

2022-05-01

## Hannah Arendt and the Recreation of the Public Space at the El Paso-Ciudad Juarez Border

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HANNAH ARENDT AND THE RECREATION OF THE PUBLIC SPACE AT THE EL  
PASO-CIUDAD JUAREZ BORDER

MAXIMILIANO GUTIERREZ

Master's Program in Philosophy

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by

Maximiliano Gutierrez

2022

To my family and my future wife, Erika.

HANNAH ARENDT AND THE RECREATION OF THE PUBLIC SPACE AT THE EL  
PASO-CIUDAD JUAREZ BORDER

by

MAXIMILIANO GUTIERREZ, B.A.

THESIS

Presented to the Faculty of the Graduate School of  
The University of Texas at El Paso  
in Partial Fulfillment  
of the Requirements  
for the Degree of

MASTER OF ARTS

Department of Philosophy  
THE UNIVERSITY OF TEXAS AT EL PASO  
May 2022

## **Acknowledgements**

I cannot express enough thanks to my committee for their continued support and encouragement: Dr. Jules Simon my committee chair; Dr. Noell Birondo; Dr. Marion Rohrleitner. I am grateful for sharing their experience and wisdom with me.

The completion of this research could not have been accomplished without the support of my family. Their understanding and support while I was busy in my research was a pillar for finishing this project.

Finally, to my future wife Erika whose unconditional support and love helped me through the ups and downs of academic research.

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## **Chapter 1: Hannah Arendt and the Human Condition**

“Philosophers have hitherto only interpreted the world in various ways; the point is to change it.”<sup>1</sup> These words by Karl Marx have led many to act but they skip the first step, interpretation. For Arendt, the first step is crucial. The thesis, in Arendt’s mind, state that only because and after the philosophers had interpreted the world could there be time to change it.<sup>2</sup> Today, the world is changing faster, hence the need of analysis and interpretation, hence the need to understand. Arendt’s philosophy is essentially phenomenological, especially her concept of the world of appearances in which everything manifests itself to human begins with those who share this space. Her phenomenological approach to philosophy enables us to shed light on the realm of public affairs, namely, being born, plurality, and specifically for my thesis, immigration. In this case I am referring to immigration in its most general meaning, that is, to the act of moving into another country and, thereby, leaving one’s own private space in their former country. In order to best understand this phenomenological approach, it is necessary to understand Arendt’s way of analyzing humans and what they are doing. While immigration is not the same today than during her time she did personally experience that phenomenon by becoming a refugee and an émigré herself. This makes her philosophy much more relevant for my phenomenological-ethics analysis of the U.S./Mexico border and immigration

### **PART 1: THE HUMAN CONDITION**

To begin, we need to understand the “public realm” and the diverse concepts that go with it. There are two ways in which we can comprehend the public realm: as the space of appearances and as the common world. For Arendt, the former, the space of appearances, refers to the idea that

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<sup>1</sup> Eleventh

<sup>2</sup> Arendt, Hannah. 2005. *The Promise of Politics*. New York : Schocken Books. P. 77.

everything that appears in public can be seen and heard. The latter, refers to the world itself in so far that it is common to us all. These two inter-related concepts comprise what the public realm is. The space of appearances constitutes reality, all that can be heard and seen by others and ourselves comprise the reality of it all. This space is where I can appear to others and others can appear to me. Everything which is manifest to humans belongs to the space of appearances. The world appears to me and shows itself as it is as a place where and how the in-between of humans happens. Moreover, public space occurs as a communality to us all and refers to the fact that we live together in the same world. However, we live in a world of things that gathers us together but, at the same time, separates us. For example, the table is between those who sit around us, it brings us together but at the same time it separates us from each other. It seems that both the space of appearances and the common world is the same thing; however, the key difference is that the space of appearances exists as long as humans exercise acting and speech together. We will deal with these two last concepts further in this essay when discussing the human condition. Hannah Arendt develops the idea of separation more elaborately with the concepts of perspective and position to help us understand why the space of appearances does not survive the moment which brings it to be. Specifically, in order to understand the transitory nature of appearance we need to understand the everchanging perspectives of humans. Separation seen as perspective and position is a way to understand appearances as changing perspectives and changing positions. Arendt writes:

“The public realm relies on the simultaneous presence of innumerable perspectives and aspects in which the common world presents itself and for which no common measurement or denominator can ever be devised. For though *the common world is the common meeting ground of all*<sup>3</sup>, those who are present have different locations in it, and the location of one can no more coincide with

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<sup>3</sup> Arendt, Hannah. *The Human Condition*. Chicago: University of Chicago Press, 2018. P. 52. My own italics, making emphasis on what the common world is which it should not be equated with the earth. It is rather related to the fabrication of human hands, in other words, the man-made world. (Arendt, The Promise of Politics 2005)

the location of another than the location of two objects. Being seen and being heard by others derive their significance from the fact that everybody sees and hears from a different position. This is the meaning of public life.”<sup>4</sup>

The commonness of the world is perceived differently by every human’s own location. In other words, every human has its own perspective of the world, even though we share the exact same world. Every human develops its own perspective and its own opinion, *doxa*, which is also used in *dokei moi*, “what appears to me.”<sup>5</sup> Their opinions are grounded in their own position in the world which opens itself and appears differently to every human. Nevertheless, as Arendt says “both you and I are human”<sup>6</sup> In this sense we cannot know the other’s perspective or *dokei moi*, unless and until we ask about their position in the common world.

In order to understand the public realm, we need to understand the importance of the private realm for Arendt’s philosophy but also for my thesis. There are human activities that belong to the public realm such as being born, migration, speech, and action. And, there are human activities that strictly belong to the private realm, that is, the household. In Arendt’s words “the most elementary meaning of the two realms indicates that there are things that need to be hidden and others that need to be displayed publicly if they are to exist at all.”<sup>7</sup> The four walls of one’s own private space offer that place where one hides from the common world. Bodily and soul functions are things that pertain to the private, and thus belong hidden. For Arendt, that hiddenness occurs at the household.

It might seem that the household, in an Arendtian sense, is the end of human activities because it separates humans from acting in public. However, as it is for Emmanuel Levinas, the

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<sup>4</sup> Arendt, *The Human Condition*, P. 57.

<sup>5</sup> Arendt, Hannah. *The Promise of Politics*. P. 14.

<sup>6</sup> Ibid. P. 14.

<sup>7</sup> Arendt, *The Human Condition*, P. 73.

private realm of the household is also the commencement of activity that eventually leads to the possibility of acting in the public realm. Arendt would have agreed that the household is the place, once we have withdrawn from contemplating the common world, of recollection in our own intimacy.<sup>8</sup> Even though, for Arendt, we are not among equals in the household because everyone is subject to the head of the household, she would nonetheless claim that when I am in my household, I am also independently with myself. In other words, one can at the same time talk to oneself as though he were two. It is one of the most elemental necessities of humans, to have that private space where a suspension of all public activities happens in order to concentrate on the private activities that are fundamental for humans to fulfill in order to execute the public ones correctly.

For example, for Arendt, the household is a place of recollection and a place where the necessities of life happen. Therefore, there is a necessity for four private walls where one is neither seen nor heard by others which is a fundamental need for every human. Having a private space means having the ability to lay down and sleep in peace or feed oneself and fulfill the sheer necessities of the body and the soul. Nevertheless, there are many factors that do not contribute to a having a good household where a human's necessities can be fulfilled, poverty being one of them. "Poverty forces the free [human] to act as a slave"<sup>9</sup> to act as a slave of necessity. Not having a good place to live or being overwhelmed by the necessities of the body. Poverty can lead any human to not feeling like their necessities are being met in their own private space. To introduce the ethical complexity of the situation at this point, not having one's necessities met can lead them to determine to leave the safety and security of their private space and enter into the public realm

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<sup>8</sup> Levinas, Emmanuel. 1969. *Totality and Infinity: An Essay on Exteriority*. Pittsburgh : Duquesne University Press. P. 153.

<sup>9</sup> Arendt, *The Human Condition*, P. 64.

without being at their fullest capacity to (authentically) speak and act in the presence of others. The fullness of public life is only possible after the urgent needs of life have been taken care of.<sup>10</sup> As I will argue further in this essay, immigrants experience leaving their own private space for necessity. In Arendt's words, they are 'slaves to necessity.'

Now that the space where human activities belong has been discussed, we can turn our attention to the paradigmatic nature of human activities that comprise what Arendt calls the human condition, namely, labor, work, and action. I say paradigmatic because these terms apply to all human beings and for my thesis, I will make the argument that we can better understand how these terms can be applied concretely to the phenomenon of immigration. Understanding the application to the actual experiences of immigration on the El Paso/Ciudad Juarez border will help us to better understand how these conceptual paradigms can help us grasp the interdependencies involved in what is actually happening on the ground and in the streets of El Paso and Ciudad Juarez. However, that is the work for chapter two, for now, it is necessary to further develop a more complete understanding of those terms in how Arendt conceives them and their relationships to each other.

Understanding the human condition is to understand what we, as humans, are doing. She designates these three fundamental activities as the *Vita Activa*. The human condition means that humans are conditioned beings because everything humans come into contact with turns into a condition of their existence. As the Spanish philosopher Jose Ortega y Gasset said "I am I, and my circumstances"<sup>11</sup> This means that everything from the public realm that enters the human's own world, that is, their own immediate space where he comes into contact with the thing, becomes a conditioning force that influences every bit of his reality.

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<sup>10</sup> Arendt, *The Human Condition*, P. 65. Arendt, Hannah. *The Promise of Politics*. P. 21.

<sup>11</sup> Ortega y Gasset, Jose. 2020. *Meditaciones del Quijote*. Trivillus. P. 20.

First, labor is life itself. Labor is repetitive and never ends because it corresponds to the biological process of the human body. Hannah Arendt sees a clear distinction between labor and body in Locke's famous phrase "The labor of our body and the work of our hands." As mentioned before, labor is endlessly repetitive; for example, humans looking for nourishment. Labor includes perennial things such as seeking nourishment, clothing, protection, any and all bodily function of the life process. Labor, in all cases, once completed must begin all over again. There is a cyclical nature to labor and its products. The products of labor are those which, by nature, are consumed. If the products of labor are not consumed, they will decay and perish by themselves, in other words, they are consumer goods. The circular motion of labor is bounded to the biological process of the living organism; the cycle only ends when death comes for such a living organism. For Arendt, "Laboring and consuming follow each other so closely that they almost constitute one and the same movement."<sup>12</sup> Said movement does not end when it must start all over again.

Arendt calls human existence in the sense of laborers, *animal laborans*. The activity of labor is driven by necessity; therefore, the human being as laborer is the equivalent of the slave and labor is characterized by unfreedom. With this the importance of the household and labor makes sense. When humans do not have the necessary means to labor, that is to fulfill their ever-recurring needs of biological consumption, there is no way they can exercise other activities as conditioned humans. By laboring, all humans, can achieve liveliness and vitality;<sup>13</sup> however, not every human gets the same opportunity or better said, the same political condition that enables one to labor in the way that Arendt means. This will make more sense in the next chapter by identifying the laboring aspect in the phenomenon of immigration. Immigrants move to the U.S./Mexico border looking for the opportunity to labor, because in many cases they did not have in their

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<sup>12</sup> Arendt, *The Human Condition*, P. 100.

<sup>13</sup> Ibid. P. 120.

previous places. Basically, to understand their forced need to leave home, we can heed Arendt's words, "Whatever we do, we are supposed to do for the sake of 'making a living'; such is the verdict of society."<sup>14</sup>

Labor, then, as we mentioned before, refers to the idea of the natural and biological processes that support each and every human and their basic existence. Work, on the other hand is "the activity which corresponds to the unnaturalness of human existence, which is not embedded in, and whose mortality is not compensated by, the species' ever-recurring life-cycle."<sup>15</sup> In other words, work is that activity that fabricates an artificial world, or better said, a man-made world, in which all man-made things endure more than the act of creation and has a multigenerational durability. Work is the kind of work that the artisan does where the product is independent of the one who produced it. The things that are produced by work constitute the artificial world of things. The durability of the things gives things a certain independence which enables them to take on a real life of their own: the building that houses the human body, the car that transports, the place called the marketplace. However, the durability of any man-made artifact "is not absolute; the use we make of it, even though we do not consume it, uses it up."<sup>16</sup> For example a chair or a pair of shoes that are being used by humans, after a time of usage their durability will be less. In other words, usage wears out durability.

Humans, in this mode of their activities, for Arendt, are *Homo Faber* and these people are the builders, craftsman, architects, artists, and many more whose work is to create the common world, the man-made world. The process of work in relation to the thing produced ends when the artifact is done. The process should not be repeated; however, repetition often occurs.

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<sup>14</sup> Arendt, *The Human Condition*, P. 127.

<sup>15</sup> Ibid. P. 7.

<sup>16</sup> Ibid. P. 137.

“As far as the thing, the end product of fabrication, is concerned, the process need not be repeated. The impulse towards repetition comes from the craftsman’s need to earn his means of subsistence, in which case his working coincided with his laboring; or it comes from a demand for multiplication in the market.”<sup>17</sup>

The *Homo Faber*, when repeating his work adds the art of money to his craft<sup>18</sup> because, in this sense, one must eat in order to labor and must labor in order to eat. However, a problem arises when he is not able to labor despite all the work the fabricator or *Homo Faber* has done. This is the case, in today’s world—and especially on the U.S.-Mexico border—for people who have seen their work displaced by transnational companies who have taken the worker to turn him into a laborer. Workmanship has been destroyed by the division of labor which breaks down the operations of work into their simple constituent motions detracting from the merits of work. As I will elaborate in more detail in Chapter Two, the suppression of the *homo faber* into the *animal laborans* has exacerbated the phenomenon of mass migration (although it is not the only cause) of people looking for better conditions for them to labor and to work. This will be clear when we problematize the concepts of labor, work, and action with the reality of the situation.

Lastly, the human condition that takes place between men is action. Action is grounded in the human condition of plurality. Plurality attest “to the fact that men, not Man, live on the earth and inhabit the world … plurality is specifically the condition – not only the *conditio sine qua non*, but the *conditio per quam* – of all political life.”<sup>19</sup> We all are humans, that is, we are all the same but at the same time we are not the same as anyone else. Speech and action reveal the difference in the equality of humans. We are all the same until one speaks or acts; that is when true differences

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<sup>17</sup> Arendt, *The Human Condition*, P. 143.

<sup>18</sup> Ibid.

<sup>19</sup> Arendt, *The Human Condition*, P. 7.

appear. Whenever humans act and speak they show their true and unique identity and thus make their appearance in the human world. Here I want to emphasize how Arendt distinguishes this revelatory nature of speech and action whenever humans are together. Arendt affirms:

“The moment we want to say *who* somebody is, our very vocabulary leads us astray into saying *what* he is; we get entangled in a description of qualities he necessarily shares with other like him; we begin to describe a type or a ‘character’ in the old meaning of the word, with the result that his specific uniqueness escapes us.”

The unique *who* only emerges out of the generalities of details when somebody actually says and does something in public. Therefore, it is important to ask our fellow humans about their position in the common world and above all to let them speak. This distinction of the *what* and the *who* somebody is is of great importance for my thesis. So far, I have only referred to immigrants as just immigrants and that is *what* they are; however, the *who* they are involves infinitely more details than just what the description of their character discloses to us. If we let them reveal their unique personal identities through speech and action we may find out if they are refugees, asylum seekers, or exiles. Furthermore, they come from different countries and each and every one of them have their own different situation that led them to leave their former countries. The *who* is rooted in their lived world experiences which are disclosed whenever they speak and act in front of their fellow humans.

These two activities, speech and action, are the ways in which human beings appear to each other as humans; otherwise, it would be mere appearance.<sup>20</sup> That is why Hannah Arendt argues that a life without speech and action is dead to the world; it is no longer human because it ceased to live among men. To live among men is to appear and exercise their capacities for speech and

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<sup>20</sup> Arendt, *The Human Condition*, P. 218.

action. It is important to note that for Arendt the space of appearances becomes a reality whenever and especially wherever men come together in their modes of speech and action. Once they return to their private space or they disperse, the public space of appearances disappears. Furthermore, she identifies the human togetherness with the polis. The polis was not made by walls, nor buildings, or any other physical structure, those things are the common world, fruit of the humans as workers. Their workmanship is connected to the common world. The polis is fruit of humans as the speaker and doer. In Arendt's words "Not Athens but the Athenians were the polis."<sup>21</sup>

As mentioned before, all three activities are connected between them and most importantly with the normal conditions of human existence, namely, birth and death. All three activities have the task to provide and preserve the world for all the newcomers who are being born into the world. Each newcomer engages and gets conditioned by the world around him. Furthermore, he is able to make himself at home in the world by establishing himself in his own private space, by engaging in the three activities of the human condition. However, words and deeds are the way in which humans insert themselves into the political life, and this, for Arendt is like a second birth. There is the physical birth but there is the second birth that comes when the newcomer acts. "The new beginning inherent in birth can make itself felt in the world only because the newcomer possesses the capacity of beginning something anew, that is of acting."<sup>22</sup> For Arendt, natality does not only refer to being physically born, but to give birth to ideas and projects by exercising their capacities of speech and action. This means to appear in the public realm in front of others, to be seen and heard, and to see and hear others. In this sense, not only newborns are newcomers, but people are always newcomers when they first appear in the public realm. Immigrants, are always newcomers who appear in the public space, even though most of the times is just mere appearance that

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<sup>21</sup> Ibid. P. 195.

<sup>22</sup> Ibid. P. 9.

happens; however, they are still humans with the potentiality of speech and action. I say potentiality because due to the different situation that we will further discuss in chapter 2, they are not able to exercise their capacities of speech and action just yet, and therefore, they are not part of a polis in the Arendtian sense. Therefore, newcomer must be understood in a twofold sense: first, newcomers as someone who was born, and second, newcomer as someone new in the public realm whether it is as mere appearance or as a doer of deeds.

