by working in onion fields and living out of what Lovato describes as a battered old trailer. We are also told that, despite the seemingly long odds, Mancha plans to one day go to college and become a clinical psychologist.

In September of 2006 her dreams were put in jeopardy. As Mancha was getting ready to go to school, armed Immigration and Customs Enforcement (ICE) agents raided her trailer. These agents had neither warrants, probable cause, nor permission to enter Mancha's residence, but they entered anyway and interrogated Mancha over her and her mother's immigration status. At the end of this interrogation, the agents simply left. Mancha and her mother were not deported. Tragedy was averted because, as Lovato informs us, Mancha and her mother were: "the wrong kind of 'Mexicans'; they were US citizens."<sup>2</sup>

According to Lovato, Mancha's experience is not an isolated incident, but part of a larger and more troubling trend. As he writes:

Mancha and the younger children of the mostly immigrant Latinos in Georgia are learning and internalizing that they are different from white—and black—children not just because they have the wrong skin color but also because many of their parents lack the right papers. They are growing up in a racial and political climate in which Latinos' subordinate status in Georgia and in the Deep South bears more than a passing resemblance to that of African-Americans who were living under Jim Crow. Call it Juan Crow: the matrix of laws, social customs, economic institutions and symbolic systems enabling the physical and psychic isolation needed to control and exploit undocumented immigrants.<sup>3</sup>

In the passage above, Lovato is both describing the wrong of Juan Crow and alluding to its connection to Jim Crow. While there are some very important differences between the two, Lovato seems to be suggesting that Juan Crow is similar to Jim Crow in that they are both instances of local and state laws being used in a systematic way to violate the civil rights and equal protection of minority citizens. In this essay, I would like to explore the implication Juan Crow has for an ethics of immigration. I want to argue that Juan Crow poses a challenge not only to federalist approaches to immigration reform, but to any immigration reform that has stricter enforcement as a key component. Instead, I want to suggest that a just immigration reform must adhere to two standards, *equality of burdens* and *universal protections*, and that only by doing so can the potential for Juan Crow be accurately avoided.

### THE FEDERALIST ALTERNATIVE

Philosophers working on the ethics of immigration face an interesting challenge. It is assumed that political legitimacy requires a community to be both democratically self-determined and respectful of human rights. Yet the issue of immigration (maybe more so than any other issue) exposes a deep tension between these two commitments.<sup>4</sup> For example, a commitment to democratic self-determination would seem to suggest that a political community has a presumptive right to control its borders and determine its own criteria for citizenship.<sup>5</sup> However, a commitment to individual freedom or universal equality (i.e., the pillars of human rights) seems to speak in favor of open borders; either because respecting an individual's right to freedom of movement is weighty enough to override most of the reasons a political community would have to deny him or her admission<sup>6</sup> or because restrictive borders help to perpetuate or create unjust global inequalities.<sup>7</sup>

This is an exaggerated and simplistic way of situating the current philosophical debate over immigration, so it's worth mentioning that there are other nuanced positions that do not fit nicely into this neat division. For example, Arash Abizadeh has argued that a commitment to democratic norms would entail political communities *not* have the unilateral right to control their borders,<sup>8</sup> while Peter Higgins and Lea Ypi have argued that open borders would not necessarily promote universal equality and in fact could do the opposite.<sup>9</sup> Still, the philosophical question surrounding immigration has primarily remained focused on how to best reconcile democratic self-determination with human rights.

Out of all the possible contenders that have emerged in this debate, the one that seems to hold the most promise is the federalist approach. Federalism advocates for a dispersed notion of sovereignty, where political authority over a territory is allowed to operate at various levels. These different levels usually have one top level, for example, a central government or a supranational institution, and smaller subdivisions operating underneath, such as provincial, state, or local governments. On this model, the power to make and enforce laws operates on all these different levels with each enjoying a certain degree of autonomy. On this model, people do not need to be members at every level in order to obtain certain citizenship rights. For example, a person could be a

citizen of the European Union and of the city of Berlin, and therefore be lawfully present in Germany and eligible to vote in certain elections, even though s/he is not a German citizen. Federalism therefore offers an immigration reform alternative that is both consistent with democratic norms—especially with regard to democratic representation at the transnational and local levels—and more open borders. Within the immigration debate, Thomas Pogge, Veit Bader, Seyla Benhabib, and to some extent William Flores and Renato Rosaldo, have championed some version of this view.<sup>10</sup>

For supporters of immigrant rights, this approach seems to hold a lot of promise. After all, while attempts at comprehensive immigration reform have stalled at the national level, over the last decade there has been a groundswell of local and state ordinances that seek to protect immigrants and extend benefits to all residents (including undocumented immigrants). For example, cities such as San Francisco, Denver, and New York now prohibit city employees (including police officers) from inquiring into people's immigration status and, in general, are refusing to let their local resources be used to help enforce national immigration laws. There have also been actions taken at the state level, where states such as California, Washington, and Nebraska have granted driver's licenses, in-state tuition, and health care to all of their residents regardless of immigration status. And even states that support stricter immigration enforcement, such as Texas and Utah, have proposed their own guest worker programs tailored to their own particular needs, rather than the current one-size-fits-all national model. While guest worker programs are not always great, if these state-level programs were to be implemented, many undocumented workers currently working in those states would be given legal status.

Conservatives in the United States have complained that these actions are unconstitutional and that local and state governments have over reached and should be punished by the national government. However, a generous reading of the U.S. Constitution would suggest that conservatives are wrong and that these local and state governments are on firm constitutional ground. For example, the U.S. Constitution only twice mentions matters directly relating to immigration, and neither time does it say much about where the power to establish immigration policy should reside.<sup>11</sup> Along with this, there is the Tenth Amendment (i.e., the federalist amendment), which states that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." When read in this way, it seems that there is nothing explicitly unconstitutional about the aforementioned actions taken by local and state governments.

### PLENARY POWER DOCTRINE: THE TYRANNY OF CENTRALIZED POWER

Despite the reading I have just provided, there is a long history backed by judicial precedent that has allowed the U.S. national<sup>12</sup> government to consistently usurp the power to control immigration and exercise it in questionable ways. For example, in 1798 President John Adams signed into law

a set of bills that have come to be known as the Alien and Sedition Acts. These bills were signed in the aftermath of the French Revolution, during a time that is now commonly referred to as the Quasi-War with France. The stated aim of these bills was to root out the “Jacobin threat” posed by French immigrants. Among other things, these bills increased residency requirements for naturalization from five to fourteen years, made speech critical of the U.S. government into a punishable offense, and allowed the president to imprison or deport any non-citizen who was considered “dangerous” or who was a citizen of a hostile nation.

In the Kentucky and Virginia Resolutions, Thomas Jefferson and James Madison presented a federalist response to these actions taken by the national government. Jefferson, for example, argued that these actions were unconstitutional because

if the acts before specified should stand, these conclusions would flow from them; that the General Government may place any act they think proper on the list of crimes & punish it themselves, whether enumerated or not enumerated by the Constitution as cognizable by them: that they may transfer its cognizance to the President or any other person, who may himself be the accuser, counsel, judge, and jury, whose suspicions may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction.<sup>13</sup>

Jefferson’s worry was that the national government, and specifically the executive branch, was using the threat of a foreign menace to consolidate powers that the Constitution had not intended for it to have. This consolidation of power was troubling for Jefferson because, even if these powers were intended only to be used on noncitizens, they eventually could be turned on citizens. As Jefferson warns further down in this resolution: “the friendless alien has indeed been selected as the safest subject of a first experiment: but the citizen will soon follow, or rather has already followed; for, already has a Sedition Act marked him as its prey.”<sup>14</sup>

