

Labor, Discipline, and Resistance: Transnational Migrant Workers ‘on the line’

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Abstract

Unauthorized workers are foundational to neoliberal production regimes in the United States. The economic indispensability of such ‘disposable’ laborers in the era of flexible accumulation and the new energy they bring to labor activism promise to shape the emergence of the 21st century working class. This article explores the dynamics of labor discipline among undocumented workers, situating the current experiences of transnational migrants within a broader cultural history of the recruitment, disciplining, and exploitation of workers from vulnerable populations. Currently, conditions of illegality and deportability make transnational workers particularly vulnerable to labor rights violations and wage theft. The structure of immigration law, which frames and facilitates exploitation, serves the interests of capital and disciplines workers to perform their role as a subordinated class. Nonetheless, the confluence of labor militancy and immigrants’ rights activism over the past decade provides hope for social and political change based in solidarity and worker agency.

Keywords

Migration/immigration, neoliberalism, illegality and deportability, labor discipline, flexible accumulation

Introduction

Abstract theories of economic neoliberalism call for free movement of both labor and capital. Some have argued that the territoriality of restrictive immigration policy runs counter to the free movement ethos of neoliberalism, with the North American Free Trade Agreement’s (NAFTA) failure to address migration, one of the barriers to its success (Pastor: 2004). Restrictionist immigration policy and militarization of border areas are conceptualized as the ‘double-bind’ of the nation-state that aspires to take its place in a global order of the neoliberal global economy while maintaining the authority and imagined community associated with the nation-state:

In order to partake of that economy, to garner the value that it spins off, governments require at once to open up their frontiers *and* to secure them...In this way, the state is transformed, in aspiration if not in reality, into a mega-management enterprise, a licensing authority even, for the benefit of ‘stakeholders’ who desire simultaneously to be global

citizens and yet corporate subjects... (Comaroff & Comaroff: 2005,129)

The neoliberal state behaves as a corporation, adopting techniques developed by private capital. Workers laboring without authorization could be seen as a failure of this ideal management role, and the presence of unauthorized residents violates the ideology of the nation-state with its isomorphic fit between people, place, and government. Perhaps for this reason, some have conceptualized unauthorized immigrant workers as an ‘exception’ to neoliberalism (Ong: 2006).

Based on my fieldwork among Salvadoran transnational migrant workers in the poultry industry, I argue by contrast, that unauthorized workers are foundational to neoliberal systems of production, and central to the emergence of a new working class in North America.¹ The status of illegality creates social illegitimacy around the workers’ personhood, facilitating employers’ exploitation—serving the system of flexible capital accumulation and disciplining workers to perform their role as a subordinated class.

In this article, I explore the discipline and resistance of a significant sector of the U.S. working class in the 21st century: Latin American transnational migrants. Industries with low wages and poor conditions tend to be dominated by such workers: food processing, carpet-making, textiles, agricultural labor, landscaping, custodial work, and certain service sector jobs. When transnational migrants make the move from their homeland to a new country, their transition often involves not only a shift in cultural context but also a transformation of their class identity. Smallholder farmers, self-employed all their lives, are likely to find themselves subjecting to new forms of hierarchy and adjusting to new bodily discipline. Migrants may undergo ‘proletarianization’, increasingly selling their labor power for wages (Rouse: 1992, 29). Yet as immigrants become ‘working-class-as-identity’, they also reshape the ‘working-class-as-entity’. The ways in which they do so are related to their structural condition vis-à-vis the state and the law, their role as ‘disposable’ laborers in the era of flexible accumulation, and the new energy and experience they bring to labor activism.

On May 1, 2017 millions of immigrant workers in the United States conducted a symbolic one-day strike to remind the country of their integral role in the lives of their families and communities. For many who marched, the issue was inclusion in the imagined community of the nation (Anderson:1983), or recognition of their economic contribution. These two aims are inseparably tied, as claims to economic citizenship can be one basis from which to resist socio-legal exclusion (Chavez: 2008). But for others, the issue may be the right to have rights — both human rights in the broad sense, and labor rights more specifically—after all, this was on Labor Day.²

At the time of writing, we are at an unprecedented historical moment when power is consolidating

¹ The field of working class studies is emerging in the context of rapid and dramatic changes in regimes of production and at a moment of crisis and friction in global capitalism (Zweig: 2016, 14) that has particular manifestations in North America. The white working class has been blamed in elite liberal circles for a reactionary political moment of xenophobia and ethnic nationalism, ignoring the crucial role of wealthy whites in the revival of white nationalism, while life conditions and life chances for the entire working class are deteriorating. At the same time, the U.S. working class is transforming through in-migration and labor market restructuring.

² Internationally, May 1st is broadly recognized as a day to celebrate labor and labor organizing, although in the United States recognition of the day and its significance has been repressed—in spite of (or perhaps because of) the fact that it was chosen to commemorate the Haymarket massacre in Chicago on May 4, 1886.

in the hands of people committed to dismantling some of the most basic rights—rights to security and livelihood—from vast numbers of persons in the territorial United States, including citizens and others. The framing of this particular protest as a *strike* is highly significant, and speaks to the import of transnational migrants today for labor resistance and working-class studies. Immigrant workers' incorporation into economic production in the United States, along with the 'politics of refusal' (McGranahan: 2016) enacted by migrants (resistance resonating with the historic aims and methods of labor strikes), is critical to the U.S. working class. Transnational migrants and their labor are central to the new U.S. economy brought on by the 'global transformation' of the late 20th and early 21st century (Standing: 2014, 963), and they will be central to the future of labor.