Now we understand Action as the ability to take initiative, to begin something new. The first new beginning comes with being born, physically born, and from there on there can be an infinite number of births, that is new beginnings, as long the newcomer continues exercising his capacity for action. This is what Arendt called the philosophy of natality. Natality brings us to the world and at the same time creates our opportunities to begin and engage in action freely. To act means to take initiative and set something in motion. It is in the nature of this setting something in motion that makes it unexpected. Unexpected because there is no way to foresee all the unintended consequences of our actions. Our actions can do good to many they also can harm many others.

“The new always happens against the overwhelming odds of statistical laws and their probability, which for all practical, everyday purposes amounts to certainty; the new therefore always appears in the guise of a miracle. The fact that man is capable of action means that the unexpected can be expected from him, that he is able to perform what is infinitely improbable. And this again is possible only because each man is unique so that with each birth something uniquely new comes into the world.”<sup>23</sup>

The “miraculous” nature of action distinguishes genuinely free human actions from mere acts of behavior. Action, therefore, is an activity that must take place between a plurality of humans, it directs how they express themselves in speaking and acting freely. Only other fellow

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<sup>23</sup> Arendt, *The Human Condition*, P. 178.

humans can attest to the miraculous aspect of one's own action. Since action happens between humans it is there where action acts as a medium where every action causes a new action, every process is the cause of a new process. Hence, the unexpectedness or better said unpredictable nature of action, in which there is no way to foretell the consequences of any deed. In this sense, men will never be able to undo the consequences of the process they have started in acting. However, here is when Arendt introduces a new set of concepts to address the unpredictability and irreversibility nature of human actions, these concepts are remembrance, forgiveness, and promising.

For Arendt, the concepts of remembrance, forgiveness, and promising are part of the philosophy of natality. This means that they are part of a humans' capacity to start something new. First, we have remembrance, which is of huge importance because only retrospectively, that is, only through the stories that will arise from their deeds and performances, do we find out how action happens. That is how humans create the unexpected. Only when the action has passed, and through remembrance will the significance and importance of their actions be made fully manifest. It is remembrance that enables them to see the significance and importance of those events. For Arendt, the polis is like an organized remembrance because it assures every human member of the polis that their passing existence will be seen and heard by their fellow humans. However, those humans who are outside the polis, that is, those far from their fellow humans, can only rely on those who were present or knew about them acting just as Achilles needed Homer. In this sense, as will become clear later in this thesis, immigrants who most often than not are outside the polis need to be remembered. Immigrants, without the assistance of others, would not be able to establish an everlasting remembrance "to inspire admiration in the present and future ages."<sup>24</sup>

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<sup>24</sup> Arendt, *The Human Condition*, P. 178.

Now, forgiveness and promising, are like mechanisms that can start new beginnings every time. Forgiveness, specifically is the only thing that can deal with the unpredictability of human's actions. Forgiveness, therefore, is tied to the past, hence the importance of remembrance, and its main purpose is to undo the deeds that the actor has done. In Arendt's words "Without being forgiven, released from the consequences of what we have done, our capacity to act would, as it were, be confined to one single deed from which we could never recover; we would remain the victims of its consequences forever."<sup>25</sup> This is tightly connected to promising, which in Arendt's words is "without being bound to the fulfillment of promises, we would never be able to keep our identities; we would be condemned to wander helplessly and without direction in the darkness of each man's lonely heart."<sup>26</sup> Promises, help humans deal with the uncertain future, which means that by promising not to repeat the bad action or to improve they are starting a new beginning. In this sense, some immigrants are not getting their necessities met due to politicians not keeping their promises in their former countries. When immigrants leave their homes, they go to the border; however, during their travel north they face innumerable dangers such as the Narco. As I will describe later, the Narco culture will be addressed as a non-pluralistic society and is thus antipolitical due to their use of violence that does not fit in with an Arendtian definition of a well-functioning polis.

In summary, the *animal laborans* lives bounded to an ever-recurring cycle of the life process and he could only be free from the necessity of labor and consumption through another human, namely the *homo faber*. The *homo faber*, in turn is able to ease the pains of labor through workmanship by erecting the durability of the world; however, the *homo faber* dwells in a meaningless environment of means and ends and he could only be redeemed through the

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<sup>25</sup> Ibid. P. 237.

<sup>26</sup> Ibid.

interrelated faculties of action and speech. Speech and action can produce meaningfulness in humans' lives. Furthermore, speech and action are part of humans' abilities to start unprecedented processes that by nature cannot be either undone nor predicted. Finally, remembrance, forgiveness, and promise are the only capacities that can deal with the unpredictability of human actions.

## PART 2: PHENOMENOLOGY

So far, we have seen the core concepts in Arendt's philosophy that will help us make sense of the lived world in the U.S./Mexico border. Nevertheless, it is important to discuss phenomenology and how this method will help me do a phenomenology of the border drawing from Arendt's phenomenology. Moreover, by understanding the generalities of phenomenology, Arendt's phenomenological articulations of existential issues in the *Human Condition* will make more sense. In other words, Arendt's philosophy is better understood with phenomenology. In order to this, I will briefly describe phenomenology and its generalities, followed by a rather recent approach to phenomenology that will be the approach of this work, that is, phenomenological ethics. Then, it is important to discuss Arendt's approach to phenomenology and her break with Edmund Husserl and Martin Heidegger's phenomenology as laid out by her in her essay *What is existenz philosophy?* This discussion of Arendt's approach will inevitably lead us to her own experiences as refugee and exile which shaped her writings and finally to a preliminary phenomenology of the border in chapter 2.

Phenomenology is understood as a new approach to philosophy that involves an attempt to get to the truth of things, that is, to describe the *phenomena*. *Phenomena*, is that that appears to me, the experiencer. Therefore, we can say that phenomenology is the science of experiences. Human experiences is often limited to the five senses; however humans' experiences are much richer than to be limited to mere sensations. In phenomenology addressing 'experience' means to

address the subject-object relationship, the events, time, self, and everything that is involved in the human experience of the lived-world. Phenomenology, in other words, brings back our attention to reality by carefully describing how the world and everything in it appears to us.

Phenomenology starts by addressing the natural attitude. The natural attitude is the default perspective I have when I experience the world and all the things in the world. Husserl refers to the natural attitude as a naïve realism, this is how humans have learned to experience the world. Now, the natural attitude enables me to understand what must be overcome or suspended when attempting a phenomenological analysis. I must achieve a phenomenological attitude and for that the next concept will clarify things. The phenomenological reduction or bracketing is a key and necessary concept to practice phenomenology. The reduction means to suspend or to neutralize our beliefs and take a step back, to distance ourselves from the world by considering it in fixed, third-person relations. In other words, we are asked to suspend the natural attitude, mentioned before, and change into the phenomenological attitude. This reduction is also called bracketing, what Husserl called the epoché, and entails that I suspend my beliefs about the actuality of the world. In order to come to this suspension, I put the appearance of the world and all the things in the world in brackets. I now can consider the event or the things that I bracketed, ‘in themselves’ as it were, in order to get at what Husserl claims is their essences. In brief, the reduction helps me isolate and analyze those actions or experiences I have with the other, that is, with another consciousness. Furthermore, this reduction enables me to suspend all belief toward the other consciousness and see things and humans as they really are.

Now, Phenomenological Ethics is an approach to philosophy that combines both, phenomenology and ethics. It cannot be denied that what humans experience in the world are not just inanimate things to be consumed or used, but humans experience other humans. There is a

subject-subject relationship that is experienced by everyone who dwells in the common world that brings forward the ethicality of the method of phenomenology. In Jules Simon's words:

"I understand phenomenological ethics to be a way of life as an 'approach to life' (a disposition-Gesinnung and cultured education-Bildung) that *can be taught* as an orienting and self-regulating theory with an identifiable framework of epistemological and methodological 'elements' that distinguishes what happens when one practices phenomenological ethics from other ethical theories"<sup>27</sup>

In this sense, phenomenology is not only a descriptive science of perspectives and experiences but it now becomes an ethical theory grounded in reality, or better said, in the lived-world. Everyday humans find themselves immersed in a body of laws and regulations such as federal laws, church dogmas, and job rules. Each of these determines the natural attitude which in turn determines how humans experience the world. Finally, as there is a phenomenological reduction or bracketing there is an ethical bracketing. The ethical bracketing brings forward an ethical awareness in facing the event or experience that any human may have. With the ethical bracketing humans can become aware of their desires, needs, and interests, and those may be, finding an opportunity to labor. For Simon, "This sort of awareness opens up the 'ethical' quality of phenomenological ethics."<sup>28</sup>

Phenomenology, therefore, begins with personal experiences of the world and the things in it. While Husserl and Heidegger aimed for a systematization of phenomenology, Arendt opted for a primacy of human experience in phenomenology in which "Man, himself could once again become a theme of philosophy."<sup>29</sup> She describes her discontents with traditional phenomenology in her essay titled *What is existenz philosophy?* She separates herself from the systematic approach

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<sup>27</sup> Simon, Jules. 2020. *What is Phenomenological Ethics?* Unpublished Manuscript. P. 4.

<sup>28</sup> Simon, Jules. *What is Phenomenological Ethics?* P. 8.

<sup>29</sup> Moran, Dermot. *The Phenomenology Reader*. New York : Routledge, 2002. P. 351.

of both Husserl and Heidegger to side with her mentor Karl Jaspers. Jaspers talks about existential situations called ‘extreme situations’ that cannot be systematized but can be understood as an experience. Hence, Arendt’s prioritization of experience, in Arendt’s words:

“The task of philosophy is to free Man from ‘the illusory world of the pure object of thought’ and ‘let him find his way home to Reality.’” Philosophic thought can never cancel the fact that reality cannot be resolved into the thinkable; its job is rather ‘to aggravate...this unthinkability. Reality of the thinker precedes his thought. This is all the more urgent in that the ‘reality of the thinker precedes his thought.’”<sup>30</sup>

Arendt’s break with traditional phenomenology is determined by the unrootedness of the world of her previous professors. She illustrates this discontent with philosophers who suffer from world alienation in her interpretation of Plato’s Allegory of the cave. Unlike common interpretations of the Allegory of the Cave, where people look to imitate that person who got out of the cave to contemplate eternal truth, Arendt argues that the allegory is designed to portray how the reality of human affairs looks like from the viewpoint of philosophy. The allegory talks about various cave dwellers who are chained so that they can only see what is in front of them. The future philosopher frees himself and turns around and sees the fire that illuminates all things in the cave as they really are. For Arendt, this is the first turning point which resembles “the scientist who, not content with what the people say about things ‘turns around’ to find out how things are in themselves regardless of the opinions held by the multitude.”<sup>31</sup> However, the word ‘opinion’ is not like *doxa* or *doxai*. We mentioned before that *doxai* is that what appears to me; therefore, the images that the cave dwellers see are their *doxai*. Positionality plays a huge role on defining each person’s *doxa*. The second turning point comes when the future philosopher finds the exit of the

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<sup>30</sup> Moran, Dermot. *Introduction to Phenomenology* . New York : Routledge Taylor and Francis Group, 2000. P. 360.

<sup>31</sup> Arendt, Hannah. *The Promise of Politics*. P. 29.

cave and leaves. Outside of the cave he contemplates truth, here lies what Arendt calls “the climax in the life of the philosopher.”<sup>32</sup> The tragedy for the philosopher starts here each turning point is accompanied by a loss of sense and orientation. The philosophers’ eyes have to get adjusted to the light outside of the cave and thus when he returns to the cave with the other cave dwellers he can no longer see in the darkness, he lost his ‘common sense.’ In other words, to use Husserl’s terms, the philosopher can no longer relate to those who are ‘stuck’ in their natural attitudes--the philosopher does not make sense to the other cave dwellers. As Arendt notes: “The returning philosopher is in danger because he has lost the common sense needed to orient himself in a world common to all, and moreover, because what he harbors in his thoughts contradicts the common sense of the world.”<sup>33</sup> In this sense, Arendt rejects the life of the philosopher who dwells outside of the cave alienated from the common world, and instead she opts to stay in the common world, in the cave, with her fellow humans. However, it is important to note that each turning point involves curiosity, wonder, or *thaumazein* as Arendt would describe it, that leads the philosopher to thinking and philosophizing. The problem emerges when the philosopher stays on that stage, “philosophizing does not become a highest existential mode of man’s being but rather a preparation for the reality both of myself and the world.”<sup>34</sup> Arendt embraces plurality by going back to the cave with the ordinary humans represented by the cave dwellers, because only where there is plurality will political life be possible.

Philosophers, for Arendt, preferred their solitude above being with others, that is why Arendt never identified herself as a philosopher, she preferred to be called a political theorist.<sup>35</sup> Her commitment to plurality led her to look for a way to stay in the world together with others as

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<sup>32</sup> Ibid. 30

<sup>33</sup> Ibid.

<sup>34</sup> Moran, Dermot. *The Phenomenology Reader*. 359.

<sup>35</sup> Arendt, Hannah, interview by Günter Gaus. 1964. *Zur Person*

she starts describing in her doctoral dissertation, *Love and Saint Augustine*. Arendt struggled with philosophy, with worldly phenomenal experiences, and with the pressure of traumatizing events of the 20<sup>th</sup> century, such as fascism and the Holocaust, that led her to do a different kind of work that deals with humans and their everydayness.

“Hannah Arendt practiced a kind of phenomenology, though she seldom used the term and usually felt that the less said of the method, better, ‘I am sort of a phenomenologist,’ she once said to a student ‘but ach, not in Hegel’s way or Husserl’s.’”<sup>36</sup>

I argue that she did not practice just any kind of phenomenology but what she practiced was phenomenological ethics. Arendt’s work involved what humans are doing and what they are doing is always conditioned by the things of the world but also by other humans and institutional structures that inevitably bring out the ethicality from phenomenology. In. Simon’s words:

“Phenomenological ethics is an ethics of infinite responsibility that relies on cultivating and nourishing the multiplicity and plurality of perspectives, voices, and questioning and affirming subjects, acting towards accomplishing and being nourished from more fruitful forms of communication and flourishing fecundity.”<sup>37</sup>

Arendt’s commitment to plurality involves defending that same plurality of perspectives. Her method of phenomenological analysis is rooted in the lived world and specially in her own experience. However, the question remains: how does Arendt’s phenomenology of the political, the work of a mid-century German Jewish political theorist in exile, contribute to my work on border studies? Why is her perspective so compelling and relevant to the post NAFTA Ciudad Juarez/El Paso borderlands? So far, I have illustrated some ways in which Arendt’s philosophy

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<sup>36</sup> Young-Bruehl, Elisabeth. 1982. *Hannah Arendt: For Love of the World*. New York : Yale University Press. P. 405. (Arendt, The Jewish Writings 2007)

<sup>37</sup> Simon, Jules. *What is Phenomenological Ethics?* P. 11.

will help a phenomenological analysis of the border, but how her personal experiences contribute to the study is clearly shown in many of her other writings especially her essay, *We Refugees*, and her influential analyses on the experiences that gave rise to totalitarianism, *The Origins of Totalitarianism*.

The essay *We Refugees* was written in the midst of World War II in 1943. Her essay really captures what it means to be a refugee or how Arendt preferred to say, “newcomer” or “immigrant.”<sup>38</sup> The experience of the immigrant, as she depicts it, revolve around endless anxiety and despair. Arendt starts her essay by distinguishing what the word refugee means. While refugee used to be a person who had to leave his former country because he committed an unwanted act or held a radical political opinion, during Arendt’s time, and even now, that is no longer the case. Refugees are now those who arrived in a new country without means and have to be helped by a refugee committee. For Arendt, they were not refugees, even though people saw them as refugees, they were immigrants or newcomers who had to leave their former country because they wanted to rebuild their lives. Arendt writes:

“We lost our home, which means the familiarity of daily life. We lost our occupation, which means the confidence that we are of some use in this world. We lost our language, which mean the naturalness of reactions, the simplicity of gestures, the unaffected expression of feelings.”<sup>39</sup>

Although the terms labor, work, action and speech, do not yet appear by name, one can grasp the essential meaning of each of them in Arendt’s experience as an immigrant. Moreover, the anxiety experienced resembles that which she described in her essay *What is Existenz Philosophy?* where she says that “In anxiety, which is fundamentally an anxiety before death, the

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<sup>38</sup> Arendt, Hannah. . 2007. *The Jewish Writings*. New York : Schocken Books. P. 264.

<sup>39</sup> Ibid. P. 264.

not-being-at-home in the world becomes explicit.”<sup>40</sup> That experience of loss that Arendt described is accompanied by the experience of anxiety. She continues to describe experiences of suicide and despair in her essay among the group of immigrants with whom she dwelled in the Cave of Politics.

Arendt continues her essay by describing the deluded optimism of the immigrants. Moreover, the increasing relief that some immigrants were looking for in suicide. The sentiment among the immigrants of being undesirables instead of newcomers made them feel a despair that was only solved with suicide. For Arendt, discrimination was the special weapon by which the immigrants were killed without a drop of blood. The essay ends up with a striking statement, Arendt writes, “the comity of European people went to pieces when, and because, it allowed its weakest members to be excluded and persecuted.”<sup>41</sup> Arendt’s essay carries a message that echoes into the present day. The current global context, especially the U.S./Mexico border, exemplifies the indifference and hostility towards immigrants. An indifference that goes much deeper than just xenophobia, it is a social and political attitude that is a result of ignoring the human condition. Arendt never lost sight of the human condition, not even before she wrote *The Human Condition*, this is clearly shown in her book *Origins of Totalitarianism*. This book is the fruit of Arendt’s experiences under a totalitarian regime and her intent to understand how such an atrocity came to happen. The atrocity of how humans were cut off from all social ties and all that makes them humans, namely, their human condition.