Another example of this questionable usurpation of power comes in the form of the explicit racist immigration laws and policies that began with the passage of 1875 Page Act. This act was the first of many acts to restrict the entry of nonwhite immigrants into the United States. During this period of explicitly racist national immigration policy, the Supreme Court consistently ruled in favor of the U.S. government by appealing to a more unitary (as opposed to federalist) understanding of U.S. sovereignty. For example, writing for the majority in the 1889 *Chae Chan Ping v. United States* case, Justice Stephen J. Field argued that Mr. Ping had no right to be readmitted into the United States, even though he had a government issued return voucher, because

the United States, through the action of the legislative department, can exclude aliens from its territory is a proposition which we do not think open to controversy. Jurisdiction over its own territory

to that extent is an incident of every independent nation. It is a part of its independence. If it could not exclude aliens it would be to that extent subject to the control of another power.<sup>15</sup>

This case, along with the other Chinese exclusion cases, has come to form the legal backbone of what is known as the Plenary Power Doctrine. This doctrine gives the U.S. national government a monopoly over the regulation of immigration, meaning its exercise of power in this area is not subject to judicial review. The lack of judicial review means that, with regard to cases involving the admission, exclusion, and deportation of noncitizens, constitutional protections (e.g., right to a trial by jury, right to court appointed legal representation, and freedom from unreasonable searches and seizures) are not applicable.<sup>16</sup>

These examples do not exhaust the list of abuses, but they are sufficient to underscore the following worry: there is a very real danger in a centralized approach to immigration policy because when given discretionary control over the admission, exclusion, and deportation of noncitizens, national governments have shown themselves incapable of not using this power in morally or politically problematic ways. In light of this worry, a federalist approach to immigration reform seems much more appealing. After all, federalism offers a way to break up or at least check the concentration of power without at the same time having to give up the notion of sovereignty (i.e., self-determination). With that said, however, there is an underside to federalism, and this underside is nowhere better exemplified than in the case of Jim Crow.

## THE UNDERSIDE OF FEDERALISM AND THE SUPREMACY CLAUSE

As most people are aware, the U.S. Civil War put an end to chattel slavery and annulled the infamous Dred Scott decision that had denied U.S. citizenship to people of African descent. These achievements were constitutionally enshrined with the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments. Immediately after the passage of these amendments, however, local and state governments of the former Confederacy began to pass their own laws in an effort to circumvent the spirit of these amendments. These laws appeared neutral on the surface, but when implemented, they created a legalized form of racial segregation.

The constitutionality of these laws were tested and notoriously upheld in the 1883 *Civil Rights Cases* and the 1896 *Plessy v. Ferguson* case. These cases provided the legal precedent for what came to be known as the “separate but equal” doctrine. This doctrine basically stated that so long as facilities and institutions were equal, racial segregation was not in itself a breach of the Fourteenth Amendment’s equal protection clause. The ruling in *Plessy v. Ferguson* is especially disconcerting for proponents of federalism because in making its case the state of Louisiana appealed specifically to the Tenth Amendment (i.e., the federalist amendment) and won the case on those grounds.

Jim Crow segregation was legally in effect throughout the former Confederacy from the end of Reconstruction (1877-ish) until the 1954 *Brown v. Board of Education* decision. The *Brown* decision, however, did not by itself settle the matters. In 1957, Arkansas Governor Orval Faubus defied the court's decision by calling out the state's National Guard in an effort to prevent black students from entering Little Rock Central High School and made an appeal to "state's rights" in justifying his actions. President Eisenhower responded to Faubus's actions by deploying the U.S. army and nationalizing Arkansas's National Guard. In 1963, Alabama Governor George Wallace—living up to his inaugural address promise of "segregation now, segregation tomorrow, segregation forever"—had his infamous "Stand in the Schoolhouse Door" debacle where he physically stood at the entrance to the University of Alabama in order to prevent black students from enrolling. Again, it took executive action, this time on the part of President Kennedy, to remove him.

It seems that one lesson that can be gleaned from the struggle against Jim Crow is that when local or state governments deny members of disadvantaged social groups their civil rights and equal protection, executive action at the national level can be an effective way of remedying the situation. This presents a further problem for proponents of federalism. The struggle against Jim Crow was successful not because of an increase in democratic procedures, since the majority of residents in Alabama and Arkansas would have likely favored segregation, or a decentralizing of power, as it took action at the national level to bring this practice to an end. It is in this vein that champions of immigrant rights, such as Representative Luis Gutierrez, have for years pleaded with President Obama to use his executive powers to act on immigration.

The sense of urgency that proponents of immigrant rights, such as Gutierrez, feel stems from the fact that it is not only immigrants who are being negatively affected by Congress's inability to pass comprehensive immigration reform; U.S. citizens are also being negatively impacted by this gridlock. In recent years, citizens like Marie Justeen Mancha have been migrating in greater numbers to parts of the United States where historically Latino/as have not resided in large numbers. Specifically, Latino/as have started to make homes for themselves in parts of the former Confederacy. The immediate assumption by many of the residents in these parts is that these new migrants do not belong. Some of the worries these residents have are driven by xenophobic attitudes and beliefs, but some truly believe that these new migrants are all undocumented and their presence is evidence that the national government is failing to do its job of enforcing immigration law. This despite the fact that the actual number of undocumented immigrants has remained steady for close to a decade, somewhere between 10-12 million, and in recent years has actually seen a decline. Also, since President Obama took office in 2009, the U.S. government has been deporting close to 400,000 undocumented immigrants a year, which is more than under any other previous administration.

Regardless of these facts, the public perception in states of the former Confederacy is that undocumented

immigrants are swarming into their territory and the national government has failed to do anything about it. This has encouraged them in turn to pass a variety of anti-immigrant laws at the local and state level. The overall strategy these local and state governments have followed has been centered on enforcement, hence the mantras of "enforcement first" and "attrition through enforcement." These laws are therefore not designed to try to reform or repair the current immigration system. Instead, they are aimed at obtaining better and more efficient enforcement of the current one. They also recognize the difficulty of rounding up and deporting 10-12 million undocumented immigrants, so along with bringing stricter enforcement these laws are also designed to try to make the day-to-day lives of undocumented immigrants so miserable that they begin to self-deport.

As we saw in the opening case of Marie Justeen Mancha, not all Latino/as who migrate to parts of the former Confederacy are foreigners. In fact, most Latino/as in the United States are a lot like Mancha, U.S.-born citizens who are nonetheless being forced to bear the brunt of anti-immigrant laws and policies. In this regard we find the similarity to Jim Crow. The anti-immigrant laws that have come out of "enforcement first" and "attrition through enforcement" approaches to immigration reform are being passed at the local and state level by an overwhelming democratic majority, and they also appear neutral on the surface. When these laws are put into effect, however, they have a disparate impact on a particular minority segment of the citizenry (i.e., Latino/as). If the comparison to Jim Crow is warranted, then the recent actions taken by the Obama administration seem consistent with the earlier actions taken by presidents Eisenhower and Kennedy.

In response to Juan Crow, the Obama administration has sued the state of Arizona for its "attrition through enforcement" inspired Senate Bill. In 2012 this lawsuit went before the Supreme Court, where Arizona defended its actions in the same way Louisiana had in *Plessy v. Ferguson*, by appealing to the Tenth Amendment. This time, however, the court found that Arizona's anti-immigration bill was largely unconstitutional. It was unconstitutional not because of the harm it would cause foreigners or even Latino/a citizens, but because its actions violated the Supremacy Clause. The Supremacy Clause is found in Article XI, Clause 2 of the U.S. Constitution, and it states that when national law conflicts with state law, national law wins out. This is commonly referred to as preemption, and it gives the national government exclusive power to legislate over such areas as war and commerce.

Following this victory in the courts and at the behest of DREAMer activists, President Obama went on to issue an executive order granting deferred action (i.e., protection from deportation) to undocumented immigrants who entered the country before the age of sixteen (i.e., DACA). This past November, Obama extended this deferred action to include undocumented immigrants who are the parents of U.S. citizens or legal permanent residents (i.e., DAPA). This latter action, however, has been challenged by 26 states and its constitutionality is still currently being debated in the courts. Again, most of the states that have

challenged the president's use of deferred action are states of the former Confederacy.

For those who support immigrant rights, the recent actions taken by President Obama seem like cause for celebration. I want to suggest, however, that while these actions should be supported, they are at best incomplete and at worst Pyrrhic victories. President Obama has been able to provide undocumented immigrants with some relief through the use of executive action, but the way out of Juan Crow is not through executive action. Executive actions have a history of cutting both ways and so there are good reasons for being skeptical of them.