This population of workers suffers social and legal exclusions, racialization and criminalization, and powerful techniques of labor subordination. Some have called these conditions 'abjection' (Gonzalez & Chavez: 2012), others frame unauthorized migrants as part of a global 'precariat' class (Standing: 2014). These workers have nonetheless mobilized for change. By going on symbolic 'strike' through engagement with public demonstrations and other acts of solidarity, transnational migrant workers are asserting themselves as human beings and workers with the right to have rights. This strike was a powerful follow-up a decade beyond the 2006 immigrants rights' marches that stunned political scientists by confounding their predictions about likely agents of political protest, which reshaped not only the public debate on immigration but also immigrant workers' consciousness of themselves as a political community (Wallace and Zepeda-Millán: 2013, Zepeda-Millán: 2016). Mobilization under the concept of a strike also evokes a populist history of worker organization and oppositional politics that lately has been dismissed as an artifact of the industrial past. Many factors feed into the life and traction of the immigrants' rights movement in the U.S. today, such as the rich traditions of resistance and labor militancy in El Salvador and countless other countries of origin. But we can also understand the current mobilization to defend immigrants' rights, in part, by exploring conditions of discipline and dynamics of systemic exploitation faced by transnational migrants in US labor markets and workplaces. In this way, we can better understand the realities and potentialities of the emerging 21st century working class.

In this essay, I first discuss the shifting terrain of labor discipline in the U.S. from the early 20th century to the present. The dynamic interaction of structural forces and overt coercion is key, along with more subtle process of internalized discipline and the shaping of workers' behavior towards compliance. Also highlighted are the ways that workers' intersectional social statuses such as gender and racialization shape their positionality in regimes of production and exploitation. Emphasizing how transnational migrant workers are crucial to contemporary global capitalism and its regimes of flexible accumulation, I argue that U.S. immigration policy and the social divisions it produces function as tactics of labor discipline. Following this overview, I describe the specific conditions of work, discipline, and resistance experienced by Central American poultry plant workers, based on my ethnographic work among a community of Salvadoran migrants in central Arkansas.³ While I do not suggest that this community's experience is broadly representative of

³ I spent August 2006-August 2008 living in Arkansas and conducting ethnographic fieldwork among Salvadoran migrants. As is typical of a research project in anthropology, I lived with and alongside Salvadorans, hung out in the town's Salvadoran café, attended church services, birthday parties, and *quinceañeras*, and generally participated in the life of the community. I also worked as a part-time "worker advocate" at the Northwest Arkansas Worker Justice Center (NWAJWC), a partner in the Interfaith Worker Justice network, which not only allowed me to access

all foreign-born workers, it does highlight the embodied experience of workers in a critical sector and reveals the dynamics of labor discipline and resistance. Finally, I connect these dialectical conditions of discipline and resistance among transnational workers to the current political climate, suggesting migrants' rights activism may be a site of political possibility for labor as we struggle to confront the reconfigured systems of oppression operating in contemporary global capitalism.

'A new type of worker and a new type of man'

Systems of capital accumulation are about much more than economics, as the emerging discipline of working-class studies can well demonstrate. American Fordism in the early twentieth century was 'the biggest collective effort to date to create, with unprecedented speed, and with a consciousness of purpose unmatched in history, a new type of worker and a new type of man' (Gramsci cited in Harvey: 1989, 126). Fordism in industry and Keynesianism in governance aimed at stabilizing capital investments by reformulating social and work life (Harvey: 1989, 129). The Fordist-Keynesian era involved producing new forms of subjectivity and a 'total way of life' (Harvey: 1989, 135) centered on specific and gendered values of work and consumption that contributed to capitalist expansion. Labor control, more than a technique to control production processes, is also a force of subjection deployed throughout workers' lives:

...the disciplining of labour power to the purposes of capital accumulation... is a very intricate affair. It entails, in the first instance, some mix of repression, habituation, co-optation and cooperation, all of which have to be organized not only within the workplace but throughout society at large. (Harvey: 1989, 123)

The disciplinary measures that enter into labor control, therefore, extend far beyond the specific managerial techniques employed on a shop floor or assembly line, and the qualities promoted in a 'good worker' extend beyond behavior on the shop floor. Worker dispositions also differ across occupational sectors and over time.

Meatpacking was one of the first industries to implement the ideas of industrial innovator Oliver Evans, whose central insight was that control over productivity depends on control over the speed of movement of materials through the factory setting (Biggs: 1996, 9). In the mid-1800s, meatpacking firms mechanized the movement of carcasses through the factory (Biggs: 1996, 26-27). Production was transformed both through the mechanization of processes that had been performed by people and re-organizing and managing productive processes through the factory as a whole (Biggs: 1996, 35). These shifts foreshadowed later changes in the auto industry that maximized 'Taylorist' efficiency principles by moving the materials to the worker rather than the worker to the materials. Within the particular history of chicken and meat processing in the United States, technological and commercial innovations, coupled with aggressive labor control techniques, have transformed the industry from a plethora of tough and risky small-business ventures into a few highly profitable vertically-integrated mega-companies.⁴ These innovations

stories of harms in the workplace, but enabled me to offer orientation and advice to the community on labor rights and resources.