### PART 3: TOTAL DOMINATION AT THE BORDER

*The Origins of Totalitarianism* is a deep analysis of the rise of totalitarianism in the first half of the 20th century. The book is divided in three parts: Antisemitism, Imperialism, and Totalitarianism. The issues of alienations, isolation, and homelessness are central for Arendt’s

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<sup>40</sup> Moran, Dermot. *The Phenomenology Reader*. P. 356.

<sup>41</sup> Arendt, Hannah. . 2007. *The Jewish Writings*. P. 274.

analysis. Arendt sees anti-Semitism as central for German totalitarianism, which is why she devoted the entire first section to a historical survey of European anti-Semitism. Chapter 3 explores the relation between the Jews and the State. The Jews were often accepted but more often were discriminated against. They were supposed to act as Jews at home but not in public. This social discrimination caused difficulties to the Jewish: “Some reproach me with being a Jew, some praise me because of it, some pardon me for it, but all think about it.”<sup>42</sup> The Jews became an easy scapegoat for all social and political problems of the time. This resembles the recent narrative of the dangerous migrant who are depicted as ‘drug dealers, criminals, and rapists’. For Arendt, the peak of Antisemitism is described in chapter 4, “The Dreyfus Affair.” Hannah Arendt sees the Dreyfus affair as a rehearsal for all antisemitism during World War II. In this sense, the affair is a preface to the 20th century anti-Semitism. Jews were seen as traitors to the nation, since they were not fully nationals, French in this case, and were seen as not loyal to the French state nor any other state. Following this line of thought, like the Jews in France in the late 19<sup>th</sup> century, immigrants in the early 21<sup>st</sup> century are seen as not loyal to the country they are trying to get into, in our case the United States, and are mostly seen as unwanted parasites who are here to steal jobs.

*Race-Thinking Before Racism* is the sixth chapter of the book in which Arendt reflects back on the origins of race-thinking which in contrast to racism is just an opinion. Racism is an ideology and the key distinction of an ideology is that it aims to explain history with just one premise, race. Arendt writes “For an ideology differs from a simple opinion in that it claims to possess either the key to history, or the solution for all the ‘riddles of the universe... [Racism] interprets history as a natural fight of races.”<sup>43</sup> Racism became a political weapon, ideologies can become political weapons. As I mentioned before, recent narratives by former President Donald

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<sup>42</sup> Arendt, Hannah. 1976. *The Origins of Totalitarianism*. New York: A Harvest Book. Harcourt Inc. P. 64.

<sup>43</sup> Ibid. P. 159.

Trump, fueled ideologies and conspiracy theories that had at the center ideas against immigrants. These ideologies have persuaded the masses to find the source of all their problems in immigration. These kinds of actions are designed to build a wall around people, a wall that acts as a frontier to keep people out. Walls can keep people out in many different ways, ideologically, physically, or by creating walls of laws meant to keep people stuck. This will be of importance for chapter 2 and 3 when discussing the walls of laws that keep immigrants from finding a new home.

Chapter 7, *Race and Bureaucracy*, Arendt explores how during the rise of imperialism, racism and bureaucracy find their ways into the colonies that were being established during that global movement. Arendt writes about bureaucracy “At the basis of bureaucracy as a dorm of government, and of its inherent replacement of law with temporary and changing decrees, lies this superstition of a possible and magic identification of man with the forces of history. The ideal of such a political body will always be the man behind the scenes who pulls the triggers of history.”<sup>44</sup> In this sense, bureaucracy likes secrecy to rule and looks for ways to justify its nation’s expansion. Bureaucracy then became a way to manage people and have control over certain events and even people’s lives. For my thesis, I argue that Bureaucracy is a way to manage people that has led to a militarized border. For example, the intense militarization in Del Rio, Texas on October, 2021 resulted in a show of force against a group of immigrants on the other side of the border.<sup>45</sup>

In chapter 8, *Continental Imperialism: The Pan Movements*, Arendt introduces a third important concept for the creation of totalitarianism. The first two were discussed on the last chapter, racism and bureaucracy, and the third the Pan Movements. There are two important

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<sup>44</sup> Ibis. P. 216.

<sup>45</sup> Winkie, Davis. 2022. *Texas Tribune*. February 1. <https://www.texastribune.org/2022/02/01/texas-national-guard-border-operation-lone-star-abbott/>.

movements: Pan-Slavism and Pan-Germanism. Arendt writes “Only the tribalism of the pan-movements offered a new religious theory and a new concept of holiness.”<sup>46</sup> In this sense the movements embody ideologies, the movement becomes the ideology. The pan-movement builds a wall around its members that make them feel surrounded by a world of enemies which most of the times have faces, in our case on the border those are the immigrants. Rallying behind the motto of “Make America great again” this pan-movement united behind a national mission, each member felt chosen to bring the motto to reality. It was clear that former president Trump harnessed the energies of the mob to seize control to the point where the mob stormed the very center of democracy to bring its leader back last year when the U.S. Capitol was attacked.<sup>47</sup>

Later on, Arendt talks in depth about the decline of the nation-state and the end of the rights of humans. The end of World War I and the beginning of various small civil wars in Europe created the first stateless people. The term stateless meant that these persons lost all protection from their government. Countries were asking: what do we do with these people? They could not go back to their home state nor would any other state be willing to accept them as legal residents, hence, the creation of international laws called “minority treaties.” These treaties aimed to force assimilation of the state-less people; however, they were just a temporary solution to a lasting problem. Arendt writes “the clearer the proof of their inability to treat stateless people as legal persons and the greater the extension of arbitrary rule by police decree, the more difficult it is for states to resist the temptation to deprive all citizens of legal status and rule them with an omnipotent police.”<sup>48</sup> Arendt sees the origin of the problem in the rights of humans, these inalienable rights were supposed to be independent from all governments but there was not any government to protect

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<sup>46</sup> Arendt, Hannah. 1976. *The Origins of Totalitarianism*. P. 233.

<sup>47</sup> BBC News. 2021. *Capital Riots Timeline*. January 6. <https://www.bbc.com/news/world-us-canada-56004916>.

<sup>48</sup> Arendt, Hannah. 1976. *The Origins of Totalitarianism*. P. 290.

them nor any institution to guarantee their rights as humans, as such. “The stateless people were as convinced as the minorities that the loss of national rights was identical with loss of human rights, that the former inevitably entail the latter.”<sup>49</sup> The first loss that the people suffered was their loss of their home followed by the impossibility of finding a new home. They, then, did not belong to any community. The outstanding relevance of Arendt’s philosophical reflection cannot be denied. Human rights is what you should have just for being human. When there is ideological racism dictated by a mob phenomenon, whose members believe they are the chosen people, the nation becomes the nation of that xenophobic mob of people. In this sense, the nation is closed to other people and the human rights are not protected, there only exist rights for a certain group of people. Often, in cases of distorted sovereignty, where not even ‘just being human’ is a good enough argument to have one’s own rights be respected.

The third section on totalitarianism goes deep into what constitutes a totalitarian regime. She uses all the concepts she developed in sections one and two to build her argument on totalitarianism. She sees that humans have become just a part in a big system and that the essence of a totalitarian regime is terror. A key aspect of such a regime is that it kills any hope of human spontaneity, that is of action. Chapter 10, *A Classless Society* reflects upon the first steps of a totalitarian regime. Totalitarian regimes first look to have quantity with the masses and these masses have to be homogenous. Arendt writes “Totalitarian movements are possible wherever there are masses who for one reason or another have acquired the appetite for political organization.”<sup>50</sup> Furthermore, there must be a leader, a charismatic leader who manages the excitement of the masses to his own advantage. These masses contained atomized individual people, that were reduced and separated from their fellow men, they became atomized. There was

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<sup>49</sup> Ibid. P. 292.

<sup>50</sup> Ibid. P. 311.

a mass atomization in both Soviet and Nazi regimes. Arendt writes “Their idea of domination was something that no state and no mere apparatus of violence can ever achieve, but only a movement that is constantly kept in motion: namely, the permanent domination of each single individual in each and every sphere of life.”<sup>51</sup> The main characteristic of these masses is that they are completely neutral. In other words, they are empty buckets that a demagogue or charismatic leader can pour anything on it. In this way, totalitarianism works from within, fueling a fear of constant threats to the dominant ‘party’ or ‘nation’. Under such regimes, people ratted on their neighbors then, just as people today inform ICE agents about the illegal aliens who are perceived as “enemy aliens,”<sup>52</sup> as Arendt describes in her essay *We Refugees*.

Arendt, then, aims to explain the role propaganda plays in such regimes. “The masses have to be won by propaganda,”<sup>53</sup> is the key idea to propaganda in totalitarian regimes to indoctrinate. The way the totalitarian regime is organized helps to translate the lies of the propaganda into reality. The clearest example is the Nazi regime which took various conspiracies against the Jews and materialized them with the help of propaganda and their organization. Repetition of these lies with the help of propaganda made the masses believe them and turn those lies into undisputable truths. Repetition of the same narrative of immigrants as enemies sparked a manipulation of history which in turn led to a series of conspiracy theories such as George Soros funding immigrant caravans to destabilize the U.S. Government.<sup>54</sup> The way that modern social media generally works is to feed people a self-reinforcing sources of information, as they continue to search conspiracy

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<sup>51</sup> Ibid. P. 326.

<sup>52</sup> Arendt, Hannah. . 2007. *The Jewish Writings*. P. 266.

<sup>53</sup> Arendt, Hannah. 1976. *The Origins of Totalitarianism*. P. 341.

<sup>54</sup> Heath, Brad, Matt Wynn, and Jessica Guynn . 2019. *USA Today News*. December 17. <https://www.usatoday.com/in-depth/news/nation/2018/10/31/george-soros-and-migrant-caravan-how-lie-multiplied-online/1824633002/>.

theories they will continue to get conspiracy theory news at the same time that they get connected with groups that fuel such news. At this point people stop believing in anything visible, they do not trust in their ears and eyes but only their imagination. Being human consists in bearing the weight of reality and learning to comprehend that is made up of things we cannot predict or even comprehend. The demagogue, as Arendt describes, says ‘I know it all’ and the hungry masses believe it.

Totalitarian regimes have to be in a “permanent revolution” to keep the illusion of the eternal enemy going, an illusion which keeps the regime going in power. Arendt writes that the “[totalitarian ruler] must establish the fictitious world of the movement as a tangible working reality of everyday life, and he must on the other hand, prevent this new world from developing a new stability; for stabilization of its laws and institutions would surely liquidate the movement itself and with it the hope for eventual world conquest.”<sup>55</sup> In a totalitarian regime thinking itself has become dangerous. In this chapter she touches on the key example of total domination, namely, the concentration camps. Arendt writes “[Concentration camps] are meant not only to exterminate people and degrade human beings, but also serve the ghastly experiment of eliminating, under scientifically controlled conditions, spontaneity itself as an expression of human behavior and transforming the human personality into a mere thing.”<sup>56</sup> While the internment camps where immigrants are kept at the border are not as atrocious as concentration camps they surely keep immigrants from spontaneity. Thus, as I will discuss in the next chapter, immigrants on the U.S.-Mexico border are caught in forms of totalitarian control that significantly limit their spontaneous expressions of choice and freedom.

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<sup>55</sup> Arendt, Hannah. 1976. *The Origins of Totalitarianism*. P. 391.

<sup>56</sup> Arendt, Hannah. 1976. *The Origins of Totalitarianism*. P. 438.

The final chapter of her book is entitled “Ideology and Terror.” In this last chapter, Arendt reflects upon terror and ideology as tools in a totalitarian regime. Terror is the realization of the law of the movement; however, terror itself is not enough to hinder human action, ideology is needed. Ideologies consist of three elements: 1) they claim a total explanation, 2) ideological thinking becomes independent of all experience, and 3) they achieve the emancipation of thought from experience. She goes on to talk about the distinction of loneliness and solitude. Loneliness is not solitude; solitude is when I am by myself together with my self. On the other hand, loneliness is when I am all by myself and I am deserted by my own self and any other men. This is accomplished in concentration camps or internment camps. What prepares men for a totalitarian domination in the non-totalitarian world is the fact that loneliness has become an everyday experience of the ever-growing masses of our century.

Finally, what I am trying to argue with this brief description of *Origins of Totalitarianism* and its parallels today is that there is an intent of total domination at the bottom of how immigrants are being treated at the border. I will keep referring to the parallels in chapter 2 and 3 as I start the phenomenological analysis of the border and current events of immigration. A Mexican historian named Ramon Iglesia said “so much contributed to the historians the documents or the readings of works of other times, like the experiences”.<sup>57</sup> In other words, to fully understand a certain history or event one must have experienced that history themselves. Luis Gonzalez y Gonzalez continues remembering his professor Ramon Iglesias by saying “If you ask to do religious history and you have not had religious practice, forget it, you will never understand....”<sup>58</sup> Therefore, it is fundamental, to have experienced that which you want to talk about. Arendt had experienced being

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<sup>57</sup> Echevarria, Nicolas. 1999. *YouTube - Luis Gonzalez y Gonzalez, Un Viaje Redondo* .  
<https://www.youtube.com/watch?v=R9sHhbhqZzI&t=1288s>. 44:17 min. Posted June 5, 2014.

<sup>58</sup> Ibid.

a refugee and an immigrant, and said experience helped her to better understand the human condition. Likewise, my experience as a dweller of the border will help me do a better analysis of the border and the current situation. Like Arendt, and like many others, I am in the ‘Cave of Immigrants, Exiles and Refugees’ on the border of El Paso/Juarez.

## **Chapter 2: A Phenomenology of Immigration and the Border**

“We didn’t cross the border the border crossed us”<sup>59</sup> is a common argument by many immigrants and border activist that refers to the complex history of the U.S.-Mexico border. As all borders around the world, the U.S.-Mexico border experienced many changes marked by violence and diplomacy. The 3,145 kilometers long border between Mexico and the United States was not easy to establish and even more difficult to map. The increasing number of people settling at the border complicated the matter even more. People went to bed in one country and woke up in another which reveals even further the personal complexities of what it means to live on the border. However, it is not enough merely to describe the socio-political descriptions because, as I will argue, that is just the beginning. What is further needed is to examine the everyday experiences and perceptions of the border people because only then can the border be revealed for what it really is. This chapter is divided in three parts: 1) phenomenology of the border, 2) history and politics of the U.S.-Mexico border, 3) immigrants, newcomers, and the border as a space of appearances.

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<sup>59</sup> Common quote, did not find who said it.

## PART 1: PHENOMENOLOGY OF THE BORDER

First, what is it to do a phenomenology of the border? This question may be answered in parts as I progress through the chapter. However, it is important to mention that a phenomenology of the border requires an understanding of what a border is and compare that to how humans understand borders, as such, which then leads to the need to understand the history and politics of the border. That latter understanding, depends on the further need to compare how humans actually ‘live’ the border [their lived world experiences]. More often than not, during the history of the U.S.-Mexico border the politics of the border has been separated from the actual experience of the border people [those who actually ‘live’ with and from border phenomena]. This study aims to be a phenomenological description of fundamental experiences of the border through the phenomenological ethical lens of Hannah Arendt. Her ideas about the human condition open up a new understanding of border dynamics along with the worldly phenomena of experiences of having a body at the border.

In order to do a phenomenology of the border we must define various concepts such as border and boundaries. Border is defined as "boundary of a city or country" and as a "border region, district lying along the boundary of a country" by the Online Etymology Dictionary.<sup>60</sup> The border demarcates the limit of a place and one can talk of being “on one side or the other” and thus has a two-sided characteristic. From early human clans, borders have been used to indicate lands they claimed ownership. However, to indicate the boundary of their territory humans used topographical features such as rivers, lakes, and mountains. Furthermore, whenever topographical features were not available human-made fences and walls served to demarcate the boundary of

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<sup>60</sup> Harper, Douglas. n.d. '*Etymology of Border*' *Online Etymology Dictionary*. Accessed March 6, 202. <https://www.etymonline.com/word/border>. (Arendt, On Revolution 2006)

said territory. From there on, borders and boundaries were used as protective, visible ways of indicating control and sovereignty.

Borders, as mentioned before, are the materialization of sovereignty, and nations exercise laws, power, and control everywhere within their borders. Furthermore “This authority works on two levels, namely, first, as an exercise of power over foreign nationals and stateless persons asking permission to enter, and, second, as a means of control over the movement of the state's own subjects.”<sup>61</sup> The power and sovereignty that borders grant to the state inevitably contributes to a different perspective of the border as a limit and a danger to plurality as Arendt described in her book titled “*On Revolution*. ” Arendt writes “that in the realm of human affairs sovereignty and tyranny are the same.”<sup>62</sup> Sovereignty starts the process of inclusion and exclusion through the materialization of borders. The state, in defending national sovereignty determines who is welcome and who is not welcome to enter its territory. Those who are not welcome are a major threat to the national sovereignty in the eyes of the state. Therefore, in dealing with the unwelcomed immigrants the state tends to create regimes of exception where “the will of the nation becomes superior to the rule of law,”<sup>63</sup> this will make more sense when we start discussing immigration laws.

As we have noted before, each thing varies according to the perspective and the position of the person experiencing such a thing. The concepts of border and boundary are spatial concepts that divide and create the two sides. From there we already have two perspectives for such

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<sup>61</sup> Hönig, Patrick. 2014. "States, Borders and the State of Exception: Framing the Unauthorized Migrant in Europe." *Etnofoor* 26 (1): 125-145. P. 126.

<sup>62</sup> Arendt, Hannah. 2006. *On Revolution*. New York : Penguin Books. P. 144.