For example, three months after Japan bombed Pearl Harbor, President Roosevelt issued Executive Order 9066. This executive order forcefully removed between 110,000 and 120,000 mostly U.S. citizens of Japanese descent from their homes and placed them in internment camps far away from the Pacific Ocean. The reason behind this removal was the belief that lurking within this particular segment of the citizenry were potential spies who would relay signals to the Japanese navy if allowed to remain close to the Pacific Ocean. The case of Japanese internment is now taken to be one of the more disgraceful moments in U.S. history, but it is still important as a poignant reminder of how executive action can cut both ways. The actions of the executive branch can at times be used to protect the most vulnerable in our society, such as the actions by Eisenhower, Kennedy, or Obama might exemplify, but they can also be fueled by or be used to pursue racist or xenophobic ends.

A further complication with looking to the national government to provide relief from Juan Crow is that most of the enforcement measures that give rise to Juan Crow are already present at the national level. For example, the national immigration and welfare reform laws that were passed in 1996 allow the national government to commandeer local police for immigration enforcement duties, require employers to check the immigration status of their employees, and make immigrants ineligible for various sorts of benefits such as welfare and Medicare.<sup>17</sup> Again, while the letter of the law does not single out any particular social group, its application has disproportionately impacted citizens of non-European descent and especially U.S.-born children whose parents lack proper immigration status.

Federalist and centralized approaches to immigration reform therefore seem to leave us in a kind of quagmire: giving the national government too much discretion over immigration has historically proven problematic (e.g., Alien and Sedition Acts and Chinese Exclusion Acts), but supporting the kind of federalism that would allow local and state governments to check the national government's power and provide immigrants with some relief (e.g., offer them sanctuary, driver's licenses, and in-state tuition) would also allow these governments to pass their own anti-immigrant ordinances (e.g., Arizona's SB 1070). An ideal approach to immigration reform (i.e., one that avoids the potential for Juan Crow) seems to want it both ways. It wants to allow local, state, and national governments to provide immigrants with some protections and unencumbered

access to certain benefits, while at the same time precluding the possibility of draconian immigration enforcement.

### IMMIGRATION REFORM WITHOUT JUAN CROW

In my view, an ideal approach to immigration reform only appears to want it both ways. It gains this appearance from how the debate over immigration has played out in the United States, as a contest between the Supremacy Clause (i.e., the national government's check on federalism gone amuck) and the Tenth Amendment (i.e., state's rights). When the immigration debate is framed in this way, the point that Marie Justeen Mancha's story is supposed to drive home gets overlooked. The fight against Juan Crow is less about locating the power to control immigration and more about circumventing that power, at every level, so that certain segments of the citizenry do not get ostracized when and if it gets exercised. This suggests that, regardless of whether a country chooses to adopt a more centralized or federalist approach to immigration reform, the important question to address is how should enforcement be limited?

The answer I propose is that immigration enforcement should have to adhere to something like the following two standards: *equality of burdens* and *universal protections*. An *equality of burdens* standard would require that whatever burdens result from the enforcement of immigration policy, those burdens should be allocated as equally as possible among the citizenry. For example, if agents are allowed to conduct raids on private homes or places of work, then every citizen's home or place of work should potentially be as likely to be raided as any other citizen's home or place of work. I understand this might make immigration enforcement less efficient, but there are at least two good reasons why the implementation of this standard outweighs this concern.

First, it would make citizens more reflective about the kind of enforcement they are willing to let their government deploy. Since most citizens currently do not feel like they have much to worry about with internal immigration enforcement, the majority has shown itself to be increasingly willing to have stricter immigration enforcement, even when this increase negatively impacts the lives of minority citizens. By having a majority, and not just a minority, of citizens share in the cost of stricter enforcement, the excesses of this enforcement will not only be more fairly distributed, they will also impact decisions about the quality and quantity of enforcement.

Second, while this standard might not change deeply entrenched social attitudes on race, ethnicity, or culture, it will prevent those attitudes from unduly influencing enforcement and in the process self-affirm negative stereotypes about minority groups. While some might argue that this standard would prohibit all forms of selective enforcement, it would actually only prohibit selective enforcement when it disproportionately harms citizens for morally arbitrary reasons (e.g., race, ethnicity, or culture). In other words, while it might be okay for enforcement agents to focus more of their attention on people who self-identify as members of an outlaw motorcycle gang (e.g., wear a particular kind of leather jacket), as this is not a morally arbitrary reason, it would not be okay for enforcement agents to focus more of their attention on people who

self-identify with a particular kind of religion (e.g., Islam) or different part of the world (e.g., Latin America) because those are morally arbitrary reasons.

Along with an *equality of burdens* standard, just immigration reform will also require something like a *universal protections* standard. This standard would complement the *equality of burdens* standard by requiring mechanisms for oversight and restrictions on excessive government coercion. It is difficult to say what specific types of oversight or restrictions this standard would entail, as different communities will have their own unique set of circumstances and challenges, but there does seem to be at least one universal restriction that this standard would always entail. There must at least be a “presumption of innocence” restriction. In the immigration context, this would mean that all persons present should be treated as though they are lawfully present until their status has been confirmed to be irregular and even then should be treated with the dignity that is owed to all human beings.

In more concrete terms, if U.S. immigration enforcement policy were to adhere to something like a *universal protections* standard, it would need to give all persons present, regardless of their immigration status, such basic protections as the right to due process, equal protection under the law, freedom from unreasonable searches and seizures, a right to an attorney, and protection from indefinite detention, which is currently not the case in removal proceedings.<sup>18</sup> Protections like these are essential because without them immigration controls could easily infringe on both the rights of citizen and on human rights more generally.

When taken together, these two standards provide a canopy of protections that serve as a basis for immigrant rights. For example, one of the more odious aspects of current immigration law, which makes Juan Crow possible, is the commandeering of police officers for immigration enforcement purposes. This practice would be prohibited by these two standards because of its potential for abuse (e.g., police could use immigration enforcement as an excuse for harassing already marginalized communities), the risk that makes marginalized citizens even more vulnerable (e.g., victims of crimes, such as domestic violence, who also happen to live in mixed-status households could be hesitant to call police), and it would hinder the larger goal of fighting and preventing crime (e.g., undocumented immigrants are less likely to come forward to report or serve as witnesses for crimes if doing so might expose them to deportation, yet the safety of communities is dependent on the lawful cooperation of all persons present, regardless of immigration status). A similar argument can also be extended to include such areas as employment, home rentals, enrolling children in school, and many other everyday activities. An immigration policy that adheres to these two standards would prohibit enforcement schemes from intruding into these areas and by doing so would largely curtail the potential for Juan Crow.<sup>19</sup>

## CONCLUSION

Regardless of one’s own position on immigration, it is difficult to argue with the fact that what happened to Marie Justeen Mancha was unjust and that under a just regime those sorts of incidents should never occur. This belief is undergirded by an intuition that most of us share: legitimate political communities have a responsibility to treat their citizens as political equals and to not excessively or without warrant intrude on their lives. This intuition is expressed in what I have come to call the *equality of burdens* and *universal protections* standards. These two standards might not be enough to bring an end to racism or xenophobia, but adhering to them in immigration policy will prove sufficient to thwart the conditions that give rise to Juan Crow.

It’s true that these standards limit the discretion political communities have in controlling immigration, and in today’s political climate a position like this is largely out of favor. With that said, however, I still think we need to ask ourselves whether sacrificing the civil rights and equal protection of a minority citizen is worth enforcing an immigration system that all sides agree is broken. Instead of doubling down and continuing to enforce such a system, why not be open to the possibility of radically revising it? Of adopting an immigration system that can be enforced in a just and fair manner because its policy for admissions reflects global realities as opposed to xenophobic fears? It’s true that such a revised system would likely entail much more open borders than most Americans are currently comfortable with, but then again no one ever said doing the right thing would be easy or popular.

