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LABOR LAW AND LATCRIT IDENTITY POLITICS: Introduction: The Value of Our Work *

* Introduction to Christopher D. Ruiz Cameron, *The Labyrinth of Solidarity: Why the Future of the American Labor Movement Depends on Latino Workers*; Roberto Corrado, *Re/Viewing Latino/a Class and Identity Issues in the Context of the Labor Dispute Between Sprint and La Conexion Familiar*, Mary Romero, *Immigration, The Servant Problem, and the Legacy of the Domestic Labor Debate: "Where Can You Find Good Help These Days!"*

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SUMMARY: ... To expose the human side of what the law refers to as "worker's rights" or "labor-management relations," or the "wage-earning interests" of the market economy is part of what LatCrit theory is about for me. ... As a U.S. citizen Maria doesn't fall in the category of the abused undocumented immigrant domestic servant. ... Each author offers a different perspective from which to consider whether and how LatCrit theory offers hope to the causes of labor struggle and injustice within U.S. Latino/a communities, or whether it may only be guilty of participating in the reproduction of oppression through structures of power which keep people like Maria living on the edge of destitution, poverty and homelessness. ... Robert Corrado's essay encourages the reader to consider the labor issue from a different vantage point - from that of the LatCrit theorist whose own origins are not in any kind of identification with Latina/os as members of the working-class, but rather with those of the privileged class. While Corrado's essay struck me at times as a strong rationalization for the choices he has made at different points in his career which might be harshly judged by progressives, or Latina/os as politically "incorrect," it is also thorough in exposing the opposition to his choices. ...

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A few weeks ago the woman I recently hired to clean my home once per week didn't show up for work. Some phone calls later I learned that her car's transmission had died, the repairs were probably not under warranty and would I mind picking her up for a make-up job the next day because, "she couldn't afford to lose more work." Since it was not a teaching day I took directions and agreed to pick her up in the morning. As I drove into the older sections of lower East Austin, historically known as the Mexican section of Texas' capitol, I remember taking in the visible changes being wrought throughout the city by the expansionism Austin's business and political leaders have been boasting about in the last five years. I had gotten lost so I found myself driving through areas of lower Southeast Austin which had all the signs of development - new tract housing, new businesses, restaurants and motels. When I realized I was lost I returned to the road I shouldn't have left. I realized that in straying far off of the directions I'd passed several large tracts of land I had just assumed couldn't possibly be what I was looking for - vast stretches of dry, flattened brush, no trees, and no signs of development. I was surprised by the stark differences. In a few minutes I had roamed from old central Austin with its mixed residential/commercial zoning into areas just south of the river that lazily cuts across the city. This area has also been re-developed in recent years with moderately priced housing tending to attract working-class families and university students. But between this renewal zone and the expanding new South Austin, where I drove for almost half an hour skirting new businesses and housing, was this huge stretch of treeless, uninviting barren land. While I had

expected a humble set-up of trailer homes and the semblance of a neighborhood possibly with small "front yards" and trees, I found instead that Maria's trailer park abutted a kind of "no-man's land" of flattened dry brush and undeveloped tracts. On [*1038] that gray and wintry morning, as I drove into the space where Maria lives as a single mother with her two adolescent boys, the treeless, grassless, muddy trailer "park" and the surrounding land looked particularly bleak. I saw all the signs of residents who were living on the edge of poverty and homelessness. I couldn't tell if the area should be seen as a refuge from the dense city or a region for exiled citizens. In twenty minutes I'd been starkly reminded of our differences in class, social and educational opportunities despite the sameness of our race and ethnicity.