<sup>63</sup> Lijia, Peter. 2018. "Defending a Common World : Hannah Arendt on the State, the Nation and Political Education." *Studies in Philosophy and Education* 537–552. P. 542. (Casey 2017)

concepts. This clearly indicates that boundaries are a matter of perspective as the history of the border will show us further in this chapter. The two perspectives that I will introduce of the boundaries are the boundary as limit and the boundary as connection. The former is the most common of the two, the border is experienced as a limit to not only the country but of the movement of my body. The latter, boundary as a connection is experiencing the border as a point of contact with the neighboring state. These two perspectives will make sense later on when discussing those who experience the border as limit and those who experience the border as connection and the single thing that differentiates them, namely, the passport card or visa.

Borders continued to be created for different purposes throughout history but in 1961 a wall to prevent human migration was created, the Berlin Wall. The Berlin Wall is arguably the most famous divisive structure which divided a city in two. Berliners saw their everyday life changed with the wall; the wall became an important part of their understanding of their human condition. Berliners not only were cut off from family, but also from their usual way of laboring, working and their capacity of action. As in Germany, borders are now being used to control human migration. The predicaments of immigrants, refugees, stateless persons and exiles have become more diversified and complex. Therefore, we need to hear the opinions of others because “no one can adequately grasp the objective world in its full reality all on his own, because the world always shows and reveals itself to him from only one perspective, which corresponds to his standpoint in the world and is determined by it.”<sup>64</sup> Today border policies also include the control of illegal drugs and other illegal contraband. Immigration Law in the United States has changed with the times trying to stop migrant flows and adapt to international politics. However, since the late 1960’s the increasing number of refugees and immigration sparked a series of laws that turned into a legal

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<sup>64</sup> Arendt, Hannah. *The Promise of Politics*. P. 128.

maze. Laws that have affected newcomers' perspectives and undoubtedly changed "who they are" as in refugees, asylum seekers, and immigrants. Border policies and newcomers will be discussed further in this chapter.

Borders, clearly demarcate the limits of one place from another. They establish two sides or better said two positions, namely, being inside or outside. As mentioned before, there are two perspectives, borders as limits or as connections. In this context, whether we see borders as limits or as connections, borders constitute "not only what we perceive, but also what we think of the places and events in which we are situated."<sup>65</sup> If we understand borders as an edge, just like phenomenologist Edward S. Casey does in his book *The World in Edge*, we experience borders every day. The edge of our beds when we are sleep, the edge of the table where we are having breakfast, the edges of our bedroom, etc... Edges and borders are a presence that often escape our attention. Borders or edges have turned into a given in our everyday life. When I am referring to common edges such as the border of the bed, the table, or bedroom, it is easy for me to identify them. However, when talking about the complexity of a border that demarcates the territorial limits of a country, complexities start to rise. A border, as drawn in a map, is identified with geometrical lines that follow longitude and latitude, or a range of mountains, or a river. Borders represented in a map are complex to imagine and even more to experience. Hence, there emerges the practical necessity of representing borders with topographical features and most importantly with fences or walls. Borders can be represented with many lines in a map; nevertheless, the experience of borders becomes a reality when said border have materialized as fences or walls. Casey writes:

"Borders and boundaries, along with frontiers and borderlands and territories, all belong to the real, whether the real in its ideality (borders as cartographic projections, perimeters as forming perfect

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<sup>65</sup> Casey, Edward. 2017. *The World on Edge*. Bloomington : Indiana University Press. P. xiii.

circles and squares), the historically constituted (borders as established by treaties), the materially real (things and places), or composites of nature and culture (as in the case of frontiers, territories, and borderlands).”<sup>66</sup>

Each aspect of the reality of the border are experienced differently by the border people. Borders, in this case the U.S.-Mexico border, has become an integral part, with all its realities, of the lived body of the border people. The U.S.-Mexico border, materialized in a 20 feet high steel fence, and is so embedded in the border people’s everyday life that it escapes their attention. Nevertheless, even though it seems contradictory, at the same time the border people cannot overlook the presence of the wall. The presence of the border through the wall has irrupted the border people’s human condition, the way they labor, work, and act. As clearly stated by Casey, “[Edges are] something *with-us*...congeneric with our lived body and our living thought.”<sup>67</sup>

Edward Casey, before writing his phenomenology of edges, co-authored a book with Maty Watkins, in which he did a phenomenology of borders titled *Up Against the Wall: Re-imagining the U.S.-Mexico Border*. Casey and Watkins, analyze the impact that the border wall has in cities and people. In their book, Casey proposes different concepts to analyze the border, namely boundary, borderland, border, walls and fences, and borderline. Most importantly, he distinguishes border from boundary , border is something that cannot be crossed while boundary is porous in nature; for example, the U.S.-Mexico border vs. New Mexico-Texas boundary. Casey, adds concepts such as borderland and borderline, the former is the space around the border; for example, El Paso and Juarez is the borderland. The latter, borderline, is that which marks the border or boundary in a map.

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<sup>66</sup> Ibid. P. 19.

<sup>67</sup> Ibid. P. 21.

Both Casey and Watkins visited and studied the border for over 10 years. They visited Nogales border, the Tijuana border, and some parts of the Lower Rio Grande border. It is important to note that they skipped an important border, if not the most important border not only economically and politically but also historically, the El Paso-Ciudad Juarez Border. During the years that Casey and Watkins were doing their research Juarez went through a surge of violence due to the fight between the Narco Drug Cartels, which in turn caused a political instability in Cd. Juarez that many criminals seized to rob, kill, and kidnap. The violence that Juarez experienced from 2007-2012, is a violence that I lived with my own body when I was robbed in a restaurant, when my neighbor got killed, when my family and I witnessed many shootings in broad daylight. The violence caused my family and me to migrate to El Paso in search for a place to live our human condition without fear. This and other push and pull factors will be discussed further in this research.

Casey's phenomenological approach and Watkin's psychological approach to the border contributes plenty to a study of the borderlands. I will be taking into account those contributions for my own research; however, I do believe that their final arguments for re-imagining the border are a good attempt to understand the border but it does not quite grasp the multiplicity of perspectives for a well-grounded phenomenology of the border. Both Casey and Watkins set up this gamut of concepts and arguments to argue that every border is destined to become a boundary and, Casey argues, that when this happens:

“It will become an open band of spontaneous actions and interactions, a zone where leeway is allowed and new initiatives are encouraged. At that time, the two cities will come to form a new,

revitalized region where people can flourish in diverse ways not now permitted or even envisioned.”<sup>68</sup>

Casey’s way of re-imagining the border is simple and, in a sense, credulous. A place where the U.S.-Border becomes a porous boundary as he reimagines would cause more damage than what the wall is already doing. What Casey misses is the political and deep-rooted causes of the wall because only by “doing more historical [and political] ‘trench-work’ by becoming more familiar with the native injustices associated with the imposition of the Wall as a barrier to the natural free flow of peoples and animals and good will,”<sup>69</sup> we will be able to understand. Furthermore, the intricacies and complexities of immigrants crossing are not solved just by turning a border into a boundary. What happens when people looking for an opportunity to labor and work do not find that ‘on the other side’ due to the political maze of crossing, asking for asylum, working permits, looking for a place to live, lack of money and food? In Arendt’s words they are “slaves to necessity” which keeps them from exercising their speech and action capacities. Therefore, the flourishing region that Casey re-imagines is not as simple as porous borders. I will need other pieces for this work such as the political and historical context of the Wall, but most importantly my own lived-experience of the border.

## PART 2: HISTORY AND POLITICS OF THE U.S.-MEXICO BORDER

The U.S.-Mexico border has changed many times in history, most of the times diplomatically and oftentimes through force. Nevertheless, while topographical changes were made through border ‘wars’ or border diplomacy, a case can easily be made that shows how millions of people experience the borderland as if there was no border. In fact, prior to the existing

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<sup>68</sup> Ibis. P. 55.

<sup>69</sup> Simon, Jules. n.d. *El Muro de la Frontera*. Unpublished Manuscript. P. 5. (Stoddard 2001)

U.S./Mexico borderline, people used to come and go as they please, but as the borderline started to be enforced by both nations, a multi-layered process for crossing the border began. The history of the border begins with the Adam-Onis boundary line of 1819 established by the American and the Spanish governments prior to Mexican Independence. The treaty placed the boundary above present day California, Nevada, UTAH, half of Colorado and Texas. The unsettled land remained mostly unsettled until the next boundary change happened during the Mexican-American War of 1846-1848. Some borderland scholars and historians refer to this event as the “big man” approach in the sense that the U.S. seized the political turmoil of post-independence Mexico to acquire more land, inspired by the U.S. Americans’ belief in the ideology of Manifest Destiny.<sup>70</sup>

The Mexican-American war ended with the U.S. entering Mexico City and the signing of the Treaty of Guadalupe-Hidalgo. The treaty established the new border at the Rio Grande River by ceding 55% of their land to the U.S. However, the problems for the next few decades started there with a wrong map of the border established by the treaty. The treaty placed El Paso in the wrong location. Both nations established the Joint Boundary Commission to determine the real place of the boundary. Difficulties between the two nations almost led to a second war; however, people on the ground, members of the commission, were cooperating and working as good neighbors. Finally, the new boundary was fixed and moved up north making the U.S. the beneficiary of more land. Despite, the land they acquired, the U.S. was not satisfied because they wanted more land for a Railroad system for the southwest. They made the offer to purchase more land in the El Paso region which Mexico accepted due to its political and economic problems.<sup>71</sup>

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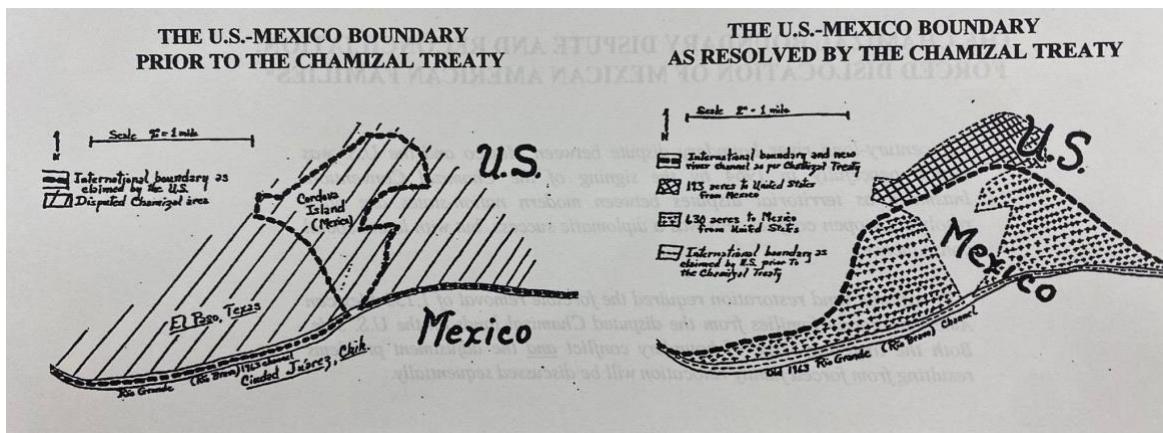
<sup>70</sup> Stoddard, Ellwyn R. 2001. *U.S.-Mexico Borderlands Issues: The Bi-National Boundary, Immigration and Economic Policies*. El Paso: The Promontory. P. 5.

<sup>71</sup> Utley, Robert M. 1996. *Changing Course: The International Boundary, United States and Mexico, 1848-1963*. Tucson: Southwest Parks and Monuments Association. PP. 54-57.

The border established with the Gadsden Land purchase<sup>72</sup> is almost the same border that we have today besides the Chamizal. The strong and wild current of the Rio Grande River changed constantly and while the border established by the treaties determined the border on the river no treaty determined anything for a moving border due to changes in currents. The treaty of 1884 provided:

“That the international boundary would forever remain in the middle of the deepest channel of the two boundary rivers. When the river moved, so would the boundary – so long as the move was affected by natural causes through the slow and gradual erosions and deposit of alluvium and not the abandonment of an existing river bed and the opening of a new one. If the current cut a new bed or a new deepest channel, however, it would produce no change in the dividing line.”<sup>73</sup>

Subsequent border problems relied on the difficulty of determining whether the change of current was slow and gradual or due to the abandonment of the existing river bed. The complex situation of the changing nature of the border due to the river was settled in 1963 with the Chamizal Treaty. The current moved in such a way that a section of Ciudad Juarez was surrounded by El Paso. The treaty established that the Rio Grande would be relocated with cement banks to prevent changing currents in the future.



<sup>72</sup> Ibid. PP. 44-51.

<sup>73</sup> Ibid. PP. 81.

### Illustration 2.1: Chamizal Island.<sup>74</sup>

Furthermore, current residents of the disputed territory would retain their current nationalities and it was up to them if they wanted to move back to their country of origin, in this case the U.S. As noted by this brief history of the U.S.-Mexico border, the border caught up with residents living inside the disputed territories since the Mexican-American war. Now, the cry of border activists “We didn’t cross the border the border crossed us” makes more sense. This was the case for people living in the Chamizal area and U.S. American’s perspective of the Chamizal treaty is described by a popular local song:

“Woke up this mornin’ looked out my do’  
Found I was living in old Mexico!  
I got those Chamizal Blues, blue as I can be,  
Cause somebody came and took my house  
away from me!”<sup>75</sup>

The border, after the Chamizal treaty, was finally established as the border we know today in a map. However, the border we see and feel, with walls and wires did not materialize until the decade of the 1990’s. However, it is important to note the early intention to materialize a militarized border by the U.S. was due to border violence between Indian, filibusters (land-grabbers), Texas rangers, and Mexicans which led to a demand in the U.S. for an increasing militarized border in the late 1800’s and early 1900’s. In fact, in 1924 that demand materialized and a militarized border began to form, when the Labor Appropriation Act established the U.S. Border Patrol as a federal law enforcement agency to combat illegal immigration and smuggling along the borders between

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<sup>74</sup> Stoddard, Ellwyn R. 2001. *U.S.-Mexico Borderlands Issues*. P. 30.

<sup>75</sup> Utley, Robert M. 1996. *Changing Course*. P. 122.

inspection stations.<sup>76</sup> In 1937, the U.S. Congress authorized the construction of eight border patrol observation towers along the El Paso area. The towers were in use until 1950 during the visit of the U.S. Ambassador to Mexico who compared the observation towers to concentration camps.<sup>77</sup> A couple of years later when the barbed fence that surrounded the Cordova bridge after the Chamizal treaty , the Cd. Juarez Mayor at that time, Rene Mascareñas, stated after cutting the barbed fence:

“I don’t like the idea of fences. We brag that we are two neighborly countries, two friendly nations, and that this is the longest border in the world where one does not see a single soldier, a single rifle, a single bayonet, or a single affronting or discriminatory sign. We don’t live between East and West Germany. That communist wall is a slap in the face to any nation that boasts of being democratic. We want greater fluidity and communication between us; we don’t want barriers. We don’t want barbed wire fences!”<sup>78</sup>

It just took a couple of decades to finally start the wall during the turn of the century in the 1990’s. Operation Blockade and its successor operation Hold the Line were the programs which started to form the wall that we know and see today.

In 1993, Operation Blockade created a line of parked Border Patrol Vans every quarter-mile for 20 miles along with helicopters. The crime rates in El Paso decreased; however, the number of daily and seasonal workers from Mexico also decreased along with a drop in school attendance. For the U.S., the blockade was a statistical success which led to the implementation of Operation Hold the Line and which made the blockade permanent. Furthermore, the Border Patrol chief for El Paso at that time, NAME, requested a ten-foot solid steel wall as in Nogales, Arizona.<sup>79</sup>

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<sup>76</sup> Stoddard, Ellwyn R. 2001. *U.S.-Mexico Borderlands Issues*. P. 41.

<sup>77</sup> Ibid. P. 42.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

The wall was intended to prevent cross-border violence and crime. In 1994, Mexican officials met with Border Patrol representatives to devise a solution to the criminal activity at the border but after the talk there was no immediate solution to the problem. Mexican officials thought that the matter was being discussed with U.S. federal officials and after a year a commissioner of the Immigration and Naturalization Services announced the construction of a solid steel wall across the entire El Paso-Cd. Juarez border. Mexican officials quickly denounced the wall by labeling the decision as a “unilateral decision.”<sup>80</sup> Moreover, the unilateral decision did not take into account any of the opinion, ideas, or better said, perspectives of the border people.

First of all, the binational reaction to the border wall, for Mexico, the presence of any American border wall stigmatizes Mexicans, since they are the immediate neighboring country, as unwanted by positioning them ‘outside.’ The wall excludes not only Mexico but all Latin-America. This may be seen as an embarrassment to any sovereign nation who claims being a neighbor, instead of a boundary as a connection there is a boundary as limit, there is change of perspective now that the border materialized as a wall. On the ‘inside’ part of the wall a certain sense of being chosen started to grow. Immigrants, by choosing America’s promise of pluralistic democratic society, have created in Americans a feeling of being people worthy of being chosen. As mentioned in chapter 1, When there is ideological racism dictated by a mob phenomenon, whose members believe they are the chosen people, the nation becomes the nation of that xenophobic mob of people.

The border people’s perspective on the beginning of the border wall, was well documented by borderland scholar from El Paso, Ellwyn R. Stoddard in his three-volume work *U.S. Mexico-Mexico Borderlands Trilogy*. More than 100 people from El Paso ranging from community

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<sup>80</sup> Ibid. P. 44.

influential, merchants, and households, all close to the border, were interviewed on their perspective of the fence. The interviews revealed that 70% opposed the border wall and viewed the wall as unnecessary and ineffective. On the other side, around the same number of people was interviewed in Cd. Juarez and overall, 86% of the people interviewed opposed erecting the wall.<sup>81</sup> The surveys denote how border communities are inextricably bound together and that cooperation between the two sister cities is fundamental to solve border problems. El Paso is more ‘Juarence’ than American and Juarez is more El Pasoan than Mexican, I will continue to explain this idea further in chapter 3.