⁴ Trends in meatpacking and poultry processing have often prefigured changes in other industries. The poultry industry was in large part vertically integrated before WWII (Striffler: 2005, 41) – meaning that control over breeding, incubation, feed production, processing, transportation, warehousing and distribution, marketing and sales

have also been at the forefront of shaping labor discipline and the experiences and dispositions of the working class.

Frederick Winslow Taylor's influential essay *The Principles of Scientific Management*, published in 1911, raised the notion of efficiency to the level of moral value and advocated a managerial method eliminating 'tiresome and time-consuming motions' and holding workers to a uniform, scientifically-determined standard of productivity (Taylor: 1998 [1911], 40). His work inspired Henry Ford and numerous other industrial entrepreneurs. His ambitions for this method of management extended beyond higher productivity: he hoped to minimize or eliminate "the labor problem," the persistent conflict between labor and management:

Scientific management will mean, for the employers and the workmen who adopt it—and particularly for those who adopt it first—the elimination of almost all causes for dispute and disagreement between them. What constitutes a fair day's work will be a question for scientific investigation, instead of a subject to be bargained and haggled over. (Taylor: 1998 [1911], 75)

In reality, the reverberations of the legacy of scientific management are 'efficiency drives' and line speed-ups that produce high rates of worker injury and dissatisfaction, sometimes leading to militancy rather than the harmony Taylor sought. Nonetheless, workers are subordinated to these mechanisms of 'efficiency' and their accompanying campaigns of moral discipline.

Workers selling their labor must be able to deliver their 'product' in a dependable way that meets production timelines 'They must turn up at the workplace regularly and punctually, be sober and rested so that the labor they provide is uniform and predictable, and use the time for which they are paid exclusively for work', (Rouse: 1992, 31). The promotion of specific social values among workers (ostensibly for the greater good, but conveniently fostering profits) has been a key part of the industrial enterprise. Mill owners in the nineteenth-century United States recruited young women from nearby agricultural communities as workers in the burgeoning industry, and housed the ladies in company-owned boarding houses with strict rules to maintain their social propriety even when out of the workplace (Biggs:1996, 17-18).

Henry Ford, in building semi-utopian factories, was concerned to avoid the 'social ills' of industrial urbanization. He provided employee recreation facilities, schools, and 'healthy and sober' programs to promote moral fiber (Biggs: 1996, 65-69). In 1916, Ford sent social workers into the homes of men working in his factory in order to assure that their family life was up to moral standards and fulfilling expectations of middle-class consumption (Harvey: 1989, 126). The interest in crafting worker morality and sociality under Fordist practices has only become more intense in the post-Fordist era.

was held by single companies. It was difficult to keep product prices low enough to maintain demand, and in this context companies established tough labor management techniques and strong anti-union workplaces (Fink: 2003, Striffler: 2005). In spite of the rapid rise of vertically integrated giants, according to Striffler, '... even as late as 1950 there were thousands of specialized mom-and-pop chicken operations existing alongside large feed companies and budding integrators.... There was still competition all along the chicken chain' (2005, 42). That changed rapidly over the next 20 years and by the 1970s an oligopoly of large corporations ran the chicken industry.

The Japanese model, as described by Laurie Graham (1995) in *On the Line at Subaru-Isuzu*, entails more extensive selection and training processes emphasizing character, participation, internalization of company values, and collaboration in work teams, attempting to circumvent adversarial worker-management relations through worker loyalty (1995, 2-6). A peculiar notion was promoted in the mid to late 20th century by both business owners and the burgeoning professional classes of managers, occupational therapists, industrial psychologists, and human resources professionals-- that there need be no contradiction between the interests of capitalists and the interests of their workers. By humanizing the labor process and by shaping the identities and subjectivities of the laborer, workers' views of their own interests could be aligned with owners' interests, and workers' success and self-fulfillment could contribute to company efficiency and profits (Rose: 1989).

It is these tactics, in large part, that have caused the adversarial boss-worker relationship (symbolized by the specter of the strike) to seem outmoded. The end goal of these post-Fordist techniques is to reduce the waste of company energies on conflictive worker-employer relations:

The goal is to create a system of worker compliance. Success depends on management's ability to fashion an environment which appears free of coercion, giving no impetus for resistance. Instead of management devoting time and energy to controlling the workforce directly, workers control themselves. (Graham: 1995, 97)

Even in industries where this type of post-Fordist regime is dominant, Graham notes, the emphasis on participation is belied by the continuing Taylorist reality of the shop floor: management retains absolute control over decisions, and the life of the line worker is still dominated by repetitive manual labor (1995, 7-8).

The extensive orientation process Graham describes, a process which had the effect of making workers feel specially chosen and proud of their position in relation to the company, is a far cry from the cursory process experienced by applicants to poultry plants, described here by anthropologist Steve Striffler:

Tyson processes job applicants like it processes poultry. The emphasis is on quantity, not quality. No one at the job center spends more than a minute looking at my application, and no single person takes the time to review the whole thing. There are few pleasantries, but there is also no bullshit. I am spared questions like: what are your career plans? Why do you want to work in poultry? How long do you plan on working here? Instead, efficiency rules. (Striffler: 2005, 112)

The poultry industry processes applicants efficiently because they have extremely high turnover (Fink: 2003, Striffler: 2005). The mobility of the workforce facilitates the process of flexible accumulation, as natural fluctuations in worker numbers enable the company to make adjustments in production systems and rates, without laying off workers and facing the costs of unemployment benefits or disgruntled workers (Andreas: 1994). In this context, the kinds of high-investment techniques common to the Japanese model would be wasteful of company resources.

