
Undocumented Immigrants in an Era of Arbitrary Law

The Flight and the Plight of People
Deemed “Illegal”

Robert F. Barsky

 **Routledge**
Taylor & Francis Group
a GlassHouse Book

Translating the utterances of undocumented immigrants in a hostile discourse marketplace

These are folks who to a large extent came here for the sole reason of earning enough money to send to mama. And they are doing that. And then, on Friday night, they are there with a car. They would never have had a car where they're from. \$500 gets you a damned good usable car here, and you couldn't touch one for \$500 in Mexico. And they can drive it. License? Maybe. Then some clown shows up drunk one night and sells one of the guys a \$200 pistol. There's a really big tradition in Latin America, where if something is happening that is good, then you fire your pistol off. This guy is not a threat to the community. We take the pistol away from him, we tell him why we don't do that, and he goes on. The reason they are in jail instead is the same reason why my Caucasian clients are in jail: drinking, drugging and being stupid. Just because you come from Mexico and are here to send money home doesn't alleviate any of those three conditions. But what eventually happens to them if arrested depends upon who is working in the jail, and whether they are looked up on the computer. There's a little line on the computer that says: "Hold for I.C.E." If that happens, then they are screwed.

(Lawyer interviewed for the project)

Most work on migratory flows focuses upon the "push" factors that drive people away from their homes, and the "pull" factors that attract them to new horizons (European Commission 2000). In this chapter I'll adopt a similar approach, but I will add references to the "social discourse" of undocumented immigrants, which denotes the swirl of information, rumors, ideas and general discourse into which people enter, or from which they flee, when they move from place to place. In so doing, I wish to flesh out this idea that migration can be understood with references to discursive practices that occur amongst interested parties, and that examining the details of linguistic interaction provides a much deeper understanding of the challenges migrants face as they try to negotiate their existence in the host country. For instance, it has been shown that, for example, Pakistani men undertake the perilous journey to England in order to work, without authorization, as a kind of rite of passage,

and many Mexican farmhands decide to bow to the pressure of their villages in order to “be a man”, leave for the United States and send home remittances and hone new skills (Ahmad 2008; Lesesma 1998; Maciel and Herrera-Sobek 1998; Schrover et al. 2008). The pressure that these individuals experience comes from actual and overheard conversations about what it means to seek out employment opportunities abroad, which in turn can be tied to crucial tropes in home societies, including, for example, machismo and masculinity (Ramirez 2011).

When migrants arrive in the host country, they enter a social discourse that is most likely negative in regards to “illegal” immigrants, and, in regards to social pressures, may have very different conceptions of manly activities. So rather than encountering an environment that celebrates the achievements and potential of the migrant, they encounter an antagonistic social discourse that’s riddled with xenophobia, false stereotypes, horror stories, but also the occasional uplifting tale based on the experiences of particular people. An interpreter provides one such story in the American context:

I am thinking of a woman who was never incarcerated. I interpreted for her when she was in physical therapy. She was from Oaxaca, and had lived here several years, but had crossed the border between the US and Mexico eleven times. It was very clear in her mind, and in the minds of others like her, why they are here. They are here to work and make a living. They are not bilking the system. They are paying taxes on their \$6.00 an hour job, carried out under miserable conditions, and that is why they are here. I admire them. They are very singularly focused on just doing what they came to do, not bothering anybody, giving their kids a better life, sending money back home for their mothers. I think they are cognizant of the risks they take by being here. They have an amazing singleness of purpose, to live every day, and to do their work.

The broad arrays of things that are said about people like this woman both contribute to, and flow from, a prevailing “social discourse”, rendering the act of border-crossing a linguistic fact as well as a physical one. When we consider the narratives of undocumented people, we also come to realize the importance of gossip, rumors, and “life story” narratives, whether or not they are true. Such an approach also drives home the fact that undocumented immigrants hear stories about people like themselves, through the filters of translation and cross-cultural barriers. And so in this chapter I will undertake a subjective assessment of how undocumented people experience their life in the host country, and then suggest that one of the many obstacles that undocumented people face is that they are often negatively perceived, and deleteriously described, within the prevailing social discourse. Having set up the backdrop, I will suggest that amongst the array of ways in which undocumented people are described, the most common is to attribute to them

the qualities of dirt and filth, that is, matter out of place. And finally, I'll turn to interpreting on behalf of these individuals, and claim that this task is rendered all the more difficult because of the overwhelmingly negative views that circulate about them within the social discourse.