The unilateral decision of fencing up the U.S.-Mexico Border was described as a nation exercising sovereignty, but as Arendt argues a distorted sovereignty, she writes: “National [...] accordingly, lost its original connotation of freedom of the people and was being surrounded by a pseudo-mystical aura of lawless arbitrariness.”<sup>82</sup> Arendt’s words echoes in today’s world that, as in 19<sup>th</sup> century Europe, lacks the ability to handle the ‘minority problem’ (Back then refugees after the war, today a multiplicity of immigrants) caused by the redrawing of national borders (the U.S.-Mexico War) due to a distorted notion of sovereignty. Theoretically, it can be argued that sovereignty is nowhere more absolute than in matters of immigration, naturalization, exclusion and inclusion. These matters materialize as immigration laws and policies. For Arendt, the cases in which that national sovereignty transcends laws is troubling; however, sovereignty is, as we will see with immigration laws, the arbitrary source of law itself.

The United States has a long history of immigration laws that were created to control admission into the country or exclusion from nationality or citizenship. As we will see, the demarcation of who is and who is not admitted into the country is ideologically, racially, and

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<sup>81</sup> Ibid. 52.

<sup>82</sup> Arendt, Hannah. *The Origins of Totalitarianism*. P. 231.

politically determined. While the U.S.’s immigration laws are many and cover a time close to 300 years, I will be discussing the most important laws for this research. The first immigration law of the United States looked to naturalize all people living in the recent independent country. The 1790 Naturalization Act established that all “free white person[s]”<sup>83</sup> were eligible to naturalize. The first law was radically based on race which stayed the same until 1870, shortly after the Civil War. The Amendment of the Naturalization Act of 1870 extended the eligibility to individuals of African descent.<sup>84</sup> The late 19<sup>th</sup> century and early 20<sup>th</sup> century witness more immigration laws based on race such as the Immigration Act of 1875 and the Chinese Exclusion Act of 1882. The former prohibited forced Asian labor and the latter banned all Chinese laborers and authorized deportation of all unauthorized Chinese immigrants.<sup>85</sup> These laws were followed by the Quota Acts of 1921 and 1924. The Quota Act of 1921 was the first U.S. law to create numerical quotas for immigration based on nationality. Quotas were equal to 3% of the foreign-born population of that nationality in the 1910 census. However, immigration from Asian countries continued to be prohibited. The important thing to note is that nationality quotas did not apply to countries from western Europe and Latin-American.<sup>86</sup> Then, the Quota Act of 1924 further restricted the quotas but the law favored migration from northern and western European countries with longer histories of migration to the U.S. while limiting migration from eastern and southern European countries with newer immigration patterns. A key law that sparked the militarization of the border was the Labor

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<sup>83</sup> Immigration and Ethnic History Society. 2019. *Immigration History*. <https://immigrationhistory.org>.

<sup>84</sup> Ibid.

<sup>85</sup> Baxter, Andrew M., and Alex Nowrasteh. 2021. *CATO Institute: A Brief History of U.S. Immigration Policy from the Colonial Period to the Present Day*. August 3. <https://www.cato.org/policy-analysis/brief-history-us-immigration-policy-colonial-period-present-day#>.

<sup>86</sup> Immigration and Ethnic History Society. 2019.

Appropriation Act of 1924 which established the U.S. Border Patrol as a federal law enforcement agency to combat illegal immigration and smuggling along the border.<sup>87</sup>

World War II produced a labor-shortage when most men of working age enlisted in the U.S. Army. The Bracero program initiated in 1942 and it was an agreement between the U.S. and Mexico to allow Mexicans to serve as temporary agricultural workers. Theoretically, the program required employers to pay a wage equal to that paid to U.S.-born farmworkers and provide transportation and living expenses. However, the reality was that braceros suffer discrimination and were charged for living expenses, deducted pay that resulted in very low wages. The program ran for 22 years and it was terminated in 1964.<sup>88</sup> The program successfully stabilized immigration flows but exacerbated labor problems. However, the government approved “Operation Wetback” to remove those who have crossed illegally. There was now a legal pathway to cross to the U.S. as a worker with the bracero program and a ‘operation’ that provided consequences to those who did it illegally. Immigrants now had more motives to come to the U.S. legally, the government referred to this process as ‘drying out.’<sup>89</sup> After a while, labor unions and activist demanded an end to the bracero program. They argue that the bracero program was harming labor in the U.S. by lowering wages and allowing abuses and discrimination at work. After Congress canceled the program in 1964 illegal immigration raised because the U.S. failed to replace it with another effective lower-skilled guest worker visa program.

Refugee Relief Act of 1953 Authorized special non-quota visas for more than 200,000 refugees and allowed these immigrants to become permanent residents. Followed by Migration and Refugee Assistance Act of 1962 which formalized the Cuban Refugee Program and assisted

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<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Baxter, Andrew M., and Alex Nowrasteh. 2021. *CATO Institute: A Brief History of U.S. Immigration Policy from the Colonial Period to the Present Day*.

individuals fleeing persecution or fear of persecution on account of race, religion or political opinion.” The word refugee was updated for that of the U.N. in the Refugee act of 1980 meaning a person with a “well-founded fear of persecution.” The Universal Declaration of Human Rights of 1948 established the right to seek and receive asylum in other countries. Following refugee conventions of the U.N. in 1951 and 1967 established that each country has the right to develop their own standard and process in which refugee and asylum cases are evaluated.<sup>90</sup> This will be retaken further when discussing policies such as ‘Remain in Mexico.’

The following image can be interpreted along with the timeline of immigration laws in such a way that we can visualize the results of each policy in number. It is clear how the immigration jumped right after the bracero program was cancelled. The program needed adjustments to prevent discrimination and exploitation of the workers but it did help with illegal immigration flows. It is important to note that the number of Mexican immigrants during the bracero program was high; however, they were in the U.S. legally according to the legal concepts of the federal government. Ending the Bracero Program did not end worker immigration to the U.S., it merely made such immigration illegal.

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<sup>90</sup> Ibid.

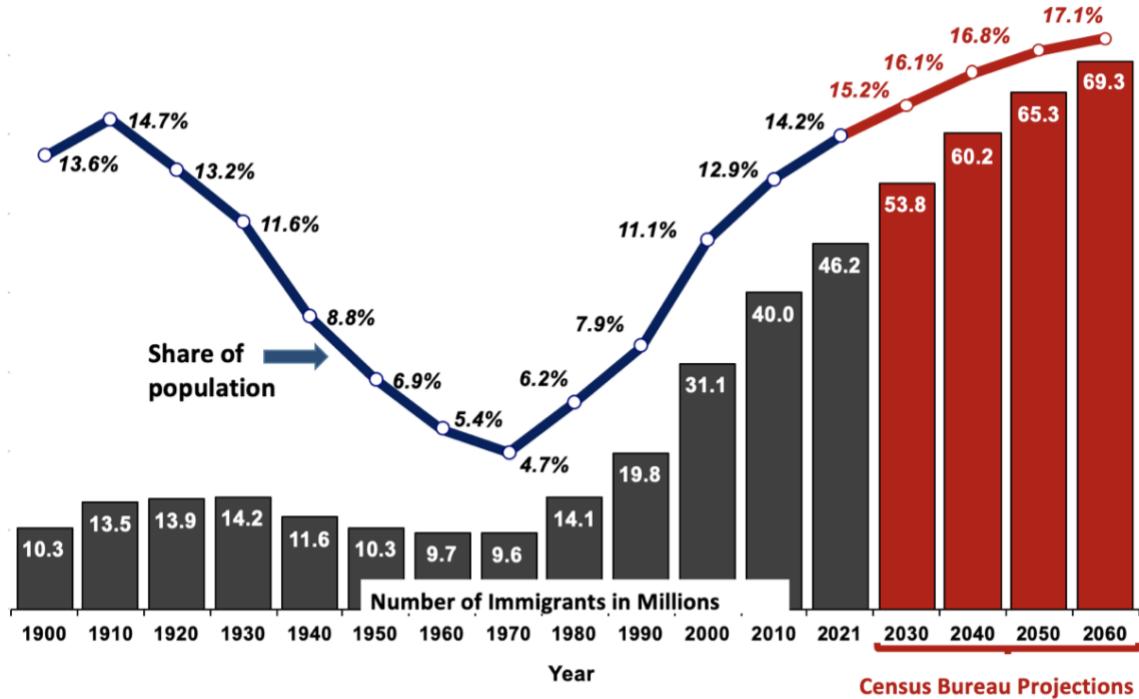


Illustration 2.2: Immigrants in the U.S., Number and Percent, 1900-2021 Plus Census Bureau

Projections to 2060.<sup>91</sup>

While Laws were trying to prevent more illegal immigrant crossing into the U.S. another question started to demand for a solution. New laws tried to address the increasing number of unauthorized immigrants residing in the U.S. and the many more coming. The question now was, what do we do with all the unauthorized immigrants residing in the U.S.? How do we stop employers from exploiting them? As seen in the table of population of ‘foreign born’ living in the U.S. the numbers decreased in 1970; however, a big increase in the 1980’s, and the questions before mention, led to the passing of IRCA. The Immigration Reform and Control Act of 1986 consisted of two main components: amnesty for illegal immigrants who had lived continuously in the country since January 1, 1982; and penalties for employers who willingly hired illegal

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<sup>91</sup> Camarota, Steven A., and Karen Zeigler. n.d. *Center for Immigration Studies Low-immigration, Pro-immigrant*. <https://cis.org/Camarota/Immigrant-Population-Hits-Record-462-Million-November-2021>.

immigrants. Furthermore, it created the H-2A visa for temporary, seasonal agricultural workers. Ultimately, IRCA did not create a way for future low-skilled migrants from Mexico and Central America to enter lawfully, these immigrants comprise the vast majority of people crossing the border. Despite the increase in numbers of Border Patrol agents along the southwest, illegal immigration continued to increase as seen in the before mentioned table. The amnesty granted to illegal immigrants residing in the U.S. resulted in 1.7 million legalizations a number lower than expected.<sup>92</sup> The results were not as expected when following years showed that illegal immigration did not slow down despite IRCA's effort to strengthen the border. This clearly shows the deep misunderstanding of immigration.

While the federal government of the U.S. is responsible for creating and enforcing immigration laws and policies states have the power to establish their own supplementary policies. The states are allowed to determine grey areas that the federal government did not cover, things such as access to public services and education such is the case for California's Propositions 187 and 227. These propositions caused a lot of controversy. The former cut welfare for illegal immigrants and required every state employee to report suspected illegal immigrants to the Immigration and Naturalization Services, INS, while the latter eliminated bilingual education in public schools. In this same line of thought Texas has passed its own immigration policies to try to halt immigrants crossing the border. Governor Gregg Abbot banned sanctuary cities with the Texas Senate Bill 4.<sup>93</sup> Sanctuary cities are places where the local government discourages cooperation with federal immigration agents. Then, in 2019, after president Trump allowed states

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<sup>92</sup> Stoddard, Ellwyn R. 2001. *U.S.-Mexico Borderlands Issues*. P. 120.

<sup>93</sup> National Immigration Forum. n.d. *Five Things to Know About Texas SB 4 Bill*. Accessed 03 10, 2022. <https://immigrationforum.org/wp-content/uploads/2017/05/SB-4-five-questions.pdf>.

to refuse refugee resettlements,<sup>94</sup> governor Abbott was the first to announce that Texas would not accept any refugees during 2020. However, a On January 15, 2020, a federal judge blocked the executive order, ruling that individual states do not have the power to deny refugees entry.<sup>95</sup> Governor Abbott has tried multiple times to circumnavigate the legal maze of immigration policies to find a way to drastically upscale restrictions to immigration. His most recent attempt was in 2021 when he declared a ‘state of disaster’<sup>96</sup> in Texas due to the high number of illegal border crossings. This allowed his to deployed the National Guard at the border which he did in Eagle Pass, Texas.<sup>97</sup>

The failure of restrictive immigration laws to address the ‘immigration problem’ means that lawmakers failed to see the real cause of immigration and continue to do so. Then, what is left in their minds is to increase militarization at the border. To achieve a more ‘secure’ border Congress approved the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 also known as IIRIRA. This act further empowered federal authorities to enforce immigration restrictions by adding resources for border policing. The IIRIRA was followed by the Secure Fence Act of 2006 this law allowed the construction of a double-layered fence approximately 700 miles long, a fence that was already in construction since the mid-90’s. To what refers to the wall there has been multiple laws that have been discussed in congress but not passed successfully, such is the case of The Border Security, Economic Opportunity, and Immigration Modernization Act of 2013. The intend of this bill was to allocate fund for what Senator John McCain called “all out

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<sup>94</sup> Executive Order . 2019. "Executive Order on Enhancing State and Local Involvement in Refugee Resettlement." September 26.

<sup>95</sup> Allyn, Bobby. 2020. *NPR*. January 15. <https://www.npr.org/2020/01/15/796658527/judge-blocks-trumps-executive-order-allowing-local-officials-to-reject-refugees>.

<sup>96</sup> Chishti, Muzaffar, and Jessica Bolter. 2021. Immigration Policy Institute . June 29. <https://www.migrationpolicy.org/article/texas-tests-boundaries-state-authority-immigration>.

<sup>97</sup> Winkie, Davis. 2022. *Texas Tribune*. February 1.

militarization” of the US-Mexico border.<sup>98</sup> The bill did not pass; however, it only took congress 5 years to finally finance the wall under the Trump administration. The 2018 and 2019 federal budgets allocated 1.6 billion and 1.3 billion respectively to the construction of the border wall along with an increase in border militarization.

Before the funding for the wall, there was an intend to regularize unauthorized immigrants residing in the United States. The Obama administration passed the Deferred Action for Childhood Arrivals (DACA) in 2012 and the Deferred action for Parents of Americans and Lawful Permanent Residents (DAPA) in 2014. DACA allowed young adults, from 15 to 30, that were brought to the U.S. illegally as children to apply for temporary deportation relief and a two-year work permit. On the other hand, DAPA extended the deportation relief to unauthorized immigrants who had lived in the United States continuously since January 2010 and whose children were either American citizens or lawful permanent residents. Despite the intents to bring relief to unauthorized immigrants the Obama administration deported more illegal immigrants than any other administration. The “Deporter-in-Chief” as many news called President Obama, removed 1,242,486 illegal immigrants from the U.S. during his administration. Both, DACA and DAPA, were contested by Trump as soon he took office. Trump stopped DAPA but the supreme court ruled trumps decision on DACA “arbitrary and capricious,”<sup>99</sup> therefore it stayed as law.

As stated by the U.N. immigrants have the right to seek and receive asylum; however, it is the right of each state to determine the process in which asylum and refugee cases are evaluated. President Trump enacted the Migrant Protection Protocols in 2018, also known as ‘Remain in

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<sup>98</sup> Ay Mariposa Film . n.d. Accessed March 26, 2022. <https://www.aymariposafilm.com/border-wall-a-brief-history>.

<sup>99</sup> National Immigration Law Center. 2020. *Supreme Court Overturns Trump Administration’s Termination of DACA*. June 22. <https://www.nilc.org/issues/daca/alert-supreme-court-overturns-trump-administrations-termination-of-daca/>.

Mexico Policy.<sup>100</sup> This policy established that after petitioners have requested their case to be evaluated, they have to remain in Mexico while they get a court date. This policy was soon ended by the Biden Administration in early 2021;<sup>101</sup> however, it was re-enforced in late 2021 by a ruling of the Supreme Court that deemed the cancelation of the policy and arbitrarily decision.<sup>102</sup> During those months that the Remain in Mexico policy was not being enforced petitioners were being released into the U.S. while they waited for their court date.

As mentioned before, Governor Abbott tried to circumnavigate the legal maze of immigration policies by applying his own interpretation but he has not been the only one to do so. The Trump administration has reinterpreted Title 42 from the public health and welfare statute enacted in 1944 that gave the U.S. the authority to determine whether communicable disease in a foreign country poses a serious danger of spreading in the U.S. This prevents any immigrant from seeking humanitarian protections at all. In other words, their petitions for asylum or refuge are not even being considered.<sup>103</sup> The Biden administration continues to partially enforce Title 42 and defend ‘as a key tool to stop the spread of the coronavirus inside border facilities.’<sup>104</sup> I said partially because they are not enforcing it on unaccompanied minors; however, this may change due to a Texas court that argued that Texas “was financially harmed by the placement of migrant children in the state due to medical and schooling costs.”<sup>105</sup>

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<sup>100</sup> U.S. Department of Homeland Security. 2019. *Policy Guidance for Implementation of the Migrant Protection Protocols*. January 25. [https://www.dhs.gov/sites/default/files/publications/19\\_0129\\_OPA\\_migrant-protection-protocols-policy-guidance.pdf](https://www.dhs.gov/sites/default/files/publications/19_0129_OPA_migrant-protection-protocols-policy-guidance.pdf).

<sup>101</sup> Khan, Carrie. 2021. *NPR*. February 14. <https://www.npr.org/2021/02/14/967807189/remain-in-mexico-policies-end-brings-renewed-hope-to-asylum-seekers>.

<sup>102</sup> Hurley, Lawrence, and Ted Hesson. 2021. *Reuters*. August 25. <https://www.reuters.com/world/us/us-supreme-court-requires-biden-revive-trump-era-remain-mexico-immigration-2021-08-24/>.

<sup>103</sup> Castillo, Andrea, and Karen Garcia. 2021. *LA Times*. October 25. <https://www.latimes.com/politics/story/2021-10-25/what-is-title-42-how-does-it-impact-us-border-immigration>.

<sup>104</sup> Montoya-Galvez, Camilo. 2022. *CBS News*. March 12. <https://www.cbsnews.com/news/biden-administration-says-it-will-not-expel-migrant-children-following-court-order/>.

