

LatCrit VII: Coalitional Theory and Praxis: Social Justice Movements and  
LatCrit Community  
Inter/National Migration of Labor: LatCritical Perspectives on Addressing  
Issues Arising with the Movement of Workers

**\*311** OSMOTIC BORDERS: THINKING LOCALLY, THINKING GLOBALLY ABOUT THE  
CAUSES  
AND EFFECTS OF LABOR MIGRATION

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Latinos/as are no longer bunched into the land geography that was Mexico prior to the Treaty of Guadalupe Hidalgo. Rather, Latinos/as now are dispersed throughout the United States. This creates new research issues and leadership challenges. These shifts reconfigure familiar racial/ethnic conflicts and concepts. On the other hand, there are new opportunities for positive intervention that might yield new norms of co-existence.

-- Sylvia R. Lazos [\[FN1\]](#)

The ceding of the Philippines by Spain to the U.S.; the U.S.'s so called Benevolent Assimilation project, its "civilizing mission," and its ongoing political and military pressures; the brutal Japanese occupation during World War II; and IMF/World Bank-led policies all shape the relationship between the Philippines and particular nations such as the U.S. and the channels available for migration. Filipina migrants travel to places where flows and pathways already exist as well as locations inserted into the network of global labor by new occurrences, as in the case of Middle Eastern oil boom.

-- Donna Maeda [\[FN2\]](#)

The Oxford Dictionary and Thesaurus defines osmosis both as "any process by which something is acquired by absorption," and as a biological cellular function by which solvents are absorbed through semipermeable partitions. [\[FN3\]](#) The two articles by Professor Sylvia Lazos and Donna Maeda, which both deal with the causes and effects of labor migration, though on different levels and involving different populations, challenge traditional notions of the physical and metaphysical borders between nation-states. While traditional notions of the border and state sovereignty paint a picture of rigidity depicting nation-states as well-defined and knowable, feeding conceptions of harsh doctrines of immigration and insularity, Lazos and Maeda show that the path of migration caused by capitalist structures subservient to international trade make national borders seem more like semipermeable partitions that allow absorption of labor to fuel the powerhouses of the nation-state cell but entirely without any structures, supports, or even sentiments for the needs and well-being of those who are absorbed. These articles help us to think about human rights **\*312** and labor justice devoid of the artificiality of the border as a legal construction. Professor Lazos's careful attention to the causes and effects of Mexican labor migration into the midwestern United States and Donna Maeda's persuasive analysis of the causes and effects of legal interpretation on global migration, particularly Filipina migration, allow us to think on a number of different levels about what our responses to capitalist-created human rights injustices should be--a key question in RaceCrit and LatCrit inquiry.

In "Latina/o-ization" of the Midwest: Cambio de Colores, Professor Sylvia Lazos takes a

close look at the increasing migration and presence of Latinas/os in the Midwest, particularly Kansas, Nebraska, Iowa, and Missouri, where the Latina/o population has more than doubled since the last census in 1990. This Latina/o hypergrowth is characterized interestingly by a notable trend toward migration to rural areas. What explains this particular pattern of migration? According to Professor Lazos, and perhaps not surprisingly, it is the development and growth of giant farming enterprises on the plains, the agromaquilas. The agromaquilas are "multinational corporate oligopolies, which aggressively aim to keep costs low and corporate profits high." Primarily meatpacking and poultry processing enterprises, the agromaquilas center their operations in the rural Midwest, and Latina/o ingress charts a path to them. The agromaquilas are labor intensive. The meatpacking slaughterhouses employ 200 to 500 workers a day and slaughter 4000 to 5000 cattle a day. Jobs are low-paying and, accordingly, labor conditions are harsh. According to Professor Lazos, agromaquilas are proactive with respect to their migrant workforce--the firms both advertise and provide transportation from the border of the United States and Mexico. As jobs and conditions at the border have become lower-paying and harsher based on NAFTA effects, Mexican labor in particular has moved inland, to the rural Midwest.

Professor Lazos sets out the characteristics of this Latina/o workforce. Most come from Mexico, have a limited educational background, have a high need to learn English, are young families (and therefore tend to have very low income), are racially "other," drawing from indigenous and mestizo roots, and, finally, are, in substantial numbers, undocumented. Although there are scattered groups, particularly religious ones, that have arisen to help Latinas/os with a variety of issues, Lazos documents the tension created in many rural communities as a result of the differences between the backgrounds of longtime residents and Latina/o newcomers. In particular, discrimination in employment and social discrimination are substantial barriers to immigrant well-being. Professor Lazos notes the racialization dynamic that plays a substantial part in how local communities react to the influx of Latina/o migrant workers. Importantly, Professor Lazos shows how communities that embrace a multicultural ethic are more likely to have an overall positive transition process. Professor Lazos details the causes and effects of Latina/o hypergrowth on the "boomtowns" created by the agromaquilas. Lazos explores the extraordinary difficulties encountered by Latinas/os in the boomtown context. She notes difficulties created by social class gaps, anti-foreigner (racialized) sentiment, 9/11, and language issues. Lazos documents the increase in hate crimes against Latinas/os in the Midwest, noting the increasing presence of white supremacist groups and the KKK.