Poultry plant workers and meatpackers must deal with speed-up, deskilling, and intense ‘efficiency campaigns’. Unlike auto workers disciplined through the Japanese method, they do not receive physical therapy or transfers to other tasks in order to alleviate their repetitive stress injuries (Graham: 1995, 90). While even auto workers were sometimes made to feel that the injuries were due to their own inadequacy (Graham: 1995, 91-92) meatpacking workers are more expendable and so managers attribute injuries to worker weakness rather than question the speed of the production line. Line speeds and repetitive motion injuries have been steadily increasing in meatpacking industries since the 1970s (Andreas: 1994, 114-116) and those who cannot keep up are told they are “not cut out for packinghouse work” (Andreas:1994, 111). In her study, Andreas interviewed dozens of meatpackers and all of them had ongoing health problems due to their jobs, most of which were repetitive stress injuries (1994, 62-67). A recent report on working conditions in poultry plants in Arkansas, confirming my interviews and observations during my 2006-2008 fieldwork, also found rampant wage theft, repetitive stress and other injuries, as well as pervasive discrimination and harassment (Northwest Arkansas Workers’ Justice Center 2016).

When turnover is high, workers are simply bodies, and the health and integrity of those bodies is a cost that can easily be ‘externalized’ as long as more replacement bodies are available. Rather than adapt working conditions to the capacity of human beings, workers are molded to the working speeds determined by mechanized mass disassembly lines, in turn determined by the company’s production goals. Workers are systematically pushed beyond their physical limits, their bodies broken down and consumed for corporate profit. As Harvey (1989) observed:

The current trend in labour markets is to reduce the number of ‘core’ workers and to rely increasingly upon a workforce that can quickly be taken on board and equally quickly and costlessly be laid off when times get bad. (152)

In a poultry processing plant in northwest Arkansas in March 2005, industrial engineers were introducing new machinery. The process required a break in production, so human resources let people quit without rehiring, pushed workers harder as workforce decreased, laid everyone off for a few weeks while installing new equipment, and then took a recruiting trip to the Mexican border region for the new hires they wanted to make. They trained newcomers almost as easily as rehiring experienced workers, and through this strategy minimized their transition costs.

What allows companies to violate safety standards with impunity, and treat their workforce as disposable? Two factors come into play here. First, in the case of rural and small-town plants, local residents often fear criticizing the company or demanding change in case the company should relocate production in the post-Fordist context of deregulation and flexible production:

As small-town residents are held hostage by ever-more-powerful corporations, the concentration of money and power in the hands of large conglomerates is encouraged by many legislators and government officials who see deregulation as a way of making the United States more competitive internationally—or who have a personal stake in the growth of giant corporations and banks. (Andreas:1994, 6)

Ideologies of ‘freedom’ in systems of trade and production underpin this system, as legislators and company owners argue that laborers choose to work ‘of their own free will’, and that companies

likewise should be free to move and set up in other sites without obligation to the community they leave behind. The mobility of corporate operations functions to decrease job security and depress wages in deskilled sectors such as chicken processing.

Secondly, other qualities of transnational migrants—language barriers, lack of familiarity with US legal protections for workers, precarious legal status, racialization and social stigma increase vulnerability in the workplace. Industry owners have often brought in workers who have fewer choices and more to lose—in earlier moments of industrialization, these vulnerable workers were drawn from poor rural areas close to the cities: the mill textile industry in Dalton, Georgia in the Appalachia region recruited a labor force of ‘impoverished rural whites’ (Hernández-León & Zúñiga: 2005, 245). Like the ‘docile’ young women working in mills in the rural northeast and the rural south at the turn of the century, transnational migrant workers are cheap, vulnerable, and cut off from many sources of social support and political leverage. All of these qualities make today’s transnational migrants desirable workers.

Workers under conditions of legal precarity also empowers employers to bring in Immigration and Customs Enforcement (ICE) at strategic moments—to respond to the threat of union organization (Fink: 2003, 179), to promote worker movement into other sectors such as agricultural work (Andreas: 1994, 22), or to create a climate of fear in which workers won’t socialize out of work or go out drinking (Rouse: 1992, 36). Publicity or rumors about the possibility of such workplace raids and mass deportations are an ongoing tactic promoting worker conformity and managerial control:

... employers actively recruit immigrant labor because they can pay immigrant workers less and work them harder than long-term US citizens. Legislation supposedly intended to stem immigration and prevent worker abuse serves, in practice, to terrorize workers, helping to keep them poor and subjugated. (Andreas: 1994, 28).

Historian Mae Ngai (2004) has amply demonstrated that ‘impossible subjects’—those immigrants not permitted a path to citizenship—have been central to the U.S. economy throughout much of the country’s history. Scholars have recently argued that ‘illegality’, and the presence of a significant population defined as ‘illegal aliens’, is produced by the state intentionally (De Genova: 2002, Motomura: 2008, De Genova & Peutz: 2010, Mize and Swords: 2011). It is not, as popular discourse would have it, an exception to the state’s order, imposed by lawless or criminal migrants themselves, but a crucial part of the state’s political-economic strategy.