## NOTES

1. The term DREAMer comes from the acronym for the Development, Relief, and Education for Alien Minors Act, which, if passed, would regularize the status of most undocumented immigrants who arrived in the United States before age sixteen. Immigrant rights activists have now begun to use this term to refer to this particular subset of the undocumented immigrant population.
2. Roberto Lovato, “Juan Crow in Georgia,” *The Nation*, May 26, 2008. <http://www.thenation.com/article/juan-crow-georgia>. Accessed December 21, 2014.
3. Ibid.
4. See Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens* (Cambridge, UK: Cambridge, 2004); John Exdell, “Immigration, Nationalism, and Human Rights,” *Metaphilosophy* 40, no. 1 (2009); and Eduardo Mendieta, “The Right to Political Membership: Democratic Morality and the Right of Irregular Immigrants,” *Radical Philosophy Review* 14, no. 2 (2011): 177–85.
5. See Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983); Christopher Heath Wellman, “Immigration and Freedom of Association,” *Ethics* 119 (2008): 109–41; David Miller, “Immigration: The Case for Limits,” in *Contemporary Debates in Applied Ethics*, ed. Andrew I. Cohen and Christopher Heath Wellman (Malden MA: Blackwell Publishing, 2005), 193–206; and David Miller, “Immigrants, Nations, and Citizenship,” *The Journal of Political Philosophy* 16, no. 4 (2008): 371–90.
6. Chandran Kukathas, “The Case for Open Immigration,” in *Contemporary Debates in Applied Ethics*, ed. Andrew I. Cohen and Christopher Heath Wellman (Malden MA: Blackwell Publishing, 2005), 376–388; Michael Huemer, “Is There a Right to Immigrate?,” *Social Theory and Practice* 36, no. 3 (2010): 429–61; Javier S. Hidalgo, “Freedom, Immigration, and Adequate Options,” *Critical Review of International Social and Political Philosophy* 17, no. 2 (2014): 212–34.

7. See Joseph H. Carens, "Aliens and Citizens: The Case for Open Borders," in *The Rights of Minority Cultures*, ed. Will Kymlicka (Oxford: Oxford University Press, 1997); Phillip Cole, *Philosophies of Exclusion: Liberal Political Theory and Immigration* (Edinburgh: Edinburgh University Press, 2000).
8. See Arash Abizadeh, "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders," *Political Theory* 36, no. 1 (2008): 37–65.
9. See Peter Higgins, "Open Borders and the Right to Immigration," *Human Rights Review* 9, no. 4 (2008): 525–35; Lea Ypi, "Justice in Migration: A Closed Borders Utopia?," *The Journal of Political Philosophy* 16, no. 4 (2008): 391–418.
10. Thomas W. Pogge, "Cosmopolitanism and Sovereignty," *Ethics* 103, no. 1 (1992): 48–75; Veit Bader, "Citizenship and Exclusion: Radical Democracy, Community, and Justice. Or, What Is Wrong with Communitarianism?," *Political Theory* 23, no. 2 (1995): 211–246; Benhabib, *The Rights of Others*; William V. Flores, "New Citizens, New Rights: Undocumented Immigrants and Latino Cultural Citizenship," *Latin American Perspectives* 30, no. 2 (2003): 295–308; Renato Rosaldo, "Cultural Citizenship and Educational Democracy," *Cultural Anthropology* 9, no. 3 (1994): 402–11.
11. The first mention comes in Article 1, Section 8, Clause 4, where among a laundry list of things it states that "Congress shall have the power. . . . To establish a uniform rule of naturalization." Naturalization, however, is not the same as immigration. Establishing the rules of naturalization has to do with setting the requirements to become a citizen and not with rules for admission, exclusion, or deportation. People can, after all, be legal permanent residents (LPRs) without ever becoming citizens. The other mention comes in Article 1, Section 9, Clause 1, where it states that Congress shall not prohibit the migration or importation of persons, but this clause is specifically geared towards the issue of slavery and also expired in 1808.
12. By U.S. "national" government, I mean both the legislative and executive branches of the U.S. government. In this essay, I use the term "national" as opposed to the more conventional term "federal" in an effort to reduce confusion.
13. Thomas Jefferson, "Resolutions Adopted by the Kentucky General Assembly," in *The Papers of Thomas Jefferson Digital Edition*, ed. Barbara B. Oberg and J. Jefferson Looney (Charlottesville: University of Virginia Press, 2015), 553-54.
14. *Ibid.*, 554.
15. *Chae Chan Ping v. United States*, 130 U.S. 581 (1889).
16. See Robert Senh, "The Liberty Rights of Resident Aliens: You Can't Always Get What You Want, But If You Try Sometimes, You Might Find, You Get What You Need," *Oregon Review of International Law* 11, no. 1 (2009): 137–78; and Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge MA: Harvard University Press, 2007), 16-17.
17. *1996 Personal Responsibility and Work Opportunity Reconciliation Act*, H.R. 2260; Pub.L. 104–93; 110 Stat. 2105. 104th Cong. (August 22, 1996); and *1996 Illegal Immigration Reform & Immigrant Responsibility Act*, H.R. 3610; Pub.L. 104–208; 110 Stat. 3009–546. 104th Cong. (September 30, 1996).
18. See Plenary Power Doctrine above.
19. For a similar argument, see Joseph H. Carens, "The Rights of Irregular Migrants," *Ethics and International Affairs* 22 (2008). doi: [10.1111/j.1747-7093.2008.00141.x](https://doi.org/10.1111/j.1747-7093.2008.00141.x).

## White Supremacy, Guera/o-ness, and Colonization: An Argument for a Mexican-American Philosophy

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### INTRODUCTION

In this paper I will show how the slave trade, mestizaje, and U.S. laws are constitutive elements in the construction of Mexican-American identity. During the slave trade, the Spanish colonialist established white identity as a source of supremacy, protection, and civilization.<sup>1</sup> Today, even as Mexican-Americans and U.S. law classifies Mexican-Americans as white, they do not share the same protection and privilege associated with whiteness.<sup>2</sup> Utilizing insights from legal history, I provide a contemporary framework that focuses, engages, and critically assesses the Mexican-American struggle with his circumstance. Making use of the work of several Mexican-American scholars who expose contradictions that exist between the idea of the Mexican-American and his actual circumstances, I show how Mexican-American philosophy must be an intimate relationship between ideas and historical circumstances. Furthermore, I show how dominant-group-controlled institutions exercise control over Mexican-American culture.

### COLONIAL CREATION OF THE MEXICAN-AMERICAN

Since the late fifteenth century, Spanish colonialists developed a complex set of rules creating a race-based caste system with a distinct anti-black bias.<sup>3</sup> Concerned with drawing distinctions between products of miscegenation, the Spanish divided offspring of mixed couples into three general groups: *mestizo* (Spanish-Indian), *mulatto* (Spanish-Black), and *Zambo* or *Zambaigo* (Black-Indian).<sup>4</sup> Mixing of these three groups created the Black mestizo and other subdivisions within these categories. The offspring of miscegenation union, called *las castas*, due to their African ancestry, occupied the lowest socio-economic status.<sup>5</sup> As Taunya Lovel Banks notes in her essay, "Mestizaje and the Mexican Mestizo Self: No Hay Sangre Negra," "to prevent Afro-mestizo slaves passing as Indians, masters often used hot irons to brand "the insignia of servitude" on slaves' faces, or other places readily apparent to the observer."<sup>6</sup> The Spaniards created a class and racial system where "Spanish and white blood is redeemable . . . [and] inextricably linked to the idea of civilization . . . and Black blood bear[s] the stigma of slavery, [and] atavism and degeneracy."<sup>7</sup> The Spanish colonialists created a legal classification system based on hue or phenotype that birthed whiteness as the vanguard of redemption, reason, and humanity: "Afro-mestizos consistently tried to conceal their African ancestry because under rule, Indians had a higher socio-economic status than *castas* . . . even free Afro-mestizos had an interest in hiding their African ancestry since by law mulattoes, but not mestizos, were subject to paying tribute in the form of head taxes."<sup>8</sup>