Finally, Professor Lazos sets out barriers that present substantial hurdles to immigrant success in the Midwest. Lazos details the problems created by language barriers in education and in law enforcement. She emphasizes issues related to transportation for low-wage Latina/o immigrants, particularly noting the effects of [\\*313](#) racial profiling and 9/11 hysteria in both closing access to driver's licenses and increasing enforcement of immigration restrictions through state law enforcement mechanisms. The effect, as Lazos points out, is an increasing immigrant vulnerability to scams and extortion. Professor Lazos concludes with an exhortation for groups like LatCrit to increase alliances aimed at decreasing subordination and increasing racial justice. As an example, Lazos describes the March 2002 conference sponsored by the University of Missouri on *Cambio de Colores in Missouri: A Call to Action!*, in which a variety of groups converged to discuss the Latina/o influx into rural Missouri. [\[FN4\]](#)

After Professor Lazos's regionalized focus on specific causes and effects of Latina/o migration from Mexico to the Midwest, Donna Maeda attempts to detail causes and effects of Filipina migration in the more global context. Maeda's focus is more on the migratory consequences of hegemonic global legal hierarchies, particularly those imposed by United Nations-influenced international legal regimes, which give lip service to human rights but which actually function to enable international trade. Maeda's detailing of the

effects of international economic regimes on Filipina migrants is purposely anti-essentialist as she takes care to ensure that the singular and actualized voices of Filipina migrants are not somehow silenced or reduced in her articulation of their story. In other words, she is careful not to attempt to speak for them. *Agencies of Filipina Migrants in Globalized Economies: Transforming International Human Rights Legal Discourse* is about the promise and potential of Filipina migrant agencies for creating and sustaining a counter-discourse in international law that de-essentializes and gives voice to Filipina migrants. The article begins with Robert Cover's insight about interpretation being itself a violent act when the interpreter's claims have the effect of dismissing or legally destroying the realities of other persons. Maeda then explains how the United Nations-influenced international law regime has, through discursive interpretation, done actual (material and physical) violence to migrants, including Filipinas, whose lives do not fit into generalized categories suitable for the attention of institutional and State-based international law and human rights approaches. Maeda's goal is to examine the United Nations' approach to migrant human rights within the framework of globalization, the violence done by this approach, and the potential existing in transnational Filipina rights organizations for the articulation and expression of the multiple forms of subordination that shape the lives of migrant workers who must leave their home countries to work in order to support their families.

Maeda begins by focusing on the current United Nations-influenced international law human rights regime. Citing to Henkin, Maeda attempts to show that philosophical and ideological bases for the current regime come from western enlightenment and its political project. She then proceeds to show the influence by examining how United Nations documents on human rights still reflect these underlying ideologies. Maeda analyzes a report on trade and globalization by Hoe Lim, a report on gender and globalization by Fantu Cheru, and a preliminary report on globalization by the U.N. Secretary General. Maeda effectively shows how the "conservative" Lim and the "liberal" Cheru, while outlining distinct positions, nevertheless both operate within the same political binary of free trade versus protectionist state intervention, a binary that is tied narrowly to notions of the State. \*314 Maeda shows how the economic-oriented free trade/protectionist paradigm always relegates human rights concerns to subsidiary status. She then explains how the United Nations diligently mediates the free trade/protectionist debate while only mentioning human rights concerns in passing. An analysis of the Secretary General's report reveals a preference for social ordering required by an overall economic paradigm influenced by liberal notions of property and wealth, devoid of any real feeling for human rights. United Nations mechanisms such as the GATT, WTO, IMF, and the World Bank show the economic emphasis. While human rights are often mentioned, these rights are articulated in terms of the State, not individuals, and are clearly tolerated only within a certain economic context.

Maeda next examines the human rights of migrants. Citing extensively to two papers from the U.N. Economic and Social Council's Commission on Human Rights' Working Group of Intergovernmental Experts on the Human Rights of Migrants, Maeda emphasizes key findings about the heightened vulnerability of labor migrants to the harms of housing and job discrimination, workplace violence (including sexual violence), exploitation, trafficking, and hate crimes. Maeda points to the Working Group's recommendation that legislation is necessary on issues regarding migrant access to public services, family reunification, acquisition of nationality and freedom of association. The Working Group urges, finally, more realistic assessments of labor market needs in globalization, particularly noting that decreasing migrant vulnerability will lead to an increase in hiring costs followed by a decrease in demand for migrant labor and a discouragement of migration. Maeda aptly points out, however, that one of the substantial reasons for migration is the deplorable working and living conditions of home countries. Her point is that even if demand for migrant labor were to decrease, migration would still occur.