The production of migrant illegality and the tacit allowance of an undocumented population of denizens entails many benefits for the state in a neoliberal moment. As law scholar Hiroshi Motomura argues:

The hallmark of enforcement against Mexican immigrants was discretion that reflected the needs of employers, who often preferred to hire Mexican workers with temporary legal status or no legal status at all. They were a flexible, disposable workforce, ready to work when needed, but more easily sent home when they were not. Heavily influenced by a variety of racial perceptions that cast Mexicans as a subordinate, expendable, and nonassimilable labor force, economically driven fluctuations gave rise to a de facto policy of discretionary enforcement that continues today. (Motomura: 2008,

2050)

Since the historical period of discretionary enforcement Motomura describes, the tacit allowance of undocumented presence has continued, but the rhetoric and practice of enforcement of immigration law has intensified dramatically through the militarization of the border (Andreas: 2009, Nevins: 2010), increases in numbers of deportations and the production of a climate of fear for migrants (Golash Boza: 2015) while enforcement of labor rights for these same immigrants has eroded through legislation, the defunding of federal agencies, and unfavorable judicial precedent. In 1986, the Immigration Reform and Control Act criminalized the laboring activities of undocumented persons and required employers to examine immigration documents upon hire to determine legal status. This shift in policy re-framed migrants' work activities as illegal practices, leading in time to a series of court decisions that refuse equal protection and legal remedy to undocumented workers.

In the 2002 case of *Hoffman Plastics Inc. vs. the National Labor Relations Board*, for example, the Supreme Court found that a worker fired due to his union-organizing activities was not entitled to either reinstatement or back pay due to his dismissal. Arguing that legal remedies awarded to the plaintiff would constitute an incentive for illegal immigration, the *Hoffman* court based their decision to institutionalize a subordinate worker class on the absurd proposal that Latin American emigrants would calculate the probability of receiving compensation due to labor rights violations in their decision to migrate (Cunningham-Parmeter: 2009). Following on the *Hoffman* case, local courts have cited that precedent to justify unequal remedies—or no remedies at all—for undocumented workers. Even without the formal legal production of inequality, a suppression of labor rights for migrants is inevitable because ‘...even when the state recognizes the rights of unauthorized workers, the threat of deportation will always prevent a great many immigrants from exercising these formal rights’ (Cunningham-Parmeter: 2009, 28).

This story—that the state's tacit allowance undocumented immigration facilitates labor management and contributing to capitalist profits (see also De Genova: 2002, 2005, Massey et al: 2002, Gleeson: 2016), is diametrically opposed to the mainstream perception of illegality in the United States today. The characterization of migrants as choosing to become ‘illegal’, and in many cases as innately criminal, is supported by social imaginaries privileging bounded territoriality, racialized definitions of belonging, and ideologies of free choice in movement. These imaginaries emerge from white nationalist ideology, which structures notions of belonging and exclusion for many in the United States, and often frame all immigrants and all Latinos, not just so-called ‘illegals’, as people out of their proper place. This hostile social climate amplifies the precarity of insecure legal status, exacerbates labor discipline, and creates what Elizabeth Fussell (2011, 593) has called ‘the deportation-threat dynamic’. To make matters worse, the convergence of criminalization with legal status exclusion increasingly makes immigrant workers not only deportable, but denounce-able for criminal acts as behavior necessary to their survival, such as driving without a license, becomes redefined as criminal behavior (Horton: 2016).

The condition of illegality produces around immigrant workers a sphere of exception, a space where those who exploit them can violate various standards for workplace safety, employee treatment, and human rights (see also Mize & Swords: 2011, Fussell: 2011, Gomberg-Muñoz & Barbarena: 2011, Gleeson 2016). Similar to *de jure* spaces of exception like free trade zones and

company enclaves (see Ferguson: 2005), the *de facto* space of exception of individual illegality puts workers in a vulnerable position and increases company control. Unlike the workers in the Subaru-Isuzu plant studied by Laurie Graham, Tyson disassembly line workers do not need to be trained to think ‘We are the corporation’ in order to be motivated to work hard (1995, 53). They suffer wage theft (Gomberg-Muñoz & Barbarena: 2011), bodily harms and the denial of workers’ compensation benefits (Holmes: 2013), and suppression of wages and organizing efforts.

While immigration policy papers and statutes may not appear on their face to be instruments of oppression, in practice the elaboration of conditions of exploitation and xenophobia around the figure of the undocumented migrant is an entirely predictable result of federal policy and practice—and a result that, not coincidentally, furthers the neoliberal state’s interests by allowing the presence of a subclass of undocumented workers while diminishing social welfare obligations to these workers and by removing them from many of the usual protections of rights-bearing citizen-subjects. If migrants are detained and incarcerated, they are often conscripted into labor for an even cheaper rate within the largely privatized and for-profit immigration detention system, whose centers together are the single largest employer of immigrant labor in the nation (Urbina 2014 cited in Gomberg-Muñoz: 2016).