Such analyses suggest, moreover, that we must look closer at the mestizaje paradigm and the role of the Atlantic slave trade in shaping and perpetuating racialized color-caste, neo-colonial hierarchies in the United States and post-colonial hierarchies in other parts of the Americas.<sup>9</sup> As George A. Martinez notes in “Mexican Americans and Whiteness,”

During slavery, the racial divide between [B]lack and white became a line of protection from the threat of commodification: whiteness protected one against being an object of property. Even after slavery ended, it continued to be a valuable asset, carrying with it a set of assumptions, privileges, and benefits. Given this, it is hardly surprising that minorities have often sought to “pass” as white—i.e., present themselves as white persons.<sup>10</sup>

Mexican-Americans have sought to pass as white because of the myths surrounding access to public and private privileges and avoidance of being the object of others’ domination.<sup>11</sup> Birthed from the colonial creation of the mestizaje, legal actors—courts and others—constructed the racial identity of Mexican Americans.<sup>12</sup> In *Inland Steel Co. v. Barcelona*, the Indiana appellate court addressed the question whether Mexicans were white. Citing from the *Encyclopedia Britannica* that approximately one-fifth of the inhabitants of Mexico are white, approximately two-fifths Indians, and the balance made up of mixed bloods, the court ruled that a “Mexican” should not be found to be a white person. Whether one was white or not would be determined on a case-by-case basis.<sup>13</sup>

In *In re Rodriguez*, a Texas federal court addressed whether Mexicans were white for purposes of immigration. As Martinez points out,

At the time, the federal naturalization laws required that an alien be white in order to become a citizen of the United States. The court stated that Mexicans would probably be considered non-white from an anthropological perspective, but went on to note that the United States had entered treaties with Mexico that expressly allowed Mexicans to become citizens of the U.S. Thus, the court held that Congress must have intended that Mexicans were white within the meaning of naturalization laws.<sup>14</sup>

*In re Rodriguez* and *Inland Steel Co. v. Barcelona* show how racial categories are constructed through political processes: “through the give and take of treaty making, Mexicans become ‘white.’”<sup>15</sup> In *In re Camille*, “the court held that the son of a white Canadian father and an Indian mother was non-white, and therefore not eligible to naturalize.”<sup>16</sup> In *In re Young*, “the son of a German father and a Japanese mother was not a white person within the meaning of immigration laws.”<sup>17</sup> If the courts decided these mixed races are not white, then Mexican-Americans—a mixture of Spanish and Indians—should also not be counted as white.<sup>18</sup> Other cases, such as *Independent School District v. Salvatierra*, *Hernandez v. State*, *Hernandez v. Texas*, and *Lopez Tijerina v. Henry*, provide more evidence that the

state and Supreme Court construct the Mexican-American race. In addition, federal agencies have an integral role in constructing the race of Mexican Americans.<sup>19</sup> In 1930, the Census Bureau “used the term ‘Mexican’ to classify Mexican Americans, placing it under the rubric of ‘other races’ . . . according to this definition, Mexican Americans were not considered white.”<sup>20</sup> “Interestingly, the Mexican government and the U.S. department of state both objected to the 1930 census definition of Mexican. Thus, in later years, Mexican Americans were classified as whites.”<sup>21</sup> Despite this, Mexican Americans do not share supremacy and protections that being white provides. They face discrimination, are victims of racial slurs, and are excluded from public facilities, neighborhoods, and employment opportunities:

Mexican Americans [are] earmarked for exclusive employment in the lowest brackets of employment and paid less than Anglo Americans for the same jobs. Moreover, law enforcement officials have committed widespread discrimination against Mexican Americans, arresting them on pretexts and meting out harassment and penalties disproportionately severe compared to those imposed on Anglos for the same acts.<sup>22</sup>

Thus, actual social behavior failed to reflect the legal norms that defined Mexican Americans as white. White as a matter of law failed to provide Mexican Americans with a privileged status.<sup>23</sup>

Instead, “Mexicans [are] co-whites when [it] suits the dominant group—and non-white when necessary to protect Anglo privilege and supremacy.”<sup>24</sup> The mythical “American/whiteness” associated with Mexican Americans is a construction by the colonialist to keep the colonized Mexican-American subject in his inferior place. In this section, I have attempted to show how the race of the Mexican American, his/her whiteness, is a mythos constructed from slavery, the mestizaje, and U.S. laws. In the next section, I will show how institutions, e.g., the U.S. education system, exploit Mexican Americans to protect Anglo supremacy. Furthermore, I will show how this creates circumstances that force Mexican Americans to imitate, assimilate, and internalize their mythical whiteness.

## WHITE SUPREMACIST INSTITUTION OF LEARNING

Since the 1930s, Mexican-American students have been victimized by inequities in educational access. The U.S. education system is one of, if not the, primary tools used to sustain white supremacy, forced assimilation, and the cultural genocide of Mexican culture. It is a violent tool that threatens the psychological and physical well-being of Mexican-American students. This system, permeated with Eurocentric curriculum, white administrators, and faculty vanguards, brainwashes Mexican-American students to believe they are Americans with all the rights and protections afforded to white students. As Juan F. Perea discusses in “Buscando América,” despite being classified legally white, Mexican-American students do not have the same rights and protections of white students:

Today, Latinos are more segregated by race, poverty, and language than any other ethnic group. Latinos, by far, have the highest high school dropout rates of any group. In 2000, the status dropout rate for Latino students was 27.8%, more than twice the rate for Blacks and four times the rate for whites. Put another way, only 56% of Hispanics graduated from high school in 2000, while 88% of whites earned high school diplomas. Latinos rank last among major U.S. racial groups in their average level of educational attainment.<sup>25</sup>

In addition to these abysmal stats, Latino students are held back in school much more often than their peers and overrepresented in low-ability groups and classes.<sup>26</sup> White teachers make up 90 percent of public school teachers in the U.S., while 40 percent of public school students in the U.S. belong to racial or ethnic minorities.<sup>27</sup> These numbers are problematic because white teachers overwhelmingly control the destiny of students of color in public schools. Moreover, they control their placement into special education and advanced classes:

Similar imbalances can be seen in the number of individuals who are licensed to administer assessments. Because cultural, social, class, and linguistic biases often influence teacher and examiner perceptions of a student's ability, students from racial and linguistic minorities continue to risk having their differences pathologized when measured against exclusionary, ethnocentric norms and standards.<sup>28</sup>

As Lisa Delpit notes in *Other People's Children: Cultural Conflict in the Classrooms*, there is a "culture of power" operating between predominantly white teachers and students of color. This culture of power results in white teachers "positing that the student who fails in school does so because of his/her internal deficits or deficiencies. Such deficits manifest, adherents allege, in limited intellectual abilities, linguistic shortcomings, lack of motivation to learn, and immoral behavior."<sup>29</sup> Thus, the more students are complacent or assimilated inside white classrooms, the less they are seen as manifesting internal deficits. One of the most effective tools to assimilate Mexican students is through language. Students learn best in the language they understand best, which for many but certainly not all Mexican students is Spanish.<sup>30</sup> "Yet bilingual education in our schools—particularly the more effective type that seeks the maintenance of Spanish and the acquisition of English—runs directly counter to strong traditions of Anglocentric assimilation and homogenization."<sup>31</sup>

