Editorial

LATINOS AND US CITIZENSHIP TODAY: THE “PRISONER’S DILEMMA” REVISITED ...

In this issue, we continue our special feature on Latinos and the changing meanings of citizenship in the United States. Unlike white-European Americans – but very similar to other racial(ized) minorities – Latinos constantly have to prove that they are “citizenship-worthy” and to insist on their rights – including the very right to even have rights – whether as citizens or residents in this society. This in itself signals a significant failure of US society to keep the promise of equality before the law – a promise initially made in 1868 with the passage of the 14th Amendment. Given the current context in which, more and more, individualist group interests appear to be over-riding the possibility of effective collective action, this failure presents itself, at first glance, as a problem to be solved and addressed exclusively by Latinos. But I strongly believe it is a problem that increasingly points to a very serious and rather dangerous destruction of the very political premise of the United States as a community of equals – that is, of the meaning and value of citizenship.

In other words, it is not only Latinos – nor is it Latinos by themselves – but, instead, *all* US citizens, who need to address the historical and ever-deepening crisis of this society’s structures of citizenship.

After all, as the legal scholar, Alexander Bickel reminds us, when this nation was founded in 1776, it was founded by a very limited number of people – all of them white, all of them property owners, all of them male. Moreover, they defined themselves not as citizens, (as in “We the Citizens”) but rather as “the people” (as in “We the people of the United States...”).

When Congress finally ratified the 14th Amendment at the end of the Civil War – and in so doing, as Eric Foner pointed out, established a national citizenry for the first time in this country’s history – it did so explicitly as a response to the attempts to exclude the newly freed African Americans from full membership in the polity. Hence, the 14th Amendment that created this country’s national citizenry, forever includes as its basic assumption and point of departure the idea of citizenship as a foundation stone for the polity. Regardless of the many ways and directions in which the understanding of citizenship may have changed in the course of this nation’s history, we still have to take seriously the fact that its historical beginnings are firmly rooted

in the idea – even if not in the actual practice – that all categories of citizenship, of legal belonging and rights, have to be publicly discussed in relation to *all* persons involved, and collectively ratified in law as in daily practice.

I emphasize this specifically, because with each passing day in this post-9/11 era – and well over 1 year since the outbreak of the War in Iraq – it becomes even more apparent that our society is allowing particular groups to have their rights curtailed almost without protest, and certainly without sufficient active resistance and discussion. From this point of view, when we focus on the multiple and varied status of Latinos and Latinas – whether as citizens, as refugees, as documented or undocumented immigrants, as colonized peoples, as conquered populations – we are addressing the ways in which everyone in this country is affected by the fact that different sectors of the population have different political status.

Stated differently, the lack or denial of rights to one sector or group, may serve to undermine the rights of everyone. Framed within the dynamics of the “Prisoner’s dilemma,” the whole problem can help expose an inherent miscalculation, whereby the shortsighted and exclusive pursuit of individual interests leads eventually and inevitably to undermining the true liberties and benefits of citizenship for all.

The fact that today we are allowing this inequity to continue will affect us all in very negative and actually dangerous ways. The most immediate example suggested is the racial profiling that continues to be condoned in various parts of the country. It is ironic, for example, that even Latinos who are judges and lawyers are not being spared in the southwest: as *The New York Times* reported some months ago, they too get stopped constantly for “driving while brown.”

There has long been a belief that the US population of European descent is not subject to the same conditions of “un-full” citizenship that some other sectors of the society experience, that is, the searches, distrust and petty humiliations that any US citizen and resident who even loosely evokes “foreignness,” (or, in the case of African Americans and other racial(ized) minorities, anyone appearing somewhat outside the standard mold for “real” American citizens), has to undergo on a daily basis. From this point of view, it is perhaps not surprising that US citizens of European descent have seldom really bothered to mobilize to put an end to the racism practiced against fellow citizens and residents of color.

Today, however, this patently false belief is starkly belied by the new situation of political vigilantism whereby anyone and everyone can be perceived to be potentially harboring – whether in their homes, their buildings, their businesses, their car trunks – a suspect with evil intentions, however defined – a foreigner, an immigrant, an undocumented worker, ostensibly bent on destroying the “American way of life” – always a difficult phrase to define. In short, the codeword of most recent government coinage is “potential terrorists.”

Consequently, today, white Americans too are increasingly getting stopped arbitrarily and their cars searched on the highways. The result is the classical outcome of the “Prisoner’s Dilemma,” where cooperation with authorities against legitimate citizenship rights – whether our own or those of our fellow nationals – results in the overall increase of arbitrariness and insecurity in public and private life.

The following account of a white male nurse, who was stopped and searched a few years ago, helps to clarify this point. “If I said no,” he explained, “who knows what would have happened to me.” And so, he said “yes, officer, you can search my car,” His car was thoroughly searched, with no explanation, no just cause, other than the growing fear, distrust and consequent abuse of power by the authorities. Although the search was very much against his will, in allowing it, he became one more reluctant contributor to the growing epidemic of self-censorship – a life-threatening condition for democratic citizenship. In that moment of choice, and whether he was conscious of it or not, that nurse experienced and hence made visible a truism that Latinos and all people of color have long been aware of, throughout the entire history of this country – that is, that while citizenship may be commonly construed as a legal status, it is, above all, a lived experience and a political reality, shaped and differentiated as much by historical precedent as it is by the current political and cultural context.

Again, like our previous one, this special issue on Latino/as and citizenship, has come together very much in the spirit of concern for learning and in the search for knowledge and understanding, of both the present crisis and the new ways of addressing the changing meaning(s) of belonging in the contemporary United States.

Saludos!

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