In a context where the mere presence of Mexican and Central American migrants is criminalized in the popular imagination, and migrants are framed as morally unworthy of rights, even the most basic protections for human rights while in custody—not to speak of labor rights in the workplace—are political anathema.⁵ It becomes unthinkable to conceive of a worker’s rights being violated when the worker is conceptualized as having ‘stolen’ the job they work. It becomes nearly impossible to speak of the violation of human rights when the person is conceptualized as ‘an illegal’, a body out of place, a body whose presence is itself a violation of the ‘sovereign rights’ of US citizens to possess and control the national territory. State authorities, in theory responsible to protect the rights of those within their territory, are able to disclaim responsibility to the undocumented residents whose peculiarly fraught presence they both produce and promote. The production of social exclusion through the circulation in lay discourse of the notion of illegality couples with the state’s spectacular modes of detention and enforcement to achieve the continued reproduction of a subordinated class of racialized bodies to fuel the neoliberal economy.

Labor discipline in neoliberal Arkansas: injury, legality, and the moral worker

Elena, a 60-year old Salvadoran woman living in central Arkansas and working in the local poultry processing plant, was known in her small town for her healing abilities. Workers would come by—always Spanish-speaking, usually Salvadoran or Guatemalan—after they had been injured at the plant or to ask for help with chronic pain and swelling brought on by their work. One afternoon in May of 2007, I walked into Elena’s living room. Graciela, her niece, was sitting on the couch under the window, and César, Graciela’s husband, lay on the facing couch with his foot propped up on the armrest. The ankle was swollen and purple, and Elena was massaging a cream into his foot while affectionately teasing César as he winced in pain. ‘Every time I see you, you’re *más jodido*, more screwed up than before!’ Elena exclaimed, and laughed. I asked if he’s been injured

⁵ This is why the state actively promotes the circulation of anti-immigrant sentiment through the theater of raids, deportations, and national security. Through spectacular enforcement, the state both promotes racist ideologies that serve its interests and also distances itself from authorship of the ‘illegal problem’.

at the plant, and he responded, 'Of course'. 'This is nothing', said Elena, 'just a little twisted ankle. You should see his fingers!'

At Elena's prompting, he unwrapped the gauze around his splinted fingers. Though the injury was from September, he was still unable to use his hand fully. 'They are paying my medical expenses', he said when I asked, 'but they won't give me the records, the accident report, copies of the medical reports, nothing. I keep asking but they don't give them to me'. Without the reports, he's not sure that he can prove the plant's responsibility to him should they decide to stop paying for care, or fire him. 'I'm not a fool, I have analyzed the situation', he said. Elena made some sweet coffee while he recounted the story of the accident:

I was working the night shift, sanitation, and I was reaching underneath the heavy metal platform when it fell on my hand. I couldn't move it, it hurt so much, and couldn't take the glove off because it was a big mess with my hand. I sat there on the floor and called the supervisor over; he said to keep working if I didn't want to lose my job. I asked to go to the infirmary even though they don't have a nurse there at night ever. He just yelled at me to keep working, while my hand was bleeding and I couldn't move my fingers. Not even in the [Salvadoran] Army was I treated so badly! ('César' May 6, 2007).

César's denunciation of conditions in the poultry plants has been validated, nine years later, in the results of a study conducted by the Northwest Arkansas Workers' Justice Center, an organization where I worked part-time during my fieldwork. Poultry workers in Arkansas earn an average of \$28,792—far less than a living wage (Northwest Arkansas Workers' Justice Center (NWAJWC) 2016, 9), and nearly two-thirds of workers report wage and hour violations reducing their pay (NWAJWC, 22). Foreign-born workers were far less likely than native-born to have earned sick leave, and many report being discouraged by their employers from seeking treatment or reporting injuries to medical professionals outside the company (NWAJWC, 19). Line speeds injure many workers, though not at equal rates: 71% of foreign-born workers and 69% of black workers in the survey reported injuries related to line speed, while only 35% of white workers did the same (NWAJWC, 31). Injured workers have a one in five chance of being fired due to their injury (NWAJWC, 27), and companies do not fear reprisals because the tenuous or nonexistent legal status of workers makes them hesitant to get involved in rights claims or legal battles:

Here, when a person gets hurt at work they have to keep working if they possibly can, even with only one hand, and they don't ever send them to the doctor. One boy broke his hand and they didn't want to send him to the hospital for three days! ('Roberto' February 2007)

The only Salvadoran woman I interviewed who had filed a legal claim against the company—she was fired so the plant wouldn't have to pay her medical bills after being seriously injured in a workplace accident—was not only defeated in court, but also blacklisted in the region and found herself perpetually unemployed. She did not regret her choice, knowing when she decided to take legal action that her chances were slim:

They were always looking for a way to fire me, since I had made the [worker's compensation] claim... You have to understand the situations we confront in these little towns, where there are very powerful people who are the owners of everything.... I

decided to fight because it wasn't right what they were doing to me. Many times it has happened to other people, but nobody wants to demand their rights because they are scared. I tell them there's no reason to be scared... we undocumented have the same rights as any worker. ('Julieta' February 12, 2007)

Unfortunately, with the increasingly ambiguous rights for undocumented workers, even formal equality under the law is no longer the case. And naturally, rights in practice are not as extensive as the statutory rights due to the pervasive fear Julieta mentioned (see also Gleeson: 2016). Supervisors and managers do not hesitate to make direct threats if they sense that workers might resist being overworked, seek to organize, or file a claim against the company. Most interviewees who had spent at least a year in the poultry plants bore the marks of the difficult and dangerous work on their bodies: scarred hands and forearms, chronic back problems, twisted fingers for those who used scissors, and marred skin from the heavy chemicals used in the midnight to 6 AM cleaning shift (see also Government Accountability Office (GAO): 2005, 21-25 on the prevalence of such injuries in the industry as a whole).