As Perea explains, "recent census figures show that 17.9% of U.S. residents speak languages other than English at home, and of these, 10.7% of U.S. residents speak Spanish. Latinos account for 70.9% of school-age children who speak a language other than English at home. After English, Spanish is . . . the most prominent language spoken in the United States."<sup>32</sup> Despite the prominence of Spanish speakers in the U.S., particularly among Mexican school children, they are treated as inferiors and discriminated against by English-speaking America. Just as English speakers see their

language as an emblem of cultural identity, so do Mexicans. While the languages of the conquered and enslaved carry the low status assigned to their historically subordinated speakers, the language of the conquerors carries prestige, dominance, and power.<sup>33</sup> Often, white teachers assume Mexican children are inherently culturally disadvantaged, come from "simple folk culture," or their Mexican parents do not care about their education.<sup>34</sup> Moreover, studies show that white teachers view their Mexican students as lazy and favor white students in class participation and leadership roles.<sup>35</sup> As Perea points out, "such leadership opportunities, according to the teachers, were necessary to teach Anglos how to control and lead Mexicans."<sup>36</sup> As Richard Valencia discusses in his book, *Dismantling Contemporary Deficit Thinking*, white teachers often use a deficit-thinking model to implicate their failing students of color. Thus, Mexican students who fail to assimilate to American culture or take on white characteristics, linguistic codes, and attitudes are ostracized from the classroom and marked in permanent school records as special needs. "Assimilation, conceived as one-way adaptation by persons of color to the norms of whiteness and English monolingualism, was an important initial goal of American education for conquered people."<sup>37</sup> U.S. schools have fought to eradicate Mexican culture and the Spanish language from the classroom. Schools have gone so far as to impose extensive disciplinary systems for students caught speaking Spanish. One student in a Texas school was detained for more than an hour, others spanked by their principal, suspended, expelled, publically humiliated, and physically abused for speaking Spanish.<sup>38</sup> As Perea expresses, "these 'no Spanish' rules and disparaging attitudes toward native Spanish speakers are part of a system of behavioral controls intended to banish manifestations of 'Mexicanness' from the public schools."<sup>39</sup> Interpretation of law by lawyers, judges, and politicians plays an integral role in the historical plight of the Mexican student. Recently, a New York judge rejected a constitutional challenge to the poor quality of education provided to Mexican students who had dropped out of school by the eighth grade.<sup>40</sup> The judge explained that an eighth grade education constituted a sound basic education because "[s]ociety needs workers in all levels of jobs, the majority of which may very well be low level."<sup>41</sup> The U.S. education system is designed for the purpose of educating Mexican Americans to accept their own inferiority and to be satisfied with the role of a manual laborer or to accept their new identity as assimilated Mexican Americans. In this section, I have attempted to show how the U.S. education system sustains white supremacy and is used as a tool to create the Mexican-American student. Starting from the slave trade and the mestizaje to U.S. laws and the U.S. education system, the Mexican American is created from the attempted annihilation and genocide of Mexican culture. In the next, and final, section, utilizing the work of Laura M. Padilla and Richard Delgado, I show how U.S. law forces Mexican Americans to internalize their whiteness and assimilate to U.S. culture.

## CONCLUSION: THE GUERO/A MEXICAN-AMERICAN

Internalized oppression, as noted by Laura M. Padilla, in *Repercussions of Latinos' Colonized Mentality*, is when

marginalized groups unconsciously turn on themselves by internalizing negative stereotypes that cause intra-communal harm.<sup>42</sup> These stereotypes, perpetuated by U.S. institutions, become interwoven in the spirit, body, and psychology of the Mexican American. An extension of the colonial *mestizaje* paradigm, many Mexican Americans pride themselves in Americanization and find comfort, privilege, and protection in a white identity. For example, several Latinos “voted in favor of California’s Proposition 187, which ended benefits for immigrants, and Proposition 209, which ended affirmative action in government contracting and public colleges and universities, precisely because they accepted negative stereotypes about themselves.”<sup>43</sup> Recently, “a high percentage of Latinos supported Proposition 227, which proposed to end bilingual education in California. Additionally, a mostly Latino school board in New Mexico fired two teachers for teaching Chicano history to a group of predominantly Latino high school students.”<sup>44</sup> When Mexican Americans internalize their whiteness they become enemies to their own people. Being *guero* or *guera* [light skinned], in many Mexican-American families, is preferred over darker skinned Mexican Americans. Mexican-American families succumb to the conditioning that white is better.<sup>45</sup> Internalization is also central when Mexican Americans experience self-doubt about their success upon receipt of either admission into a top university or a prestigious job offer.<sup>46</sup> As Padilla notes, “because of internalized racism, we doubt our qualifications and hard-earned credentials, and succumb to the often not very delicate suggestions that we do not belong.”<sup>47</sup> Mexican Americans who seek the recognition of their oppressor and assimilate into American culture lose contact with their own people, and worse, become protagonists in their culture’s genocide. Padilla presses: “the first and most essential step is conscious-raising. If we do not recognize oppression and racism, we cannot overcome or undo them.”<sup>48</sup> I agree with Padilla that conscious raising is an essential step to fighting internal-oppression.

The creation of a Mexican-American philosophy, rooted in the voices of Mexicans and Mexican Americans and their historical resistance, perseverance, heroicism, and struggle with colonialism, institutional racism, white supremacy, identity, and culture, is the strongest tool to bring about this awareness. Furthermore, Mexican-American philosophy must be a tool Mexican Americans use to unmask and reveal the genius and superiority of their people. The Mexican American, as I have attempted to show in this paper, is an invention and residual symbol of Spanish coloniality. Today, state and federal laws, lawyers, politicians, judges, international treaties, and U.S. institutions sustain the mythos of the Mexican American. These institutions, such as the U.S. education system, attempt to produce Mexican Americans who think white, act white, and protect the interests of white America. If Mexican Americans are legally classified as members of the white race, then why do they not share the benefits and privileges of white Americans? Is not the U.S. a democratic nation, where laws, votes, and government can easily change the social and material conditions of Mexican Americans? Or, is the Mexican American just a pawn on the white man’s chess board, used to manipulate and sustain white supremacy?

According to the U.S. Census Bureau, Mexican Americans will become the majority in the U.S. by 2044.<sup>49</sup> In spite of this predominance, since Mexican Americans are legally classified as whites, and many wear their Americanness or whiteness as a badge of accomplishment and honor, colonialism and white supremacy will adapt and morph itself into a new and more oppressive system. Richard Delgado, in “The Social Construction of *Brown v. Board of Education*: Law Reform and the Reconstructive Paradox,” notes how U.S. law tends to resist change, unless it meets the interest and benefits of whites: “any text, including a legal one, is interpreted against a background of meanings, presumptions, and preexisting understandings. If a parent tells a child, ‘clean up your room,’ the terms ‘clean’ and ‘room’ have relatively well agreed-upon meanings: the child knows he or she is not expected to launder the drapes or vacuum the attic space above the room.”<sup>50</sup> Legal commands work in the same way. For example, “when *Brown vs. Board of Education* ordered school districts to desegregate ‘with all deliberate speed,’ southern officials interpreted the decree in terms of their common sense . . . integration that went not too far, not too fast, and that left the school system as intact as possible.”<sup>51</sup> Preexisting social practices, including friendship patterns; the way teachers, librarians, bus drivers, shop owners, and land owners deal with Mexican children and their families; and who is chosen for student body president, the debate team, and the cheerleading squad, continue to greatly hinder the Mexican child’s life, even if policies and school assignment rules change.<sup>52</sup> Another component that affects the reception of a legal decision or rule is the backdrop of narrative or stories against which the new element will be forced to operate.<sup>53</sup> Courts are confronted with a host of narrative and social perceptions that generate resistance, e.g.: “who are these outsiders trying to tell us what to do?”; “[Mexicans] just want to push into where they are not wanted”; “they want things they don’t deserve and haven’t earned.”<sup>54</sup> As Delgado points out, these narratives could theoretically change, but they tend to change very slowly, in part because we interpret new experiences and new narratives in terms of the old ones—the ones we hold. These narratives, moreover, form the basis for understanding new experiences.<sup>55</sup> When courts enforce new decrees, hundreds of lower-level bureaucrats, state officials, and lower court judges will interpret the ringing words according to their common sense understandings about persons, relations, and what is just and deserved.<sup>56</sup> Thus, “the combined effect of the forces just mentioned means that any reform measure other than the smallest and most incremental will meet predictable resistance, reinterpretation, and obstruction in ways that the legal system is ill equipped to manage and counter.”<sup>57</sup> If law and U.S. institutions are powerless to effect social revolutions, then what options do Mexican-Americans have to attain equality? The first step must be to establish a specialization, such as Mexican-American philosophy, where Mexicans and Mexican Americans can study and celebrate their own people’s culture and history. Mexican-American philosophy must utilize and take seriously the voices of all Mexicans and Mexican Americans who have a story to tell. Ultimately, Mexican-American philosophy must be a tool used to bridge the gap between Mexican Americans and Mexicans, and must provide Mexican Americans with the courage—

the *cajones*—to reject their Americanization and boldly claim their Mexicaness.