To expose the human side of what the law refers to as "worker's rights" or "labor-management relations," or the "wage-earning interests" of the market economy is part of what LatCrit theory is about for me. As I have said in an earlier writing, LatCrit theory should be a vehicle from which to humanize the law and policy which affects the diverse Latina/o communities everywhere. Yet, I do not think this is an easy task. Especially when one is addressing issues like the gender, race, and class struggles for meaningful existence affecting people who are workers and are Latina/o, and/or undocumented, or "resident aliens," or non-citizen workers seeking questionable "union rights," or brown immigrant women who have known abuse or indifference to their plight at the hands of middle-class oppressors who may be Anglo white or even of their own racial and ethnic background. It may be one which privileged academics don't even have a right truly to address, or at least should not address without some consciousness of how hypocritical our words may come across if we do not walk the talk of our sensitivity to others' lack of privilege. I am reminded of the famous speech "Ain't I a Woman?" by Sojourner Truth recorded in 1851. At once chiding white women and applauding their efforts to organize for their rights, she decried at a national conference their failure to appreciate how as white middle-class women, they were in a far more privileged place than ex-slave women like herself. In strong and poignant words she reminded all women that Black women had been treated "equally" when it came to enduring brutally hard work along with Black men, and unequally by all whites when it came to respect for their humanity and womanhood.

On this note I pause and reflect on the luxury I enjoy, sitting here in the comfort of a freshly tidied home office doing my work as a writer. [*1039] Of the luxury of having an income that allows me to hire someone who may not be my employee, but whom, as an independent contractor in a business which is highly undervalued in the American economy, and this city, is one of "the oppressed." While I pound away at the computer keyboard, connecting my ideas of "social justice" to others, whose ideas were produced in offices cleaned that day by people like Maria, I reflect on the arrogance of thinking that I can see the whole truth of the causes, needs and remedies for the members of the working-class or the working-poor. I should define my use of the term "working-poor" to make my point. The latter is a term I first learned when I lived in New York City with a roommate whose family had moved from Puerto Rico when she was about eight years old. Noemi told me story after story about her father's struggle in raising four daughters in a big city which hated Puerto Ricans and displayed its hatred in poor housing, medical treatment and education for its minority populations. "The working-poor are REALLY different," she would say to me as I would remark on the fact that I had been a working-class girl and earned with my hard labor and little help from my family, my college and law degrees. "Well, the working-poor don't have much of a chance to even think about that because they're too busy just trying to make enough to eat." And I wonder about that intersectionality of factors that is subjecting people like Maria to generational cycles of inadequate education, housing, training and employment opportunities and bordering their lives with the edges of poverty and homelessness.

As a U.S. citizen Maria doesn't fall in the category of the abused undocumented immigrant domestic servant. But, the racist sexism that surrounds domestic service gives her life as a single mother and woman of color only a slight advantage over those women who are exploited by the constant fear of being deported should they complain. These thoughts make me question the value of my sometimes romantically alluding, now from this position of privilege, to my roots in the working-class. I wonder if that is enough - to tell

readers that because of chance, affirmative action and hard work some Latino/as escape the cyclical poverty that surrounds the life of the "working poor." What does writing about the suffering of others do for those who are politically my Latina/o "brothers and sisters?" If Maria and I are at best members of a political or global familia I wonder what is more important - that I write about their lives or that I commit a day at a time not to participating in any way in the practices which may perpetuate their own oppression? I ask myself whether there is an ethic of care LatCrit theorists must embrace to speak on behalf of the oppressed worker and how his/her labor is valued, or not, by a society which systematically oppresses on the basis of race, gender and class. Whom do we speak of and how? [*1040] How do we live our own lives as members of the oppressor classes and do we tread in those lives with a gender, race and class blindness capable of costing lives? Am I willing to ask myself the uncomfortable questions about my own role as a quasi-employer? Might I be like one of those employers Professor Romero writes of in her essay on immigration and the domestic labor debate, who has justified a low wage by saying "she's like a member of the family," and not a service provider whose hard labor deserves a decent wage? Am I capable of becoming defensive like Romero's colleagues whom, when asked questions about their own role as "employers" in the hiring of domestics and live-in babysitters, responded with the common response of thousands in the middle and upper classes who depend on an underground economy which provides them with women of color to clean their homes and change their babies' diapers for cheap wages, but won't examine their own responsibility to pay for this service as valued work? As a LatCrit theorist, do I have an ethical responsibility to examine my own idealistic pronouncements against my personal behavior in the hiring of Latina/os as domestic servants, or gardeners as I also argue for their right treatment by U.S. labor law and policy? As an extension of that ethic of care am I willing to examine how much I pay Maria and for what, and how it compares to the monies I am willing to pay the white men who come to my home to make my "handyman" repairs?