<sup>105</sup> Ibid.

Afterall, is clear that the U.S. immigration system is fragile and porous and despite the maze people will always find a way. The U.S. immigration system is a system that prioritizes economic contributions and looks to preserve the status quo. So far, we have discussed a brief history of immigration laws and policies, but it is also important to discuss briefly economic policies that have impacted tremendously the borderlands and immigration itself. The economic policy that governed trade, labor, and influence immigration was the North-America Free Trade Agreement also known as NAFTA, which involved trade between Canada, United States, and Mexico. NAFTA was in place from 1994 to 2018, 24 years that shaped not only Cd. Juarez and El Paso, but the entire borderland regions of the U.S.-Mexico border. In 2018, NAFTA was replaced with a revised agreement called United States-Mexico-Canada agreements also known as USMCA. The following paragraphs will briefly discuss both agreements and the impact on the borderlands.

First, NAFTA created free-trade zone between the United States, Canada, and Mexico in order to boost trading and investment in said countries. The expected results of NAFTA when it was first enacted in 1994 included the elimination of trade barriers for easy movement of goods and services, promote fair competition, increase investment opportunities, among others. NAFTA did accomplish these results but accompanied with many unintended consequences; although some argue these consequences were predictable.<sup>106</sup> NAFTA was accompanied with two side agreements to address labor and environment called the North American Agreement on Environmental Cooperation (NAAEC) and the North American Agreement on Labor Cooperation (NAALC). These supplementations were intended to prevent companies from moving to other countries to exploit lower wages, better worker health and safety regulations, and improved

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<sup>106</sup> Bacon, David. 2017. *The American Prospect*. November 7. <https://prospect.org/power/nafta-cross-border-disaster/>.

environmental regulations. These agreements contributed to a surge in cross-border trade and investment, competitiveness of U.S. industry, opportunities for small businesses and an implementation of universal, higher health, safety, and environmental standards. However, some of the consequences of the trade caused loss of manufacturing jobs to lower-wages countries, in this case Mexico. Also, it led to increased inflation in the U.S. and most importantly it sparked Mexican immigration, something that the trade was supposed to lower by creating more jobs in Mexico.

It seems that NAFTA was not all about trade. “In actuality, the treaty is an agreement to allow market penetration and investment, the relocation of production and the creation of supply chains in manufacturing.”<sup>107</sup> Even though the side agreement on labor the NAALC prevented companies from moving to other countries to exploit lower wages, that is exactly what happened. The beginning of the maquiladoras sparked a series of controversies in Mexico and in the U.S. due to the exploitation of low wages and little to no benefits. The current salary for a maquiladora worker is \$10,860 pesos monthly which translates to around \$543 dollars per month.<sup>108</sup> A former worker of the maquiladora told me: “The operator is treated like another machine, a slave, a tool that is demanded quantity and quality. It is work that does not require intelligence but physical strength.”<sup>109</sup> This is connected with the division of labor that Arendt regarded as the major treat to the *homo faber*, workmanship has been destroyed and the homo faber reduced to an *animal laborans*.

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<sup>107</sup> Ibid.

<sup>108</sup> Gaytan, Berenice. 2021. *El Diario de Juarez*. July 19. <https://diario.mx/economia/tiene-juarez-mucho-empleo-pero-bajo-salario-20210719-1820020.html>.

<sup>109</sup> Personal communication

NAFTA created a mass of displaced people who became the workforce of the maquiladoras, *homo faber*s who became *animal laborans* in mass. Subsidized U.S. producers forced Mexican Farmers out of business since they were not able to compete with huge producers coming from the United States. These farmers moved to the city, specifically border cities, in search of a job. “The World Bank in 2005 found that the extreme rural poverty rate of 35 percent in 1992-94, prior to NAFTA taking effect, jumped to 55 percent in 1996-98, after NAFTA was in place. By 2010, 53 million Mexicans were living in poverty, about 20 percent in extreme poverty, almost all in rural areas.”<sup>110</sup> Those millions of Mexicans living in poverty turned into the workforce of the maquilas and the waves of immigrants crossing into the U.S. The consequences of NAFTA was described in an opinion article from *The New York Times* which said that “Under Nafta, Mexico suffered, and the United States felt its pain.”<sup>111</sup> It can be argued that the United States caused the immigration that it is trying to prevent; however, this is beyond the scope of this paper.

Labor unions in the United States, the pressing situation in Mexico, and the heated political debate over NAFTA<sup>112</sup> led to a renegotiation of the treaty. The Trump administration moved forward to negotiate changes in the treaty with the 2 involved nations. Former President Trump argued that NAFTA almost eliminated manufacturing jobs because if allowed companies to move to Mexico where labor is cheaper.<sup>113</sup> A clear example of job loses is the state of Michigan which lost over 168,000 manufacturing jobs during the NAFTA period.<sup>114</sup> The NAFTA was changed to the United States-Mexico-Canada agreements also known as USMCA in 2019 and effective in

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<sup>110</sup> Bacon, David. 2017. *The American Prospect*.

<sup>111</sup> Carlsen, Laura. 2013. *The New York Times: Under Nafta, Mexico Suffered, and the United States Felt Its Pain*. November 24. <https://www.nytimes.com/roomfordebate/2013/11/24/what-weve-learned-from-nafta/under-nafta-mexico-suffered-and-the-united-states-felt-its-pain>.

<sup>112</sup> Al Jazeera. 2017. *What is NAFTA and why does Trump want it renegotiated?* August 19. <https://www.aljazeera.com/economy/2017/8/19/what-is-nafta-and-why-does-trump-want-it-renegotiated>.

<sup>113</sup> Ibid.

<sup>114</sup> Public Citizen. n.d. *Michigan Job Loss During the NAFTA-WTO Period*. Accessed March 26, 2022. <https://www.citizen.org/article/michigan-job-loss-during-the-nafta-wto-period/>.

2020. Nevertheless, both treaties have more alike than they are different. In other words it is just an updated version for the 21<sup>st</sup> century. Key differences are in the enforcement of labor laws. As mentioned before, low wages in Mexico attracted many companies; however, the USMCA provides “for an interagency committee that will monitor Mexico’s labor reform implementation and compliance with labor obligations.”<sup>115</sup> Further changes include environmental protection and an update for the digital era, besides that it remains the same. As of 2022, is too soon to say if the USMCA has had a significant impact on labor both in the U.S. and Mexico.

It is clear how the U.S. and Mexico are interconnected; it is said that whenever the U.S. sneezes Mexico gets a cold or vice versa. For example, during the multiple Mexican peso devaluations the U.S. also felt its consequences.<sup>116</sup> This brief overview of immigration and economic policies in the U.S. has set us up for the next section that will deal with those coming to the border. Understanding their perspectives through the phenomenological ethical approach will ultimately lead us to the possibility of recreating the public space that will be discussed in chapter 3.

### **PART 3: IMMIGRANTS, NEWCOMERS, AND THE BORDER AS THE SPACE OF APPEARANCES**

So far, I have discussed the intricacies of the border, its construction, its laws, its economic policies, and its history. Now, the most important part to understand and specially to do a phenomenology of the border is the people of the border. Those who are long time dwellers of the border have a different kind of perspective of the border and its laws which I will discuss. However, the people who feel and struggle differently with the border are those who I am referring to as newcomers. This third section will deal with newcomers, who they are and how they perceive and experience the border as a wall materialized as steel wall, as laws and economic policies, and

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<sup>115</sup> Lobosco, Katie, Brian Fung, and Tami Luhby. 2019. *CNN Politics: 6 key differences between NAFTA and the USMCA deal that replaces it*. December 17. <https://www.cnn.com/2019/12/10/politics/nafta-us-mexico-canada-trade-deal-differences/index.html>.

<sup>116</sup> Stoddard, Ellwyn R. 2001. *U.S.-Mexico Borderlands Issues*. P. 127.

as a consequence of a “U.S.-Mexican relation [...] built on misunderstanding and prejudice, racial superiority and cultural superstitions.”<sup>117</sup>

In order to understand the newcomers’ perspectives, we have to first deal with the classifications that the states have developed and specially those of the immigration system of the U.S. These classifications have changed and new classification have been created along with immigration laws. For the United States an immigrant is one of two things: authorized or unauthorized. Authorized immigrant aliens receive green cards denoting their legal status. Unauthorized immigrant aliens are subject to detention and deportation. The authorized immigrant comprises the majority of immigrants in the U.S., while some have come to the U.S. through the legal established way some have arrived as unauthorized immigrants and found their way to become authorized. This is the case of Mireya had to cross into the U.S. multiple times in order to be legal.<sup>118</sup> During her first time crossing she was raped, the second time she nearly drowned. Mireya has been an unauthorized immigrant living in the U.S. for over 25 years. She first confronted the wall of steel when she was 15 years old after leaving her *pueblo* in Jalisco due to extreme poverty her family was experiencing. Her grandmother was in California, so she decided to move with her to the U.S. Here is her story:

“I didn’t have any money. I didn’t know anything about the United States.

At the bus station in Tijuana, this guy stopped us. “You going to El Norte? I can hook you up, I have friends, you’ll make it in three hours. We got a house where you guys can rest and stay ’til it’s safe to cross.” He keeps on saying, “You can trust me. I’m not going to hurt you.”

We made it to the house.

The upstairs was just a big room with four walls, no windows, and a metal door. No bed, only some sheets on the floor. There was this big lady, she was tall, kind of old, 45 maybe. Her husband was short and fat. They gave us showers and clothes, and they fed us. They put us in the room upstairs, said we’re gonna

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<sup>117</sup> Simon, Jules. n.d. *El Muro de la Frontera*. Unpublished Manuscript. P. 7.

<sup>118</sup> Courteau, Darcy. 2019. *The Atlantic: Mireya's Third Crossing*. June.

<https://www.theatlantic.com/magazine/archive/2019/06/border-crossings-one-immigrants-journey/588064/>.

sleep there and they gotta lock the door for our safety, and if we gotta pee or whatever, they gave us a bucket.

I got that feeling in my heart saying something's wrong. Why are they gonna lock us in the room? We slept there that night, and then in the morning, we heard a lot of people talking, yelling, partying. We heard steps on the stairs. We're all happy because it's time for us to either go away or go—do something, I don't know. They're supposed to let us know whatever happens.

Here comes the lady of the house, and she's just barely wearing clothes. She opens the door and says, "Good morning, my beautifuls, my princesses!"

We just looked at her.

Right behind her come three men, and this guy is looking at me, and he goes, "I'll pick her." The other guy is like, "Yeah, I'll pick her too." And the other guy—I didn't know what was going on, but my friend, she was hugging me, and she said, "No, not her, pick me. Let her go. She's 15."

They took me downstairs, where there was this little room.

They raped me.

That went on for days, nights. And all I got to eat was a glass of milk with an egg in it, raw, mixed in. They say it will give me energy. For days I was locked in that room.

Finally, the guy that brought us over there came in the room and took a look at me and he was like, "Are you okay?"

I couldn't talk. Said nothing. He took off his jacket and put it on me, because I was naked. He said, "I'm gonna get you girls out of here. They tricked me. They said if I bring more girls here, they were not gonna do this again."

It was so hard for me to trust him! There were no other choices. I had nothing else. Everything inside me was gone. So whatever comes next, it's fine. They're gonna cut me, they're gonna kill me? Fine. It's better than this. He opened the door and he told me to stay behind him, and we started walking upstairs. He opened the door where my friends were. They had been raped too. We started walking downstairs, out the back door. He had a car. He opened the trunk, said we'll be safe there, and then he started driving.

After a while, he let us out and said, "I've got a friend, and he's gonna help you girls cross. He's gonna take a shortcut." He told me, "I hope you'll forgive me for what I've done."

This new coyote said we were gonna walk for two or three hours to this bridge, we're gonna go underneath it, and then we're gonna make it to this big fence, and you girls gotta jump off it.

Those three hours became three days that we were walking. I don't know, maybe we were lost. It was dry and rocky and it was hot. We didn't have much water—we had to sip it and hold it in our mouths. We ended up sleeping in open fields, and I was so worried about scorpions. I don't care about snakes but I did care about scorpions.

We finally made it to the bridge and went underneath, and then we kept walking. We saw this big fence on the U.S. side. It was chain-link, 10 or 12 feet tall, like the ones in prison with barbed wire on top. Some parts of the wire were broken where other people had crossed before. My friend knew what to do and

climbed up the chain-link and jumped off it. She was on the other side, calling, “Go, go, there he comes, there he comes, you better come soon!”

And we were like, “Who’s coming?”

And she calls, “¡La Migra!”

The coyote started running and disappeared. Here comes the other girl, and whoosh—she jumped off that fence. I was the last one and I’m so afraid, shaking. I don’t know what to do—I don’t know who La Migra is or what they’re going to do to me, so I just started running, and I was getting close to the fence. I climbed halfway up but I couldn’t make it and I fell back. Here comes this big old horse with the immigration guy on it.

He was telling me something in English. I didn’t speak English then; I didn’t know the words. He got off the horse and walked to me with a mean face. He was a big old guy with red hair and blue eyes, really blue eyes. Beautiful eyes. And then he was asking me questions. I couldn’t understand what he was saying, and finally he said it in Spanish: “¿Tu nombre?”

“Mireya.” “Mireya.”

“Sí.”

He grabbed my face with one hand and looked at me. And he turned me to the fence. “Aquí. Go, go, go! ¡Ve, ve! ¡Aquí!”

I started walking where he pointed. I saw a big hole under the fence—there were branches covering it, but obviously he knew it was there. He told me to go underneath, cross from there. I moved the branches and went through—I was a little girl, skinny—and he got up on his horse and looked at me and said, “Good luck,” and disappeared on his horse, with the dust behind him.”<sup>119</sup>

For Mireya, facing the wall is just not a feeling of being excluded or unwanted but it also reminds her of her rapists. Her experience of the wall was determined by her intention of leaving home and the extreme poverty she was living in back in Jalisco. Furthermore, that experience of fear did not end just by crossing the wall, she had to face the wall of laws that followed her in the U.S. Mireya, lived in fear for 25 years because she was unauthorized she lacked the rights that any citizen had, namely, right to vote, work, and reside in the United States. Unauthorized immigrants are persons lacking citizenship who do not possess equal treatment in these areas. Mireya was tired of hiding in her private space and being unable to appear meaningfully in the public space, that is

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<sup>119</sup> Ibid.

to be seen and heard other. Her presence in the public space was determined by fear of being caught and deported; therefore, she decided to apply for residency. Mireya had a hard time deciding if she could apply or not due to immigration laws that dictated that anyone who leaves the U.S. after living in the country without permission for a year or longer must wait up to 20 years before they can reenter legally. Nevertheless, her marriage with an American helped her waive the previous mentioned rule, but then again, another rule said that she had to do all the process in Mexico and it could take up to 10 years. A new provision passed under the Obama Administration allowed for this process to be done in the U.S. if a family extended separation could be proven. The provision was named I-601A Provisional Unlawful Presence Waiver often called *Perdon*. Mireya went through the multiple steps and pay the thousands of dollars in fees to finally get her green card in a DHL envelope. Said envelope and its yellow and red colors have become a sign of hope for those who go through this process. Just as Mireya, thousands of newcomers have gone through the process, some successfully some others unsuccessfully.

Then, there are those newcomers who arrive to the U.S. as Asylum seeker or refugees. Asylum seekers differ from refugees because they arrive without pre-authorization, seeking asylum from persecution. For example, refugees arriving from Afghanistan, right after the U.S. army left that country, had pre-authorization to enter the United States. More recently, refugees fleeing the war in Ukraine also have pre-authorization to enter American soil. On the other hand, an asylum seeker does not have a pre-authorization to enter the U.S. Asylees have to go through a deep extensive process to prove what the U.S. calls *credible fear* in order to grant asylum. According to the Department of Homeland Security “an individual will be found to have a credible fear of persecution if he or she establishes that there is a “significant possibility” that he or she could establish in a full hearing before an Immigration Judge that he or she has been persecuted or

has a well-founded fear of persecution or harm on account of his or her race, religion, nationality, membership in a particular social group, or political opinion if returned to his or her country.” Both terms and processes for refugees and asylees are interconnected and have similar terminology, hence the difficulty to navigate immigration law for those who are either of those categories. However, to clearly understand this, the major difference between refugees and asylees is the location of the person at the time of application. Refugees are usually outside of the United States when they are processed, whereas asylum seekers submit their applications while they are physically present in the United States or at a U.S. port of entry.<sup>120</sup> The refugee process establish three processing priorities which are as follow:

- Priority 1 (P-1): Individuals referred by the United Nations High Commissioner for Refugees (UNHCR), a U.S. embassy, or certain NGOs.
- Priority 2 (P-2): Groups of special humanitarian concern.
- Priority 3 (P-3): Family reunification cases.<sup>121</sup>

While P1 designation is by referral, currently many nationalities have P2 priority, some of them are from Afghanistan due to the recent political events and from Latin-America: El Salvador, Honduras, and Guatemala which are considered the most dangerous places on earth due to gang violence, threats, extortion, persecution, and sexual violence. On the other hand, the asylee process can be done in two ways: through the affirmative application or the defensive application. The

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<sup>120</sup> Monin, Kira, Jeanne Batalova, and Tianjian Lai. 2021. *Migration Policy Institute: Refugees and Asylees in the United States*. May 13. <https://www.migrationpolicy.org/article/refugees-and-asylees-united-states-2021#asylees>.

