Criminalization of Latina Migrants and the Construction of Irrecuperability
College of Humanities Research Fellow Proposal
Martha D. Escobar, Ph.D.

Summary of Study

Today the United States leads the world in incarceration rates, currently imprisoning over 2.3 million people. Critical prison scholars argue that as a society we rely on capturing and warehousing bodies as a “fix” to what are actually social, economic, and political problems (Gilmore 2007). Migrant policing is a site where this trend expands through jailing, detention, and imprisonment. I am submitting this proposal to complete my book manuscript, Criminalization of Latina Migrants and the Construction of Irrecuperability, where I center the criminalization of Latina migrants who increasingly find themselves targets of the state. I consider their criminalization in relation to the U.S. prison regime. Prisons regulate society and perform the labor of population control. As sites designed for social isolation, prisons serve to limit the reproduction of captive bodies. Given that the majority of people in prison are poor people and people of color, population control is targeted at these particular classed and racialized bodies. Consequently, Latina migrants’ imprisonment performs as a reproductive control strategy by restraining their ability to have children and by participating in the separation of mothers from their children. Once migrants, whether legal residents or undocumented, are convicted for an aggravated felony, they are considered “criminal aliens,” deported at the end of their sentence, and banned from reentering the U.S. A central argument I make throughout the book is that imprisonment serves to construct migrants as socially irrecuperable under the hegemonic governing logic. I maintain that the gendered criminalization of Latina migrants through the discourse of “public charge” is an essential aspect of neoliberal state governance that enables the expulsion of Latina/o migrants when they are considered national threats or excess within the neoliberal labor market.
The central concern of this study is to provide an understanding of the social productiveness of the criminalization of Latina migrants. In other words, what purpose does the criminalization of Latina migrants serve? The complexity of the project places the proposed book in conversation with various bodies of scholarship and it is precisely the joining of these conversations that makes this a valuable contribution. The first is scholarship on the social construction of undocumented migration, which considers the “productive” labor that making “illegal” bodies performs for U.S. nation-building (Chavez 2007; Coutin 2000; De Genova 2002 and 2005; Ngai 2003). This body of literature maintains that the social construction of “illegality” provides important ideological work to create and sustain migrants, particularly Latinas/os, as flexible and cheap labor. Furthermore, feminist scholars such as Dorothy Roberts (1996), Eithne Luibheid (2002) and Elena R. Gutierrez (2008) demonstrate that migrant women’s sexualities are constructed as racialized national threats, and policing women’s sexuality is central to border control, and thus the racialized constitution of the nation. In the book I draw from these feminist works and argue that “illegalization” is not only racialized but also gendered.

This conversation is furthered by connecting the idea of racialized and gendered “illegalization” as ideologically productive to ongoing conversations of the productiveness of criminalization. In other words, while illegalization makes Latina/o migrants vulnerable to repressive immigration enforcement policies and practices, criminalization serves to make them permanently irrecoverable through the creation of the category of “deportable criminal aliens.” When migrants’ physical exclusion is deemed necessary to manage national interests, such as in the current moment of economic “crisis,” incarceration becomes a productive site where the expulsion of migrant bodies is made possible. The field of critical prison studies has expanded in the last decade and made invaluable interjections to our understanding of the ways that society
racially organizes itself through the criminalization of people of color (Alexander 2010; Davis 2003; Gilmore 1998 and 2007; Rodriguez 2006; James 2000 and 2007; Oboler et. al 2009; Olguin 2010; and Parenti 1999). The value of this scholarship is located in the generative national discussion it helped establish on the use of incarceration as a “solution” to America’s “race problem.” This body of scholarship is partially responsible for bringing to the forefront of academic and activist circles the notion of prison abolition as a visionary possibility. Feminist scholars within this field (Diaz-Cotto 2006; Sudbury 2005; Bhattacharjee and Silliman 2002) have greatly contributed to this discussion by centering gender and demonstrating how controlling and disciplining women’s bodies is a fundamental feature of imprisonment that achieves the goal of racial re-organization.