It is in this spirit of self-reflection, caution and distrust that I introduce the articles in this cluster aimed at contributing to the topic of Transnational Mexican-American Identities: Race, Class, Ethnicity and Gender. The trio of essays in this cluster offer the LatCrit theorist numerous avenues from which to appreciate the harsh realities of Latina/o life in the world of work, labor struggle and survival in the American market economy. Each of the writers in this Cluster strikes a theme of justice and labor. Some readers may have a host of mixed emotions stirred in them as they were in me. Or a reflection on one's own class privilege, or even a sense of responsibility that our musings on LatCrit theory not keep us from seeing or doing something about life's harsher realities right outside (or inside) our very doors. Each author offers a different perspective from which to consider whether and how LatCrit theory offers hope to the causes of labor struggle and injustice within U.S. Latino/a communities, or whether it may only be guilty of participating in the reproduction of oppression through structures of power which keep people like Maria living on the edge of destitution, poverty and homelessness.

I introduce these three essays focusing on Latina/os and their work, wages, organizing rights and livelihood, with some concern about what [*1041] it means to be a "critical scholar" on an old topic in the academy - labor and the law - from a Latina/o perspective. How do we introduce not just the issues but also the intra-class tensions which may impact how we try to assess the interests and needs of workers in the "Latina/o community." My initial sense is that a critical analysis should at minimum require that LatCrit scholars tread with great care and sensitivity to the position of the writer and the subject. The writers and researchers are members of the privileged class, and the workers we write of are not. I think my fear is that because of our high incomes and positions of privilege that we may miss the truth, or only partially expose it or avoid it because to go further into the truth may force confrontation with our internalized oppression. My hope is that our writings on the people, for example, who are cleaning our homes, sewing the garments we wear, trimming the gardens that surround our homes and office buildings or operating the telemarketing lines of small Latino businesses, is honest and relevant. That it both be personal and political. By "the personal" I mean with a sense of responsibility.

I am sure that my intellectualism is capable of distancing me from the pulse of life, in all its truth, both beautiful and ugly. It is capable of making me unable to see the role that I might play in not disturbing the status quo. Two of these essays in this cluster have forced me to consider whether I am fully aware of the class implications that can surround the work I do as a LatCrit theorist, from a personal perspective that can have political implications. Professor Romero's essay struck such a chord in me because it examines the ways in which the underground economy of hiring undocumented immigrants so crucially affects the public rhetoric we are willing to have in order to stop the exploitation of women of color doing domestic service in this country. Romero begins with a troubling story in her essay for anyone who might identify with being Latina/o, middle or upper-class, and a careerist who at one time or another has hired domestic help. Her essay highlights how crucial it is to have a relentlessly intersectional perspective when using gender as a category of analysis in LatCrit theory. In the Southwestern U.S. domestic servants are Mexican and typically immigrant. In some parts of the Southwest their exploitation is dependent on their undocumented worker status and loopholes in laws intended to stop the flow of illegal immigration, like the Immigration Reform and Control Act. n6 The law's treatment of illegal immigrant domestics is thus a perfect embodiment of a systematic pattern of oppression in U.S. American law and culture [*1042] which Romero identifies sociologically as an intersectionality of race, gender, class and immigrant status capable of effecting the wholesale exclusion and marginalization of women of color in public debates about household labor and childcare. When the feminist rhetoric about giving value to women's work generated studies, Romero argues, the data produced was false because it failed to account for the underground economy of hiring illegal immigrants whose activities for child care, cooking, cleaning and running errands has never demanded a decent, livable wage. Thus she identifies the "servant problem" as an issue of household employer dependence on continuous flows of migration, and the ability to break the law while policymakers continue to make laws that either legitimate the underground economy or ignore it.