According to Maeda, today's migrants do not move because of free choice; they are really more like asylum-seekers.

The central contribution of Maeda's article is her discussion of Filipina migration in the global economy, and particularly her focus on Filipina articulation of their human rights and circumstances through Filipina migrant organizations over the Internet. Maeda begins this section of the article by providing an overview of Filipinas as contract workers overseas, detailing the types of jobs they do, their destination countries, and the deplorable conditions they face in the Philippines. Maeda notes the "colonial" relationship between the Philippines and more developed countries, emphasizing the economic reasons that exist to maintain the pathways that encourage migration by Filipinas into devalued jobs, an international division of reproductive labor. Into this context, Maeda inserts a discussion of Filipina migrant organizations and the ways in which they give voice to their members in "creative, multilayered, hypertextual formats." The first of these, The Mission for Filipino Migrant Workers (HK) Society's website, "Migrants.Net," [\[FN5\]](#) is a substantial online resource linking human rights injustices perpetuated by the Philippine government and the ongoing impact of colonialism on the Philippines. The next of these, Gabriela, is a "multi-chapter, transnational Filipina organization." The website "serves as one of [the organization's] tools for connecting various chapters around the world," providing issue analysis, press releases, and other information about the organization's activities. [\[FN6\]](#) Maeda discusses what can be found at these websites and **\*315** discusses their potential for challenging the dominant, colonialist international law paradigm.

Maeda concludes her article by asking for an expansion of the international human rights framework to include multiple discourses and contexts in order to avoid the violence of interpretation and to reveal injustices against migrants around the world. Citing to an abundance of scholarship by Berta Hernandez-Truyol, Sharon Rush, Penelope Andrews, Celina Romany, and Sherene Razack that calls for new voices to reveal the limits of liberal legalism and "open up truth claims," Maeda avoids making any essentialist claims regarding migration in order to be careful about, as Razack states, not repeating an imperial "civilizing" move. After discussing postcolonial theory and the hazards and ubiquity of colonialist thinking, Maeda cautions against articulating migrant concerns and voices through colonialist regimes or paradigms. According to Maeda, the key here is to give Filipina migrants a voice to challenge the master narratives of liberal structures by occupying hybridic space, a space where stories can be told and disseminated but that avoids the grasp of the power of imperialism and Empire. If this can happen, Maeda emphasizes, then the focus of the discourse appropriately will be on the conditions that place Filipina migrants in the position of hybrid, postcolonial Other.

The Lazos and Maeda articles allow us to think both locally and globally about the causes and especially the effects of labor migration across international borders. Both articles reveal the semipermeable nature of borders, which exist solidly or malleably as dictated by internal nation-state economic realities. Exposing the contingent nature of borders, which are subservient entirely to global economic policy, is an important part of LatCrit scholarship. However, the articles also possess solutional elements that have potential for transforming status quo discourse, thus embracing the programmatic side of the LatCrit movement. Lazos's call for intergroup alliances to help bring about change, and, in particular, her introduction and description of the Midwestern Cambio de Colores conferences represent a beginning step in trying to address issues involved in migratory influx away from the United States border with Mexico and into the Midwest. Likewise, Maeda's description of the work of Filipina migrant agencies' use of websites and the Internet to give visibility to Filipina migrant voices represents a magnification of those efforts that carries with it the potential of "opening up truth claims," and eventually changing, in some way at least, the largely imperialist/colonialist discourse on human rights. Osmotic absorption of labor by semipermeable nation-states will continue to pose

challenges to basic human rights. Critical scholarship must continue to make this process visible and to seek transformation of it.

**Footnotes:**

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[FN1]. Sylvia R. Lazos, "[Latina/o-ization](#)" of the Midwest: [Cambio de Colores \(Change of Colors\) as Agromaquilas Expand into the Heartland](#), 13 *Berkeley La Raza L.J.* 343 (2002).

[FN2]. Donna Maeda, [Agencies of Filipina Migrants in Globalized Economies: Transforming International Human Rights Legal Discourse](#), 13 *Berkeley La Raza L.J.* 317 (2002).

[FN3]. The Oxford Dictionary and Thesaurus (Amer. ed. 1996).

[FN4]. Reports and findings are detailed at the conference website, <http://www.decolores.missouri.edu>.

[FN5]. At <http://www.migrants.net/resources/brochure/aboutmfmw.htm>.

[FN6]. Gabriela chapter websites can be accessed at [http://members.tripod.com/~gabriela\\_p/](http://members.tripod.com/~gabriela_p/) and <http://www.gabnet.org/>.