<sup>121</sup> U.S. Citizenship and Immigration Services. 2021. *The United States Refugee Admissions Program (USRAP) Consultation and Worldwide Processing Priorities*. August 8. <https://www.uscis.gov/humanitarian/refugees-and-asylum/usrap>.

former means that the individual seeking asylum has a visa or is already present in the United States. The latter means that the individual has no legal way to enter into the country and enters as an unauthorized immigrant. As we will see the most common is the defensive application.<sup>122</sup>

During the violence that Juarez experienced from 2008-2011 thousands of people left the city, myself included. Most of the people moved to the United States looking for safety. This is what happened recently in the Northern Triangle of Central America, El Salvador, Honduras, and Guatemala. The extreme poverty and especially the gang and drug violence led people to flee the country in masses. The great caravans of migrants from these countries were also known as Viacrucis del migrante ‘Migrant’s Way of the Cross.’<sup>123</sup> These caravans started in 2017 and continued to happen, as in Eagle Pass, Texas.<sup>124</sup> These caravans led people from the northern triangle in search for safety outside of said territory. The caravans of 2017 and 2018 arrived to the U.S. border successfully, even though not everyone made it to the border, some stayed in Mexico. Former Mexican president approved a program called ‘Estas en tu Casa’ (you are at home) that allowed for refugees to apply for ID’s and work permits. Afterwards, due to U.S. pressure, Mexico stopped the future caravans of 2019, 2020, and 2021 at its southern borders; nevertheless, many people were able to cross Mexico’s southern border.<sup>125</sup>

These caravans are composed of both refugees and people looking for asylum. Those who are looking for asylum try to cross through the international bridges and turn themselves in. Both

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<sup>122</sup> Monin, Kira, Jeanne Batalova, and Tianjian Lai. 2021. *Migration Policy Institute: Refugees and Asylees in the United States*.

<sup>123</sup> Pueblo sin Fronteras. n.d. *Caravana Migrante*. Accessed March 16, 2022. <http://www.pueblosinfronteras.org/viacrucis.html>.

<sup>124</sup> Croix, Vanessa. 2021 . *KENS5 News: Eagle Pass preparing for anticipated mass arrival of asylum-seekers at the border*. October 1. <https://www.kens5.com/article/news/special-reports/at-the-border/eagle-pass-migrant-arrival-impact-south-texas-border/273-f499b5e7-480c-4011-8803-40e7feb202f9>.

<sup>125</sup> Congressional Research Service. 2022. "Mexico's Immigration Control Efforts." January 3. <https://sgp.fas.org/crs/row/IF10215.pdf>.

Border Patrol and Custom agents take them in and process their asylee and refugee request depending on their nationality. While they are waiting for their paper work Border Patrol agents move the ‘newcomers’ into internment camps. While some agents try to take care of the immigrants as best as possible there are some who are not doing it. Inside these camps, there is low hygiene, rape cases, and corruption. After the request has been processed the immigrants are released into the U.S. while they wait for their court date. The ‘stay in Mexico’ program is not back in place yet, but many are advocating to reenforce it, arguing that it should be in force for humanitarian reasons. In the meantime, the U.S. border patrol continues to releassee both refugees and asylees in the U.S. while they are waiting for the trial but, according to the U.S. Border Agents many asylees do not return for their trial.<sup>126</sup> However, in my research, contrary to anti-immigrant politicians’ talking points, the overwhelming majority of asylum seekers in the United States do in fact show up for all of their court dates.<sup>127</sup> Nevertheless, Border Patrol agents demand that the “Stay in Mexico” policy, created under the Trump administration, be enforced again because they say that refugees and asylees are released without any money or means to subsist and that organization such as the International Rescue Committee do not have the means to support the greater numbers of people,<sup>128</sup> thereby turning them into what the U.S. government calls a public charge. Those persons who are considered likely to become a public charge are, for example, minors and women traveling alone. The exact definition states: “For purposes of determining inadmissibility, ‘public charge’ means an individual who is likely to become primarily dependent

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<sup>126</sup> Personal discussion with a border patrol agent.

<sup>127</sup> Isaacson, Adam, Maureen Meyer, Stephanie Brewer, and Elyssa Pachico. 2021. *Relief Web: Putting the U.S.-Mexico ‘border crisis’ narrative into context*. March 17. <https://reliefweb.int/report/mexico/putting-us-mexico-border-crisis-narrative-context>.

<sup>128</sup> International Rescue Committee. 2018. *IRC: Real stories of Central American families searching for safety*. October 25. <https://www.rescue.org/article/real-stories-central-american-families-searching-safety>.

on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance or institutionalization for long-term care at government expense.”<sup>129</sup>

That is the case for thousands of refugees who look for safer places to live just like Soledad Castillo, a refugee from Honduras who wrote her story and published it in a book entitled *Solito, Solita: Crossing Borders With Youth Refugees*. She fled her country, Honduras, when she was 14 because of the extreme poverty she experiences and because she was being molested by her stepfather. During her travel to the U.S. she recalls that:

“It took us more than a month to get to the United States. We traveled from Honduras to Guatemala on a bus. There were gangsters on board who put a gun to my head, asking for all my money. I didn’t have any but they didn’t believe me. They took my pants off. I don’t remember their faces. I just remember their hands. I remember hands touching me all over my body and I couldn’t say anything. Then we got in a van to travel to Mexico. We had to lie down with many people, one on top of the other. The coyotes [smugglers] put cardboard on top of us so la Migra [the authorities] wouldn’t see us if they pulled us over. It was hard to breathe. We then walked through the Mexican desert for days. There were around 20 people in our group from all over the world. Some people got lost and didn’t make it. On the second day, I became too weak, so my father paid the coyotes extra for a little pill to give me energy. After that, we rode in a van from Texas to northern California. There was a hiding place under the floor where they put us. It was a very long trip and we had to stay quiet the whole time.”<sup>130</sup>

She finally arrived in the U.S. where she encountered many more problems like finding a place to live, food to eat, and work to do. She writes “Many Americans think that migrants come here to

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<sup>129</sup> Immigration and Ethnic History Society. 2019. *Immigration History*.

<sup>130</sup> Castillo, Soledad. 2019. *The Guardian: At 14, I walked through the desert to reach the US. My story didn't end there*. December 18. <https://www.theguardian.com/commentisfree/2019/dec/18/immigration-international-migrant-day-honduras>.

take their jobs, to do bad things, to take advantage of the country. These ideas are not right – we are not bad people. I came here to survive, to do better in this world, to help my family and other people. There was no way to survive in my homeland. I was suffering from extreme poverty. I was physically and sexually abused. I didn't choose to come here; I didn't have another option.”<sup>131</sup>

Castillo's example demonstrates the kind of desperation of asylees coming to the U.S. and how they do not post a ‘burden’ to the U.S. by becoming a “public charge,” although many of them, like Castillo, remain “unauthorized immigrants” despite their willingness and ability to support themselves in their new environment.

Finally, there are those who have a *Visa*. A visa is a legal document verifying authorization by national authorities to cross its borders. There are many types of visas which are divided into two categories immigrant and non-immigrant. The former allows permanent residence and eventually citizenship. The latter grants permission for temporary residence and sometimes employment. Examples of immigrant visas are those for relatives or that are family sponsored and employer-sponsored. These kinds of visas are really common in border communities due to the family ties between the two communities. As of right now I am sponsoring my Mexican wife for a visa called Spouse of a U.S. Citizen IR1 which grants permanent residency in the United States. Examples of non-immigrant visas are Student Visas and Temporary Agricultural Worker visas. The student visas are also common in the border especially the El Paso – Ciudad Juarez border due to the presence of the University of Texas at El Paso that has a high number of Hispanic students many of which are Mexican nationals studying with a student visa. These are the people who experience the border wall in their everyday lives. While for many the wall has become something normal for many other it is the reminder of their crusade to the U.S., of their rapist, and

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<sup>131</sup> Ibid.

above all of years of oppression. The wall that separates ‘Juarences’ and El Pasoans is the very embodiment of oppression. The materialization of the wall and the fact that thousands of Mexicans and U.S. Americans have to pass through militarized checkpoints on a daily basis means that the wall has become subcutaneous to their bodies, part of them. The wall has fundamentally influenced their *being* to a point that it becomes something normal to commute between the two sister cities.

As we have discussed, immigration, today, is much more diverse. Immigrants come from every country in Latin America. “That means that Mexicans, and Latin Americans more broadly, are creating truly new communities in the United States – communities based around a pan-Latin American identity, as opposed to a regional homeland identity.”<sup>132</sup> As I am arguing in this thesis, that community, albeit with many difficulties, has the potentiality to recreate an Arendtian form of public space if they only were allowed to exercise more fully their human capacities for speech and action.

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<sup>132</sup> Simon, Jules. n.d. *El Muro de la Frontera*. Unpublished Manuscript. P. 17. (Appiah 2006)

## **Chapter 3: Cosmopolitanism and the Recreation of the Public Space**

In preceding chapters, we have discussed the core concepts of Arendt's philosophy along with a general overview of immigration, the border, and newcomers. This chapter will be a synthesis of both chapters in which I will argue how Arendt's philosophy helps us to better understand immigration, the border, and above all the cosmopolitan opportunities of the border if only the newcomers are allowed to fully exercise their natality, that is, their speech and action capacities.

### **PART 1: COSMOPOLITANISM**

Cosmopolitanism, as described by Anthony Appiah, "begins with the simple idea that in human community [...] we need to develop habits of coexistence: conversation in its older meaning, of living together."<sup>133</sup> Cosmopolitanism means not only having a diverse community but being open to live *with* other and not just among others. In a sense, cosmopolitanism requires an openness to the world. That openness is the point of entry for what Appiah calls cross-cultural conversations.

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<sup>133</sup> Appiah, Kwame Anthony. 2006. *Cosmopolitanism Ethics in a World of Strangers*. New York: W. W. Norton & Company. P. 16.

Being open to having a conversation with someone different than me and from a different culture leads us to find something that we can share. Perhaps that is just a love of coffee and conversation with this other someone, but the important thing is that once we have found enough, we share, there is, in Appiah's words, "the further possibility that we will be able to enjoy discovering things we do not yet share."<sup>134</sup> This is called cosmopolitan curiosity, and that means, something like 'wonder' in philosophy, the beginning of something new.

The conversation that Appiah is promoting in order to achieve cosmopolitanism is in reality a way of caring about all humans. It all starts with asking about their *dokei moi*, their position in the world. As mentioned in chapter 1, the perspective of every person depends on their position in the world. Asking about their position in the world and being open to understand is caring about them as humans. In this sense we can align Arendt's innumerable perspectives of the public life to Appiah's cosmopolitan curiosity and it is important to note that both start with a question/conversation in which the other shares the way the world appears to him or her. Every encounter with a stranger is always an encounter with a particular stranger. Therefore, cosmopolitanism has a commitment to pluralism. In this sense, any threat to pluralism is a threat to cosmopolitanism.

Appiah argues for a pluralistic cosmopolitan society in which he urges people to learn about other people in other places, to take interest in their position on the world "not because that will bring us to agreements but because it will help us to get used to one another."<sup>135</sup> In today's world, the separation between countries and people is almost zero and what Appiah sees is a more crowded world in which every human will have to learn to live *with* others closer than ever before

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<sup>134</sup> Ibid. P. 91.

<sup>135</sup> Ibid. P. 77.

in history. Appiah, after discussing the threats to cosmopolitanism and referring to current world problems, concludes:

“A genuinely cosmopolitan response begins with caring to try to understand why that child is dying, cosmopolitanism is about intelligence and curiosity as well as engagement. [...] It involves seeing not just a suffering body but a wasted human life.”<sup>136</sup>

Appiah correctly describes that the cosmopolitan journey more than a solution is the name of the challenge. Nevertheless, he provided the foundations for a cosmopolitan person and a cosmopolitan city in three key ways: living *with* others, dynamic engagement with the other, and openness to the other. However, what Appiah’s theory needs is a complementary theory that understands humans for what they are doing and comprehends the innate possibilities of every human. I argue that a cosmopolitan interpretation of Arendt’s philosophy of the human condition not only helps to complement Appiah’s concept of cosmopolitanism but also helps understand immigration to the U.S.-Mexico border and the possibilities of El Paso – Ciudad Juarez border to become a cosmopolitan border.

To live in the world among others means that every day and at every moment, every human receives a wave of new experiences that unfold in the space of appearances. Whenever a human appears through speech and action, which are rooted in plurality, the cosmopolitan aspects of living *with* others, the dynamic engagement with the other, and the openness to the other, occur. The Arendtian concept of action promotes and begins a process of cosmopolitanism because action itself only take place in the presence of others. Speech and action reveals the difference in the equality of humans. We are all the same until one speaks or acts; that is when true difference appears. Whenever humans act and speak they show their true and unique identity and thus make

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<sup>136</sup> Ibid. P. 144.

their appearance in the human world. Therefore, it is important to ask our fellow humans about their position in the common world and above all to let them speak.

The human condition of natality also contributes to a cosmopolitan theory. In chapter one I discussed natality as giving ‘birth’ to new projects and ideas through speech and action. The cosmopolitanism of natality is that every person is capable to contribute to the world. In this sense, cosmopolitanism is a web of people who act and expand that network because “natality serves to further ‘pluralize’ plurality and action, by starting from differentiated beings and promoting a near infinite number of possibilities that might extend from each.”<sup>137</sup> Arendt’s conception of the human condition can serve as a rich resource for thinking about cosmopolitanism and thus supports my thesis about El Paso—Ciudad Juarez. After all this, it should be clear that failing to recognize and accept the human conditions of plurality, natality, and action undoubtedly threatens the possibility of a cosmopolitan theory and, as we discussed in chapter two, contributes to a proliferation of laws, policies, and walls that prevents people moving through or living on and with the border from fully exercising their speech and action capacities.

## PART 2: THE HUMAN CONDITION AND IMMIGRATION

Arendt correctly described the increase of population as the shrinkage of the earth when she said: “Precisely when the immensity of available space on earth was discovered, the famous shrinkage of the globe began, until eventually in our world each man is as much an inhabitant of the earth as he is an inhabitant of his country.”<sup>138</sup> And precisely that shrinkage makes every human an immediate neighbor of every other human and necessarily every human can feel “the shock of events which take place at the other side of the globe.”<sup>139</sup> What humans are doing is a matter of

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<sup>137</sup>Hayden, Matthew J. 2012. "Arendt and cosmopolitanism: thehuman conditions of cosmopolitanteacher education." *Ethics and Global Politics* 239-258. P. 247. (Arendt, Men in Dark Times 1983)

<sup>138</sup> Arendt, *The Human Condition*, P. 250.

<sup>139</sup> Arendt, Hannah. 1983. *Men in Dark Times*. Orlando: A Harvest Book. P. 83.

philosophical reflection because every action, as mentioned before, has an infinite series of unpredictable consequences that influences our neighbors. Today, humans are immigrating at greater numbers than ever before. As I have been arguing, an Arendtian interpretation of immigration will help us to better understand immigration.

All human activities arise out of the necessity to cope with life's necessities and immigration is no exception. As mentioned in chapter two, the extreme poverty that many Mexican nationals and central Americans experience is a huge factor that moves people to migrate. The *animal laborans* is driven by the need of its body to do anything to fulfill those same bodily needs. More than half of the rural population of Honduras and Guatemala survive below the international poverty line.<sup>140</sup> It is the same for millions of Mexican nationals in rural areas of the country. The need to fulfill their bodily needs, or better said, their need to labor, moves them to leave their private place for better opportunities to labor. The private space or the household is where one's own life and labor happen, in private. For Arendt the household plays an important role because "Without mastering the necessities of life in the household neither life nor the good life is possible [...] Household life exists for the sake of the good life." However, when the means to support household life are difficult to achieve, not even the private property which supports the privacy and self-reflection of the household is a reliable hidden place from the public world.

Originally, leaving the household meant that one's own life and bodily needs were in order to finally be able to appear in the space of appearances, the political life. Leaving the household to enter the public life requires courage which is described, by Arendt, as one of the most elemental political attitudes. The dichotomy of the household and the public life is clear in that the household

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<sup>140</sup> Fontes, Anthony. 2019. *The Conversation: Migrant Stories, Why they flee*. January 16. <https://theconversation.com/migrants-stories-why-they-flee-114725>.

is only concerned with one's own life and survival while the public life, as essentially social, presupposes the kind of life experiences that individuals can only receive as members of a household. Nevertheless, there are million who, because their household life was unstable in their home countries, appear in the public life of the international world looking for the means to reestablish their household lives, and that also requires the indispensable quality of becoming a hero, that is, acting with courage. The immigrants, refugees, or asylees, who leave their household have the most elemental political attitude required to appear in the public space and insert themselves into the world and begin to recreate a story of their own.

The immigrant's journey starts right after leaving their household and depending their country of origin the journey differs on the miles they have to travel to get to the U.S./Mexico border. For someone from El Salvador, the journey requires them to cross three borders, from El Salvador to Guatemala, from Guatemala to Mexico, and from Mexico to the U.S. Some of the people who make the 3,268 kilometers journey are called 'Tres veces mojado' (Three times wet). After crossing to Guatemala from El Salvador and living in tents for days, people try to cross to Mexico rafting across the Suchiate River between Chiapas and Guatemala.<sup>141</sup> Some other try to cross through the Gracias a Dios city in Guatemala to Carmen Xan, Mexico with the help of coyotes.<sup>142</sup> The place is different but the cry is the same, everyone is looking for a safer place to live and to labor. During the month-long trip, they try to survive with the little help they get from people, the Mexican government, and NGOs. However, crossing Mexico is full of dangers and immigrants at the border arrive with horrific tales of violence such as Adrian, a 65-year-old farmer

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<sup>141</sup> Taylor, Alan. 2013. *The Atlantic: An Immigrant's Journey*. August 13. <https://www.theatlantic.com/photo/2013/08/an-immigrants-journey/100573/>.