Robert Corrado's essay encourages the reader to consider the labor issue from a different vantage point - from that of the LatCrit theorist whose own origins are not in any kind of identification with Latina/os as members of the working-class, but rather with those of the privileged class. While Corrado's essay struck me at times as a strong rationalization for the choices he has made at different points in his career which might be harshly judged by progressives, or Latina/os as politically "incorrect," it is also thorough in exposing the opposition to his choices. It is a Socratic dialogue that I felt, however, hovering over a more uncomfortable truth as he explored how bad it looked to have testified on the "wrong side" - that of how we catch (or don't catch) ourselves acting on our internalized oppressions - like classism. n7 Corrado presents a dialogue which begins after a labor law class between the professor and a curious student with some pro-union activism in her background before attending law school, and some formed opinions about social justice in the labor field. Corrado confronts everything from what it means to be a privileged, white, male and a Puerto Rican Latino who took the side of the American company who bought out and got rid of the Latino workers serving a Spanish-speaking community as a Mexican-owned company. It may strike readers as an illustration of how one's consciousness might be painfully awakened by participating in the exploration of an identity as a "LatCrit" theorist.

Christopher Cameron's thesis is straightforward: whatever strength may exist to the labor movement today is probably being backed up by the efforts of women and men of Hispanic origin. This study is an important revision to the dire picture labor analysts and historians will give to the future of unionism in this country. He identifies three basic strategies which have been successful in organizing Latino workers who [*1043] occupy in the Southwest especially, such major industries as construction, delivery truck driving and service work such as janitors and gardeners. Cameron argues that the strength of organizing efforts by Latinos has been in the grass-roots nature of the unionizing drives aimed at large-scale industrial problems. What has worked is the use of non-traditional tactics to pressure employers (e.g., dissident stockholding, media advertising) and especially avoiding complex institutional remedies which may be of little help (e.g., NLRB) to the undocumented immigrant worker. Although Cameron's study is inconclusive in offering a clear vision of what "social justice" should mean for Latina/os who may become leaders of the new

unionism in the next century, it a refreshingly more optimistic view of the role that immigrant Mexicans have long played in the American economy. Together with Corrado and Romero these three essays offer the reader an opportunity to see that the question of the "work we do" as Latina/os in the academy on the work being done by Latina/os, and the problems and challenges they face, is an engagement in risk. It is also an opportunity to expand one's vision of what it means to participate, personally, in the quest for social change.

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As I shut down the computer I look around and see the mess of my home office. I wonder if Maria was able to get her van fixed. I reflect on the discomfort I felt the day we agreed on a contract when she promoted a weekly and more expensive service because she had to go full-time into this business when her husband left her two years ago. I think about the meaning we give to the value of our work, our time and our personal commitments to living a good life and making the good life possible for others.

FOOTNOTE-1:

n1. "Maria" is a pseudonym.

n2. See Elvia R. Arriola, LatCrit Theory, Popular Culture and International Human Rights: The Faces of Despair in INS Raids, 28 U. Miami L. Rev. 245 (1997).

n3. See Christopher David Ruiz Cameron, The Labyrinth of Solidarity: Why the Future of the American Labor Movement Depends on Latino Workers, [53 U. Miami L. Rev. 1089 \(1999\)](#).

n4. See Mary Romero, Immigration, the Servant Problem, and the Legacy of the Domestic Labor Debate: "Where Can You Find Good Help These Days!", [53 U. Miami L. Rev. 1045 \(1999\)](#).

n5. See Nell Irvin Painter, Sojourner Truth: A Life, A Symbol 167-68 (1996)

n6. See [8 C.F.R. Sect. 274a.1\(h\)](#) (1995) (providing exemption for "casual employment by individuals who provide domestic service in a private home that is sporadic, irregular, or intermittent").

n7. I explored the issue of internalized oppression in my essay Law and the Gendered Politics of Identity: Who Owns the Label Lesbian?, 8 Hastings Women's L.J. 1 (1997).