While injury and work-related physical stress and illness are a matter of course for migrants working in the poultry industry, these experiences are often as 'undocumented' as the migrants themselves. César was unable to convince the company to provide him with copies of the accident report, which raises suspicion as to the report's existence in the company's files. According to Bureau of Labor Statistics data, the rate of work-related illness and injury among meat and poultry processing workers dropped significantly in the 1990s, going from 29.5 cases per 100 workers in 1992 to 14.7 in 2001 (GAO: 2005, 26). Yet at the same time, the workforce in the industry was transformed, becoming predominantly Hispanic (42% nationwide) and with a significant proportion of foreign-born noncitizen workers—26% in the workforce as a whole, and 38% of the sanitation crews (GAO 2005, pp. 15-16). As the GAO report cautions, statistics claiming a steep reduction in workplace injuries cannot be taken at face value when the legal condition of workers contributes to underreporting, especially in the high-risk tasks of night-shift cleaning. In spite of this caution, the GAO still optimistically titled their report 'Safety in the Meat and Poultry Industry, while Improving, Could be Further Strengthened'.⁶

Many poultry plant workers I spoke with swear that their supervisors know the legal status of everyone working on the line. They believe managers know who has 'papers' and who doesn't. Informal conversations with specialists with the federal forest service and human resources staff at the plants—one of whom said openly 'I think most of the Mexicans working here are illegal'—suggest that administrative leadership is well aware of illegality both individually and system-wide. When supervisors' knowledge is imperfect, they tend to assume that the worker is undocumented. In the fear-saturated context of the poultry plants, the use of illegality as a disciplining mechanism impacts even documented immigrants as those who do speak up for their right to dignified treatment become marked as troublemakers:

People don't want to demand their rights many times because they don't have papers. And

⁶ This mild double-speak is a great improvement over the USDA's euphemisms in a 2005 report. Describing a situation in which real wages declined for workers as line speeds increased dramatically, the report celebrates this as 'labor costs per unit of output dropped dramatically' and "labor productivity advanced substantially" (Ollinger: 2005, 23).

the supervisors know who has papers and who doesn't. But my cousin, who has his residency, was never afraid to demand decent treatment. One time they were reprimanding him and he complained, saying they had to treat him well, with dignity and respect. They insulted him, saying that he was an illegal and didn't deserve anything. But he told them that he had residency and had rights, and they were ashamed. But the problem is that afterwards they saw him as a problem and they watched him, looking for a chance to fire him, which in the end they did. And they can do that with anyone, with papers or without papers. ('Gerardo' March 18, 2007)

Others mentioned that fear was not the only part of their legal condition that motivated them—they also felt the obligations of dependents back in El Salvador, and the desire to bring family members to join them, as powerful forces that pushed them to work hard, seek extra shifts, and endure difficult conditions:

The work was very heavy but I struggled and I told myself that I had to endure it, I had to struggle for my children so that they could come here to be with me, so I did my shift and later when they let me I worked a double shift. It was very hard but I dreamed of bringing my children. ('Isabel' February 26, 2008)

Isabel paid a smuggler (*coyote*) to bring her first son two years after her arrival, when he had just turned 16 years old. He was separated from the group and missing in Mexico for two months, and she swore she would never bring her other two children in that way.

As described in the previous section, the mobilization of certain sociocultural values and sentiments, both within and beyond the workplace setting, can play a significant part in labor control by feeding back into the production process: forms of 'work ethic', loyalty to a company, national pride or allegiance to place, masculine or feminine norms and ideals, ethnic identities and rivalries, and pride regarding one's own contribution to a task or a cause. These value orientations, and their more negative manifestations such as racial and gendered conflict, become mechanisms promoting workers' commitments to their tasks and foreclosing their capacity or willingness to organize to claim labor rights or benefits. Through my fieldwork, I came to understand that illegality and the deportation threat dynamic not only shaped workers' practical concerns, but their sense of morality and personhood.

In one conversation, a former poultry worker claimed that he did not take disability benefits after being injured at the plant in part because he takes pride in his independence. He had heard about '*Americanos* (whites) taking welfare money instead of working, but he would never do that—even hurt, he would find some way to work. However, later in the same conversation the ex-worker revealed that he was also afraid his false identification would be discovered upon applying for benefits. Although it would be tempting to interpret this as the true reason and the value-laden statement as a rationalization, both frames could be sincere and operating simultaneously.

At the Northwest Arkansas Workers' Justice Center, clients who came in with complaints of wage theft would hasten to speak not only of the quality of the work they had done but also attitudes of respect, deference and gratitude towards employers, as though they would not merit minimum wage without demonstrating subordination. Workers' identities are shaped into proper proletarian

shape, in part, through the heightened anxieties created around illegality and deportability.

The disciplinary process for immigrants occurs not only through the reprimands of supervisors on the line, or the social barriers of small town life in Arkansas, or the laws banning the sale of alcohol in Yell County, but also through the legal statuses, moral regimes, and other less tangible dimensions that shape immigrant subjectivities, creating selves that are fraught with anxiety and contingency, and whose greatest sense of belonging and safety comes when they understand themselves, and present themselves to others, as ideal low-wage workers.