**NOTES**

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## Portraits of Luis Villoro

Guillermo Hurtado

TRANSLATED BY KIM DÍAZ

### FIRST PORTRAIT: THE HACIENDA

San Luis Potosí, México. A tall slim boy walks with his mother across the central square of an hacienda. The boy is just getting used to the geography and people from that place. Born in Barcelona, the son of a family who emigrated due to the Mexican Revolution, and who had been living in Europe for most of their lives. The mother and son come close to a group of peasants who wait for them with their hats in their hands and their heads tilted downwards. Villoro tells us:

All of them greeted me with great devotion because I was el patroncito, I was the son of their landlord. One of these Indians came to me with great reverence, took my hand and kissed it, this left a terrible impression on me, that this old man who was doing the hardest type of work in the fields and heat of the sun would come to me—a kid who had nothing to do with him, and respectfully kiss my hand. For me, this was at the same time an experience I felt to be deeply insulting, and which also made me feel an incredible amount of respect

for this person, this old man. This experience stayed with me throughout my life (I think my book) *Los Grandes Momentos del Indigenismo en México* (. . .) is due largely to the experience I had that day.<sup>1</sup>

Villoro is referring to his first book, published in 1950, when he was twenty-eight years old. The subject of Mexican Indians, however, has preoccupied him throughout his life. And I say that it has preoccupied him and not merely been of interest to him because for him, this has to do with a problem that touches the most profound fibers of his being. Villoro does not lose sleep over the Indian as an abstract concept, but as a concrete human being. Villoro has extended this concern towards all those who suffer some type of exclusion, in other words, some type of injustice. The exercise of reason, and especially that of philosophical reason, has always been for Villoro the exercise of a life-giving type of reason. Villoro's more theoretical and abstract works have ultimately been preoccupied with the existential, the moral, and the political, in the best sense of this tarnished word. We could say that Villoro has always believed in the liberating power of reason. This is why he has sought to offer us a philosophical vision of reason—without falling into skepticism or nihilism—that is worthy of mankind. This is how we should understand, I believe, the original theory of knowledge that he offered in *Creer, saber y conocer*. When he proposed his revisionist definition of knowledge, and did away with the requirement of truth, what he meant to do was to articulate a concept of knowledge that would allow us to better understand the epistemic practice in its historical dimension, but above all else, to better understand the epistemic practice in relation to its political practice. This is why there is such a close relationship between *Creer, saber y conocer*, which was published in 1982, and *El Poder y el valor*, published in 1997. The epistemic ethics of the first book leads to the political ethics of the second book; the epistemic communitarianism of the first book leads to the political communitarianism of the second book. Within the philosophical work of Luis Villoro, which spans over six decades, one can observe an extraordinary continuity of what has preoccupied and motivated him. One could say that the principal themes of his work have been as follows: the metaphysical understanding of otherness, the limits and reach of reason, the connection between knowledge and power, the search for community with others, the ethical reflection of injustice, the advocacy of respect towards cultural differences, and the critical dimension of philosophical thought. To develop these themes, Villoro has traveled an enormous philosophical territory. The list of authors over whom he has written with authority is long: Machiavelli, Descartes, Rousseau, Marx, Dilthey, Husserl, Marcel, Wittgenstein, Rawls, et cetera. Villoro traveled promptly through the main philosophical currents of the twentieth century: existentialism, phenomenology, Marxism, analytic philosophy. He passed through all of these without stopping too long in any one of them, without falling into the subsidiary fervor of so many of our colleagues. We could say that in all of these years, Villoro has cultivated a balanced philosophical pluralism. For him, not one philosophy should be taken as the True philosophy; none should be turned into dogma. Nevertheless, he

has always insisted that not just anything can pass for philosophy, and much less for good philosophy. Genuine philosophy, according to him, should be the rigorous exercise of an autonomous reason, and above everything else, of reason in the service of life.

## SECOND PORTRAIT: MASCARONES

The photograph taken by a street artist captures him walking by the Ribera de San Cosme in the company of Emilio Uranga and Ricardo Guerra. All three of them are very young, dressed up in suits and ties, and carrying books under their arms. They are smiling, and it is evident that they are enjoying the conversation between them. I imagine all three of them entering the tall doorway of the house built in the eighteenth century known as Mascarones, and walking into the yard of the Philosophy Department. There they stop to say hello to their fellow students, but promptly walk into the seminar room. The students take their seats and await the arrival of their teacher; José Gaos makes his entrance, places his books on the desk, takes a breath, and begins speaking. The students observe a concentrated silence. This is not an ordinary class, nor a teacher like any other. Villoro has mentioned that the only teacher he acknowledges as such is Gaos. It is impossible to understand Mexican philosophy in the twentieth century without the teachings of Gaos, the philosopher *transferrado*. His students were, besides Villoro, Leopoldo Zea, Emilio Uranga, Fernando Salmerón, Alejandro Rossi, to mention only the most prominent among them. Villoro belonged to the generation of Gaos's students who called themselves El Hiperión, and who had their moment of major activity between 1948 and 1952. This group proposed themselves two ambitious goals: on one hand, to philosophize in a strictly professional manner, with the highest level of originality and rigor; and on the other hand, to philosophize from and about their surrounding reality, to philosophize about México, about Latin America, not as another academic interest, but rather with the goal of transforming this reality, of shaking this reality up, of liberating it. Villoro's large philosophical work is a testament to the strict fulfillment of both ideals—the criterion by which Mexican philosophy has been judged in the twentieth century. What distinguishes Villoro from the other Mexican philosophers of this period is that he has demonstrated more than anyone else that both ideals are not only compatible, but also complimentary. Unfortunately, this lesson has not been thoroughly learned and must be repeated. Villoro's message to Latinamericanists is that an engaged and liberating philosophy must also be professional and rigorous, and to analytic philosophers, his message is that a clear and rigorous philosophy which does not attempt to reflect autonomously, nor attempt to search for the relevance with its own reality, will be nothing more than a borrowed philosophy. This is how Villoro wrote about this in an exchange he had with Leopoldo Zea:

By "rigorous philosophy" one should not understand an academic type of philosophy, informed by the latest publications in English or German. It also does not mean an aseptic philosophy in the face of the motivating reality that the philosopher lives. Rigorous philosophy simply means a philosophy that with the exercise of proper reason, attempts to take to the logical

conclusion, the examination of received opinions and doctrines. A philosophy that does not stop at vague rationalizations or rhetorical figures, and which does not take borrowed opinions postulated by others without submitting them to questions. Rigorous philosophy is reflection that aspires to be clear, precise, and radical. In this sense, all rigorous philosophy is liberating, but its liberating work does not consist in postulating action or political indoctrination, but rather in questioning the received beliefs...<sup>2</sup>

Villoro has been one of the main proponents of professional and engaged philosophy in our countries. He founded the journal *Crítica* in 1967 along with Alejandro Rossi and Fernando Salmerón. *Crítica* sought to be a space for the new directions of Iberoamerican philosophy. The acclaimed philosophy from the journal was a clear philosophy, rigorous, of good technical stripe, close to the sciences, and without folklorist inclinations, nor Weltanschauung pretensions. In 1974, Villoro founded the Humanities and Social Sciences division of the Iztapalapa branch of the Universidad Autónoma Metropolitana. This was an academic experiment where philosophy was integrated with other disciplines. For the faculty constitution of the new department, Villoro hired analytic as well as Marxist philosophers. This speaks once again to his philosophical pluralism; but not so much to the pluralism of others, given that it did not take too long for the analytic and Marxist philosophers to begin quarreling. In any case, it is very revealing that many philosophers of all philosophical currents proudly declare themselves to be Villoro's students. And since Villoro has cultivated with the same type of quality other disciplines such as intellectual history, cultural theory, and political criticism, his significance has spilled over the narrow boundaries of academic philosophy. The Mexican historians, sociologists, and anthropologists who consider Villoro's work to have been inspiring and illuminating are not few. Those who had the good fortune to have attended his classes agree that he is the type of teacher who combines the qualities of the rigorous philosopher with those of the accomplished orator. Villoro has taken on the most difficult philosophical problems both in and out of the classroom with the qualities of clarity, intelligence, and passion that are so characteristic of him. These qualities manifest themselves in his writings. Villoro's philosophical prose is—let us emphasize this—a model of how to write philosophy in Spanish.