<sup>142</sup> Burnett, John. 2019. *NPR: Coyotes' Boomtown: Picking Up The Migrant Trail On The Way To The U.S.-Mexico Border*. April 8. <https://www.npr.org/2019/04/08/710348088/coyotes-boomtown-picking-up-the-migrant-trail-on-the-way-to-the-u-s-mexico-borde>.

who was kidnapped and held for ransom: “They called my family and told me to scream to get them to pay up,” he says. “I wouldn’t scream, so they started cutting my fingertips off, but I still didn’t scream. Then they got ready to do the same to my genitals and I screamed … you have to scream.”<sup>143</sup> The courage needed for going through this kind of journey to find a possibility to labor and work with dignity is more than the usual Hero needed for his adventures.

During the Remain in Mexico policy, thousands of immigrants and asylum seekers returned to Mexico, specifically the Mexico northern Border to wait. The problem was that they did not have anywhere to stay, so many asylum seekers joined together to create a tent city.



Illustration 3.1: Tent Cities in Ciudad Juarez at the Santa Fe International Bridge<sup>144</sup>

<sup>143</sup> Craver, Henry. 2020. *Texas Observer: ‘Life is a Fight’: Scenes from a Migrant Tent Camp in Juarez*. January 17. <https://www.texasobserver.org/life-is-a-fight-scenes-from-a-migrant-tent-camp-in-juarez/>.

<sup>144</sup> Ibid.

The tent cities provided them with a place to stay while they waited for the court date. However, these tent cities scattered through the ports of entry between Ciudad Juarez and El Paso (El Puente Santa Fe, Puente Zaragoza, and Puente Cordova-El Chamizal) did not provide a safe place for them to live and labor. The driving force for them to create these tents was life itself, they had to sleep, eat, and fulfill bodily needs. They lacked the four walls of the private space and, in Arendt's words "To have no private place of one's own meant to be no longer a human."<sup>145</sup> And indeed, for many they were not humans but savages and many treated them as such. While immigrants were fighting for survival the U.S. kept militarizing its border and all ports of entry with drills that showed the force that many immigrants would encounter at the port of entry.



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<sup>145</sup> Arendt, *The Human Condition*, P. 64.

Illustration 3.2: Custom Border Agents during a drill exercise in case of immigrants tried to cross.<sup>146</sup>

These immigrants were always appearing in the space of appearances without a chance to go back to a private space of their own. Even though they did not fully exercise their speech and action capacities they were political actors with their mere appearance in this international public space.

Some of those waiting in tent cities returned to their former countries, many stayed in Mexico, and some others crossed illegally to the U.S. Those who stayed in Mexico, which is deemed as a “safe third country” by the U.S.,<sup>147</sup> started working. They had to earn money so they could eat. In Arendt’s words “One must eat in order to labor and must labor in order to eat.”<sup>148</sup> While some were able to get a job at a restaurant as a cashier or cook many found a job at the Maquiladoras, which for many of them was like a dream come true. Oscar Martinez says “Jobs and wages are far more attractive in *la frontera* than in most parts of Mexico [or Latin America]. Steady employment in a U.S.-owned maquiladora, for example, represents the fulfillment of a dream for many young people from depressed rural areas. Once on the border, workers become aware that the conditions are even better, actually far better, on the U.S. side than on the Mexican side, and those with ambition and drive find ways of penetrating the foreign labor market.”<sup>149</sup> A maquiladora seems like a good place to work in the Arendtian sense but, as I discussed before, the division of labor in a maquiladora turns workmanship into simple constituent motion. The maquiladora adopted the assembly line and turned all workers or *homo faber*, into *animal*

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<sup>146</sup> Leun, Justin Van der. 2018. *The Guardian*: ‘You descend into hell by coming here’: how Texas shut the door on refugees. November 2. <https://www.theguardian.com/us-news/2018/nov/02/you-descend-into-hell-by-coming-here-how-texas-shut-the-door-on-refugees>.

<sup>147</sup> Benhabib, Seyla. 2004. *The Rights of Others: Aliens, Residents, and Citizens*. Cambridge: Cambridge University Press. P. 35.

<sup>148</sup> Arendt, *The Human Condition*, P. 143.

<sup>149</sup> Martinez, Oscar J. 1994. *Border People: Life and Society in the U.S.-Mexico Borderlands*. Tucson: The University of Arizona Press. P. 146.

*laborans*. As described by Irma Lopez, a former maquiladora worker: “They gave me the job immediately. About two hundred people worked there. We made electrical coils, but I never knew what for. We just made that one part and never saw the finished product.”<sup>150</sup> Workers at the maquiladora have become an army of *animal laborans* who are slaves to necessity.

For many, the jobs they get at the Mexican side of the border is temporary while their request for asylum gets processed. Those who stay in Ciudad Juarez do so just for a time; however, there are some who make the Mexican side of the border their new home. That is the case for those who have forgotten about their trial date or their case was denied in U.S. courts. Their stay in Ciudad Juarez is defined by the inability of the city to welcome them along with their human capacities for speech and action. The possibilities for the city would be infinite if only the newcomers were provided with public places and the conditions for their speech and action. Each of the newcomers arrive with their own particularities to create new projects and ideas that would bring forward a different and more cosmopolitan city.

The conditions needed for newcomers to be able to fully exercise their speech and action capacities relies heavily on the openness of the city dwellers and the city itself. A local historian and entrepreneur in Ciudad Juarez said, referring to the newcomers: “I see a great opportunity for Ciudad Juarez (in them), they do not know what an opportunity it is. Ciudad Juarez needs hands to rebuild... we are still rebuilding after a war [Referencing the violent years of Juarez].”<sup>151</sup> Sanchez Soledad advocates for developing a welcome committee that helps the newcomers to get to know the city and to help them with their most basic necessities such as a home for them to stay in while in Ciudad Juarez. However, not everyone sees them, the newcomers, as humans full of

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<sup>150</sup> Ibid. P. 187.

<sup>151</sup> Gallegos, Rocio. 2019. *Pie de Pagina: Migrantes muestran su fuerza laboral en Ciudad Juárez*. October 15. <https://enelcamino.piedepagina.mx/migrantes-muestran-su-fuerza-laboral-en-ciudad-juarez/>.

potential. Despite the resistance of the city and many city dwellers, some newcomers have found a way to make their presence felt in the public space. A clear example are the Cuban newcomers who have opened a Cuban restaurant to sustain their labor and above all to share their culture.<sup>152</sup> The restaurant, named “La Pequeña Habana,” has brought a new image to Downtown Ciudad Juarez.

Newcomers in Mexico, even though they are not ‘legal,’ still have an opportunity to become legal in Mexico despite the Mexican side of the border not being as open to them as it could be and, as I argue, should be. However, this is not the case for those who cross to the U.S. illegally. Both immigrants on the Mexican side and the American side of the border lack their private space, namely, a household. But, on the American side they cannot create a tent city but they have to completely disappear from the public space. Thus, their labor and work is completely hidden and their possibilities to speak and act are completely negated. Not being able to appear in the public space is a great loss to the potential cosmopolitan flourishing for the city.

The lack of understanding and seeing people as “Likely to become a public charge” negates an understanding of the people as new beginnings, as newcomers. A collective response from city dwellers and the city itself is needed to become as open as possible with the newcomers. Any and all humans have the capacity to change the public space in which they appear and the rules that govern the public space. Despite the difficulties that the wall and the laws may present a re-creation of the public space at the border is possible.

### **PART 3: RE-CREATION OF THE PUBLIC SPACE AT EL PASO-CIUDAD JUAREZ BORDER**

The El Paso – Ciudad Juarez border is the most populated sister city along the Rio Grande River. People who live at this border see both El Paso and Ciudad Juarez as a unity, as a unified

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<sup>152</sup> Omeokwe, Amara. 2019. *NPR: A Taste Of Cuba Pops Up In Juárez, Mexico*. July 30. <https://www.npr.org/2019/07/30/741936652/a-taste-of-cuba-pops-up-in-ju-rez-mexico>.

cosmopolitan center. However, the potential development of such a cosmopolitan ‘polis’—to think with Arendt—has seen its potential flourishing interrupted by a 20 feet high steel wall and the politics that have thwarted that potential. The wall and the politics of the border have caused the city-dwellers from both sister cities to reassess their understanding of themselves, their relationships with other city dwellers, and the border itself. As is clear by now, the border and the wall mean different things for different people because their perspectives are different. However, as I have developed in my thesis, the dominant experience in El Paso/Ciudad Juarez in that past 20 years is that many people’s everyday encounter with the wall and the border has become increasingly more marked by oppression and negation. It has become even more oppressive because the current political situation is the result of centuries of racial and cultural superiority. It is negative because it negates not only the free movement of people but negates their exercise of speech and action. We further analyzed that the border is not only defined by a wall of steel but also by walls of laws. The disruption of the life of the sister cities of El Paso and Ciudad Juarez caused by the wall has impacted every city dweller’s life and above all that of the newcomers. These same people that have seen their lives disrupted are the same people who can redefine what the border and the wall represent for both cities. In other words, they have the ability to re-create the space at the border.

The border is currently being transformed and recreated by a multitude of actors, including the newcomers themselves, in many ways that are not always deemed desirable by the both the U.S. and Mexican governments. The stories that we have discussed of those who were able to make it to the U.S. despite all the danger they experience in their journey are public stories that need to be told and retold multiple times. Arendt’s writes:

“Without the assistance from others, those who acted will be able to establish together the everlasting remembrance of their good and bad deeds, to inspire admiration in the present and in future ages. In other words, men’s life together in the form of the polis seemed to assure that the most futile of human activities, action and speech and the least tangible and most ephemeral of

man-made ‘products’, the deeds and stories which are their outcome, would become imperishable.”<sup>153</sup>

The people who survived the journey and are struggling to find a new home whether it is in the U.S. or in Mexico have been able to tell their own stories in books or interviews. However, there are thousands more who attempted the journey but did not make it. Just as Achilles needed Homer, these people need someone to tell their stories. Arendt sees the necessity of always knowing the *who* instead of just the *what*, because every stranger is a particular stranger who is the protagonist of his own story. Unfortunately, many of those stories have gone untold and continue to be lost or ‘negated’ by the current unwelcoming reality of the border. Arendt writes “The monuments to the ‘Unknown Soldier’ after World War I bear testimony to the then still existing need for glorification, for finding a who and identifiable somebody whom four years of mass slaughter should have revealed. [...] The brutal fact that the agent of the war was actually nobody inspired the erection of the monuments to the unknown.”<sup>154</sup> Those who are not known and their *who* is missing still need a monument to be remembered. The monuments erected by those who want to remember the Unknown Immigrant are a disruption of the wall that transforms the way that the wall is seen by both supporters of the wall and those who fight the wall. These monuments are an organized remembrance of the newcomers who died in search for an opportunity to experience the potential fullness of their Human Condition.

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<sup>153</sup> Arendt, *The Human Condition*, PP. 197-198.

<sup>154</sup> Arendt, *The Human Condition*, P. 181.



Illustration 3.3: Crosses hanged on the wall that symbolize the death immigrants<sup>155</sup>



Illustration 3.4: Coffins with the number of death immigrants per year.<sup>156</sup>

<sup>155</sup> Molina, Rafael Cuevas. 2015. *Con Nuestra America: La caída del muro de Berlín y los nuevos muros*. November 7. <https://connuestraamerica.blogspot.com/2015/11/la-caida-del-muro-de-berlin-y-los.html>.

<sup>156</sup> Palabras Claras. 2019. Palabras Claras: Se Duplican Cruces de Migrantes en la Frontera Mexico-Estados Unidos. March 6. <https://palabrasclaras.mx/nacional/se-duplican-cruces-de-migrantes-en-la-frontera-mexico-estados-unidos/>.

The way that these monuments are retaking the space that the wall occupies is one way to return that space to the public. Whenever the city dwellers or the newcomers take the space that the wall occupies, they use the space as resistance or as possibility. Julian Agyeman describes in his book *Introducing Just Sustainabilities: Policy, Planning, and Practice*, that spaces as resistance refers to those public spaces that people have taken to protest oppressive regimes. Furthermore, Agyeman also describes spaces as possibilities in a twofold sense: loose space and insurgent space. The former, loose space, are spaces which are activated by the citizens: "These spaces are varied in their structures, diverse in their uses, and programmed by citizens rather than by the authorities. Loose space can be adapted, manipulated, reimagined, and reshaped."<sup>157</sup> The latter, spaces as insurgent, refers to those activities in public space that challenge the regulated and privatized forms of public spaces. The border wall can be referred as a space of resistance and of possibilities in its twofold sense. The previous images that show the crosses that represent the Unknown Immigrant and the coffins with the number of immigrants dead are examples of pacific protest which means that the wall was reshaped as a space of protest.

These monuments that remember the Unknown Immigrants are not the only way that people have re-taken the space that the wall occupies to reshape and recreate the wall. This loose space was taken and activated by artists Ronald Rael, Virigina San Fratello and Juárez artist collective Colectivo Chopeke who designed a seesaw on the wall. The seesaw allowed children from the Anapra community in Ciudad Juarez and El Paso, to play together. The way that the seesaw connected both communities is an example of how disruptive the wall is in their lives but at the same time it exemplifies that if people are allowed to exercise their speech and action together many more projects that can retake and recreate the border wall are possible.

Each year, people gather at the border for the traditional border Catholic Mass. The mass gathers Catholics from both cities along with newcomers to pray for the Unknown Immigrants and all the future immigrants who will attempt to cross into the U.S. The border mass is another

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<sup>157</sup> Agyeman, Julian. 2013. *Introducing Just Sustainabilities: Policy, Planning, and Practice*. New York: Zed Books. P. 103.

example of how people challenge the regulated space for the border wall. Many newcomers who will attempt to cross the border attend the mass while many Border Patrol Agents on the other side of the wall just guard the event.

One last example of how people challenge the border is the Border Tuner by Mexican Artist Rafael Lozano. He set up big searchlights at the border that make bridges of light and there were also a set of speakers to communicate both ways. The Border Tuner is “designed to connect El Paso and Ciudad Juárez [by light and sound] and to highlight the complex and long-standing collaboration that exists between the two cities and two countries, providing a powerful and positive counter-narrative to current rhetoric about the border”<sup>158</sup>

The border is changing in response to those who challenge it or experience it, while at the same time those who experience the border are being changed. The way that the people experience the wall is determined by the way that the wall has imposed itself at the border. These examples of city dwellers and newcomers alike challenging the border are just a few, there is a need of more activities to challenge the border and what it stands for. Jules Simon writes “physical structures and [...] laws need to be able to change dynamically and be open to human initiatives and innovations that are able to infuse new forms of life into the city.”<sup>159</sup>

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<sup>158</sup> University of Texas at El Paso. n.d. *Border Tuner: Rafel Lozano*. Accessed November 2019. <https://www.utep.edu/rubin/program-outreach/border-turner.html>.

<sup>159</sup> Simon, Jules. 2020. "Welcoming Newcomers and Becoming Native to a Place: Arendt's Polis and the City Beautiful of Detroit." *Open Philosophy* 586-598. P. 592.

However, when the governments do not provide the necessary physical and legal structures for people to labor, work, and act, it is the task of the city-dwellers and newcomers to challenge current structures. The wall may separate us like the table that is in-between us; however, for those of us who are around it, it also brings us together, it is a connection. It is the same thing for the wall, despite the oppression that it represents, the wall can bring us together to recreate the space it occupies.



Neither the history of the wall nor the immigration policies that surround it are known as they should be. Knowing the intricacies of the wall and the policies that surround it is a fundamental starting point

Illustration 3.5: The seesaw<sup>160</sup>

if the people want to recreate the space the wall occupies. Educating the people on this matter could be a turning point for the border. Understanding that the El Paso – Ciudad Juarez border is a single community because thousands of people commute back and forth every day is part of the solution. A community that saw its life so abruptly divided can only retake the loose spaces and use them to challenge the current structures in order to be

open to millions of newcomers along with their projects and contribution. That is the only way that a cosmopolitan border can be achieved. The possibilities of a more cosmopolitan border are endless.

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<sup>160</sup> Dolan, Leah. 2021. *CNN: A seesaw for kids on the US-Mexico border wins Design of the Year*. January 19. <https://www.cnn.com/style/article/beazley-design-2020-winners/index.html>. And Instagram @Rrael <https://www.instagram.com/rrael/>

What I have argued with my thesis is that people who do not have the means to labor at their home country look for better opportunities for labor and work in other places. They are just trying to cope with their humanity as everybody else does. Further, I argued that current physical and legal structures need to be challenge in order to have a more open and cosmopolitan border. The only way to achieve that is for people and newcomers to appear and retake public spaces. Their activity will challenge and move forward ideas and projects that can turn into city-wide policies for the benefit of all city-dwellers and the bi-national community altogether. It is clear that Arendt's ideas on the human condition and her philosophy of natality have an intrinsic cosmopolitan drive because a commitment to plurality is a commitment to cosmopolitanism. In the specific case of the El Paso – Ciudad Juarez border, particular historical experiences have shaped how people see the wall and the border, myself included. As a dweller of the border, I have experienced the wall personally. I have lived through the most violent years of Ciudad Juarez and witnessed and survived various shootings in broad daylight and I was one of the lucky ones to be able to find safety in El Paso Texas. However, that did not prevent me from returning to Juarez for family and community reasons and, now, as a student of philosophy. My philosophical goal is to contribute to make radical changes at the border by educating and promoting people to exercise their speech and action capacities because, personally and philosophically, I see a cosmopolitan future in the best Arendtian sense of that term for my community at this border.

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## **Vita**

Maximiliano Gutiérrez was born in El Paso, Texas but raised on Ciudad Juarez, Chihuahua.

After he finished High School, he enrolled in a catholic seminary to become a priest. During his studies for the priesthood, he spent various semester at La Escuela Superior de Musica Sagrada de Guadalajara studying sacred music. After 4 years he left to study philosophy at the University of Texas at El Paso. Max continued to do community service at low-income communities in Ciudad Juarez while an undergraduate student. He completed an undergraduate double major in History and Philosophy.