By bridging the scholarship on the racialized and gendered construction of illegality and the social construction of criminality, in the book I connect the policing and incarceration experienced by migrants in the present-day to a longer history of racialized U.S. captivity. Furthermore, the engagement of feminist scholarship enables us to see women’s migration and imprisonment as fundamentally connected processes. Imprisonment of migrants is a local-national response to the global-transnational phenomenon of migration, and migrant women’s bodies become sites through which the national and transnational are constituted and negotiated. By focusing on Latina migrants’ experiences of criminalization, I advance a critical feminist conceptualization of U.S. captivity that accounts for the centrality of Latina migrant bodies in U.S. governance.

Methodology

In order to gather the data I drew from the experiences of jailed, imprisoned, detained, and deported Latina migrants gathered through an interdisciplinary research methodology
consisting of critical ethnography, archives, media discourse analysis, and interviews. The research was conducted at various sites where criminalized Latina migrants were present. I began the study during an internship with Justice Now, a prison abolitionist organization in Oakland, California. My participation with California Coalition for Women Prisoners, located in San Francisco, California, also provides important insight. Letter correspondence, phone calls, case files, and interviews gathered at these two sites form part of this study. Another significant location is Instituto Madre Assunta, a migrant women's shelter in Tijuana, B.C. Critical ethnography and interviews gathered during weekly visits over a six-month period are a significant component of the study. Finally, I carried out discourse analysis of *Los Angeles Times* articles that consider family separation due to immigration policies. The interdisciplinary nature of my methods result from the theoretical grounding of my research in feminist standpoint theory, which posits that knowledge is located and produced via individuals' everyday life experiences and that women's experiences differ not only from men (Harding 2004; Hartsock 1983; and Smith 1990), but among women themselves depending on individuals' positionality (Collins 2000). Thus, I allowed the experiences of Latina migrants to guide the research sites and methods.

**Anticipated Outcome**

The University of Texas Press has offered a book contract for the manuscript, which we are in the process of finalizing. If awarded the College of Humanities Research Fellowship, this will allow me to complete the revision of the book manuscript. Part of the revisions necessary for the completion of the project is updating the manuscript with recently published relevant literature. I also need to include the most recent changes in immigration and incarceration policies, which include Deferred Action for Child Arrivals initiated in August of last year,
changes in California prisons resulting from a Supreme Court ruling for California to reduce prison overcrowding and the consequences of this ruling on incarcerated Latina migrants, and possible changes to immigration policy that President Obama will announce in his February U.S. State of the Union speech. I also need to revise the theoretical framework of chapter six "Emancipation is Not Freedom: A Reflection and Critique of Advocacy Abolition." The original framework centered a Foucaultian critique of the use of "confession" and I argued that extracting "confessions" from incarcerated people is a strategy used to mark them as either "deserving" or "undeserving" of advocacy work. The new framework will center a Foucaultian critique of prison reform that maintains that reform tends to expand and make prisons impermeable. Finally, I will rewrite the conclusion, "Envisioning and Working Toward Freedom," by examining more closely the efforts and effects of a women’s re-entry program, A New Way of Life (ANWOL), located in Watts, California and created by a formerly incarcerated woman. The goal of ANWOL is to provide a living environment for formerly imprisoned women that is conducive to their ability to not only be reintegrated, but to thrive in society. ANWOL maintains that no human being is disposable and that everyone has something to contribute to society. In the current version of the manuscript I center ANWOL’s stated mission and objectives, but do not examine the actual effects of the organization. The revisions will center on understanding how ANWOL’s framework shapes the outcome for formerly incarcerated women.

Being awarded the fellowship will allow me to carry out the stated revisions and complete the manuscript that will be extremely relevant given the significance that immigration and incarceration assume in society. The book is timely and a valuable asset for both academic and non-academic audiences.
References