### THIRD PORTRAIT: EL COLEGIO NACIONAL

El Colegio Nacional occupies the building of the old Convento y Colegio de la Enseñanza in the center of Mexico City. Since its founding in 1943, el Colegio only had space for twenty members, but in 1972, President Luis Echeverría doubled this number. Rumor had it that the expansion of el Colegio was Echeverría's strategy to coopt intellectuals who had distanced themselves from his regime after the massacre of 1968. No one, however, could have suggested this explanation when Villoro arrived in el Colegio on November 14, 1978. His incoming presentation infamously titled "Philosophy and Domination" is one of the strongest defenses of the critical role that philosophers ought to adopt in the face of political power. I cite the last words of this magnificent discourse. Villoro tells us:

Philosophy is the disruptive activity of reason, and we can find reason at the limit of all scientific thought. Philosophy is not a profession; it is a form of thought. The type of thought that laboriously attempts again and again to conceive without ever actually achieving, that which is different, that which is removed from any society that claims to have a hold on reason. That which is different, that we never quite achieve, which is always sought through wonder and perplexity, is truthfulness in the face of prejudice, illusion, or lies, authenticity in the face of alienation, freedom in the face of oppression.<sup>3</sup>

I look at Villoro's photograph reading his discourse. It is the image of a mature man, firm, in full capacity of his faculties, master of an enormous intellectual and moral prestige. This is a man who, had he wished to, could have taken leadership of the Secretaría de Educación Pública or any other position of this magnitude. If he did not, this was due to the loyalty he felt towards philosophy, understood not as the placid life led by the university professor or petite bourgeoisie researcher, but as a permanent criticism of political power. Not only of the government's power in its functions and of the economic groups allied with it, but also of that smaller but not any less vicious political power that is exercised among the opposing parties and intellectual circles. Even though Villoro is a man of declared leftist politics, he has never defended any type of orthodoxy, not any type of leadership, as many of his other comrades have done. This is because for Luis Villoro, being a leftist does not mean one adopts a particular ideology; instead, it means to assume a moral posture that consists in adopting a disrupting attitude in the face of any oppressive power. This attitude is tied to an epistemic position that could be qualified as an anti-dogmatic fallibilism, and an understanding of reason as a type of dialogical plurality. This is why Villoro has stood up against the leftist ideologies and utopias that have been used to tyrannize people and exterminate dissidents. Villoro has never been a card-carrying member of any political party, in the sense that Ortega meant, but he has always been the type of man who is engaged with what he believes to be the best causes. Villoro formed part of a renowned group of intellectuals who, in the decades of the fifties and sixties, sought to restore the Mexican political system from its extremes. As already mentioned, his involvement in the student movement of 1968 was pivotal, and he has supported the political campaigns of various leftist parties. Outside of the country, his important role in UNESCO should also be remembered. But the relationship that he has had with the political movement that emerged in 1994 with the Indigenous uprising in Chiapas is unparalleled. Villoro believes that the neo-zapatistas have traversed a hopeful route to political reform without committing the mistakes of traditional leftist movements. The democracy that Villoro has in mind is a direct democracy, deliberative, exercised among small communities—towns, work unions, neighborhoods—in which the assembly takes decisions by consensus, and in which the structures of domination and exclusion have been dismantled, or as the Mexican Indians say, "se manda obedeciendo," one commands by serving. It seems to me that two political currents dovetail in Villoro's thought that ultimately respond to two very

deep aspects of his personality. On one hand, we can find a liberalism that confronts any and all types of oppressive authority, and on the other hand, a communitarianism that attempts to dissolve the egoism of the individual person. The possible tensions between these two currents are very well known by us: On one extreme the hegemonic power of the community has the potential to suffocate the individual person, and on the other extreme, the defense of individual rights puts a limit to communal sovereignty. Villoro's political philosophy attempts to bring together these two currents, although I am not sure how successful he has been. In any case, one ought to emphasize that he has sought a synthesis in order to overcome these tensions.

#### FOURTH PORTRAIT: LA MEZQUITA AZUL

The blue mosque has six narrow minarets and a cascade of domes and semi-domes that make it look even taller than it is. Luis Villoro scans the interior, illuminated by dozens of blue glass windows and hundreds of small lamps that hang from the roof. Around him is a multitude of prostrated men who recite their prayers. Villoro admires the building like any other tourist; even so, a deep emotion overtakes him. Something bigger than him compels him to kneel down. He narrates the experience he had that moment:

I am aware that I am one of many, small, insignificant in the ocean of worshipping humanity (...). My voice gets lost among the voices of all the other men. It is the entirety of humanity that every so often crosses over to that other space of full otherness. But my vanity is still present. I am aware of myself and register my words. I realize I'm thinking about what I will do, maybe, write about this moment. So I pray: "Please remove my pride, let my immense pride be destroyed, have my egoism be erased once and for all. And only at that moment did I feel, only then I saw truthfully. Everything had forever turned transparent, everything was pure, (...) everything is well. The 'I' had been lost, small, trivial, forgotten. How amazing! Let this be, then! Let the all be all, let the all be one!"<sup>4</sup>

But when the experience ended, when Villoro's 'I' returned to take its place in the world, what Villoro feared when he dissolved in the chorus of prayers, took place. Villoro not only narrated his experience, but he also teased it apart with a brilliant ruthless analysis. The essay, titled "La Mezquita Azul," was published in 1985. In this and other writings, Villoro has formulated to himself the questions of what the divine may be, how we may come to know it and speak about it, and what consequences one's experience of the divine may have for our lives. Villoro does not believe in a personal God, but he does believe that mankind lives facing what is an absolute Other. Of this otherness, one cannot speak, but one may offer a meaningful silence. This philosophical place of Villoro's is nourished by sources as diverse as the Upanishads, Buddha, Eckhart, Otto, and Wittgenstein. For Villoro, the encounter with radical otherness demonstrates to us that in the end, the 'I' is only an illusion and this is a good thing. But it seems to me that here is another tension in Villoro's thought. On one hand, he complains about the 'I', of any 'I', his and that of others, but on the other hand, he believes that the vital encounter

with other people, who are also I's, is not only the source of morals, but also the source of our lives. In some way, Villoro had already discerned this antinomy in one of his first writings, "Solitude and Communion," published in 1949. There, Villoro tells us:

Love moves us to appropriate another, but, at the same time, it demands that the other remain independent; for if for one moment the other stopped being unyielding, the loving engagement would disappear; it would no longer be two different beings face to face, but only one in solitude. Similarly, the subject desires to give himself completely but, nevertheless, love is only sustained by what remains original of him in the face of the other, by what remains of his intact safeguard, by what remains of his intimacy: that which remains in solitude is only maintained by communion. And it is this way, that the fullest communion has latent in its bosom the most profound solitude.<sup>5</sup>

If the "I" is an illusion, then so is love; but it seems that Villoro's heart refuses to accept such cold conclusion. At this point, a comparison with Octavio Paz may be revealing. Paz, influenced also by Asian thought, affirmed that the 'I' is a shadow of the personal pronoun, but he also refused to accept that love is a mere illusion. The comparison with Paz—in spite of all of their differences—may help us to emphasize a common characteristic of the thinkers of that generation, and this is that even though they were forever disillusioned with the utopias of modernity, they continued thinking that a rationality that is more modest and sensible towards the intimate fibers of life could mark a change for humanity in these dreary times.

#### FIFTH PORTRAIT: ESCUELAS PÍAS

Madrid, October 1st, 2007. In the site that the Escuelas Pías de San Fernando used to occupy, which today is a modern university center, Villoro listens to a tribute about his life and work. Suddenly the speaker is silent. He will have many more things to say, many more, but he hopes that his respectful silence will also be significant.

#### NOTES

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## CONTRIBUTORS

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