A day without an immigrant: strikes, resistance and refusal

The current production of abject status for undocumented workers, their occupation of a mobile state of exception, proves convenient for state and corporate interests that appear increasingly convergent. As Benjamin reminds us in his *Theses on the Philosophy of History*, ‘the tradition of the oppressed teaches us that the ‘state of emergency’ in which we live is not the exception but the rule’ (Benjamin: 1969, 221). In other words, what is defined as disorder and transgression in this moment of fearful reaction to threats of ‘terrorist refugees’ or ‘illegal alien invasion’ is in fact an ordered part of this state of emergency, one which the oppressed must experience risk and suffering in their everyday lives while those more privileged are able to enjoy the fruits of the ordered disorder. The condition of illegality performs a crucial disciplining role in submitting migrants to neoliberal regimes of production. The legal ambiguity of their condition conduces the disposability of their working bodies for the companies.

While restrictive immigration law is sometimes conceptualized as an *exception* to neoliberalization, it also fulfills a profoundly neoliberal logic and serves the interests of flexible systems of capital accumulation. In spite of the rhetoric of freedom accompanying political arguments for neoliberal reforms, state and corporate entities regularly immobilize and displace workers through the production of legal structures and racialized social hierarchies. These immobilizations and displacements become a crucial enactment of subordination of workers and managerial power within these regimes of production.

What possibilities exist for worker mobilization to change the terms of this system of production, entangled as this exploitation is with profound mechanisms of social exclusion and political repression through exclusionary laws and discriminatory law enforcement? On the one hand, migrant workers are at a profound disadvantage when compared with their U.S.-born counterparts. As Carol Andreas says of the meatpackers she interviewed:

Because a majority of Monfort workers are recent immigrants to the United States, they either do not know about the minimum protections that they are guaranteed by law—such as worker’s compensation—or they feel powerless to seek justice. A large number have never done any kind of wage work before, either because they are very young or because they have come to Greeley directly from rural areas in Mexico, where their families traditionally engaged in subsistence farming. (Andreas: 1994, 123)

Here Andreas seems to indicate that such workers will be far less likely to demand their rights than native workers, in part due to the disorienting experience of class transformation mentioned before.

Indeed, in Rouse's study of proletarianization and Mexican migrants, his interviewees "not only adjusted their behavior to meet the requirements pressed upon them but had come to internalize the values and beliefs that these pressures worked to inculcate" (Rouse: 1992, 37). But Rouse also mentions that coincident with this 'first language' of conformity, his subjects also spoke a 'second language' in which they critiqued the ways their job situation impinged on their sense of independence and efficacy. I found a similar *double legal consciousness* among Salvadorans in rural Arkansas—migrants could simultaneously perform a sincere self as the enduring laborer, ready to work and unwilling to take a handout (see also Hallett: 2012), and also articulate a clear understanding and critique of the exploitative conditions of production.

This double consciousness speaks to the other side of the story of immigrant 'vulnerability', of the powerful hold of labor discipline in the neoliberal economy. In spite of the harsh conditions limiting their choices, migrants working in the US have also maintained and developed a compelling alternative vision of the country and its labor relations—a need to transform the dehumanizing 'matrix of domination' (Collins: 2000) consisting of capitalist production regimes intersecting with racialization and the vulnerability of legally precarious status. From the Justice for Janitors campaign, to the Service Employees International Union's organizing model, to the workers' center movement and day labor organizing, immigrant militancy is transforming not only the face of organized labor, but also its way of organizing (see also Zolniski: 2003, 2006). Leon Fink describes a labor dispute in Morganton, North Carolina in which indigenous Guatemalans formed the core of labor leadership and conducted their campaign by drawing on experiences, skills, and networks developed during the repression of Guatemala's civil war (Fink: 2003). Many of the most vulnerable workers in poultry processing and other rural industries, especially those with undocumented status, have suffered and struggled dramatically to get where they are. Some were displaced by war or poverty, many crossed borders on foot, and all have dealt with harsh working conditions.

The forces of legality, morality, and political backlash place powerful constraints on migrants and discipline them to the crucial yet hyper-exploited role they play in the contemporary economy. Nonetheless, transnational migrants, with their histories of struggle, social and political networks spanning borders, and daily encounters with the dehumanizing conditions of late capitalist production and the threat of detention and deportation, may be uniquely positioned to contribute to the common working class struggle—both to imagine and enact resistance and refusal.

Author Bio

Miranda Cady Hallett (Assistant Professor of Cultural Anthropology, University of Dayton) is a legal anthropologist who has conducted ethnographic fieldwork in El Salvador since 1998 and with Salvadoran immigrant communities in the US since 2004. Her interests lie at the intersection of Latin American studies (with a particular focus on El Salvador and the Central American region), migration studies and border theory, law and society, labor studies, and theories of race and ethnicity. Her dissertation (Cornell University, 2009) examined Salvadoran migrants' subjectivities and neoliberal ideologies in a small poultry industry town in central Arkansas. She has published on immigration and immigrants' rights in numerous peer-reviewed journals, including *Latino Studies* and *Law and Society Review*. Miranda is also an engaged public anthropologist with a commitment to human rights and social justice movements.

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