The blame game

Immigrants are often blamed for crimes committed in the country, and news made by partial groups posing as impartial research centers, like NumbersUSA or the Federation for American Immigration Reform (FAIR), often finds its way into the mainstream news media. Of FAIR, the National Council of La Raza (NCLR) (2010) has recently written:

Overall, FAIR blames immigrants for crime, poverty, disease, urban sprawl, and increasing racial tensions in America and calls for a drastic cut in the numbers of those allowed to immigrate. In radio and TV ads, it attacked former Senator Spencer Abraham (R-MI), saying Abraham's immigration reform proposal could "make it easier for [Arab] terrorists like Osama bin Laden to export their way of terror to any street in America." Print ads featured a photograph of Senator Abraham—an Arab American—next to a photo of bin Laden. FAIR's ads were condemned across the country and caused former Senator Alan K. Simpson (R-WY) to resign from FAIR's advisory board. Another example of FAIR's racist views is reflected in a comment made by Garrett Hardin, a FAIR board member, who argued that aiding starving Africans is counterproductive and will only "encourage population growth." FAIR has also created two affiliate organizations: Choose Black America (for African Americans) and You Don't Speak for Me (for Hispanic Americans).

(p. 2)

These stories make news, broadly, and they affect the general perception that people have of immigrants, and that immigrants can have, therefore, of themselves. The pervasiveness of these organizations, and the ease with which "war on terror" can be applied to almost any criminal activity, from local vandalism to international drug smuggling, is worrisome indeed. From a more theoretical standpoint, this type of fearmongering and hysteria, replicated in settings all around the world, creates a negative perception of undocumented immigrants, and migrants more generally, in the broader social discourse.

Intrinsic to any discussion of how a negative subsection of the social discourse operates is a theory of the whole compendium of discursive practice in a given society at a given time, in this case relating to discourses about foreignness, immigration and otherness within a particular host country. In order to discuss this idea of social discourse, and to consider it as regards a host of push-pull factors, it's necessary to determine what the social discourse

is, and to consider its value in understanding the many obstacles that undocumented immigrants face. To undertake this task, we can look to the work of Marc Angenot who, in a broad array of articles and books, sets out a broad and powerful framework that has great value for this domain of inquiry. Social discourse, according to his approach, is

everything that is said or written in a given state of society; everything that is printed or talked about and represented today through electronic media. Everything that narrates or argues, if one contends that narration and argumentation are the two basic kinds of discursiveness.

(Angenot, 2004, p. 200)

His eventual goal is not simply to catalogue or to list all prevailing discursive tendencies, but rather to uncover the “extrapolation of those discursive rules and topics that underlie the endless rumor of social discourses without ever being themselves objectified” (ibid.). What is said that relates to immigration, say, is in this respect but one practice amidst a massive discursive output that relates, in complex and often contradictory ways, to particular utterances made about immigration and immigrants.

A culture, a social discourse is in fact never made out of a set of statically dominant ideas, representations, systems of belief, “ideologies”. It is thoroughly made out of regulated antagonisms between conflicting images, concepts, cognitive discrepancies, and incompatibilities that are still relatively stabilized without ever reaching a state of equilibrium. Social discourse is made out of a set of ideologèmes [the basic ideological unit of ideas or themes embedded in a culture’s language] in tension with each other, of “sociogrammes” thematizing, on divergent vectors, conflicting social representations. It is through and beyond these tensions, conflicts, and compartmentalizations, beyond the cacophonous rumour of social languages that something like a hegemony will be discovered producing precedences and arbitrations between conflicting discourses, concealing topical axioms and basic principles of social verisimilitude, universal taboos and censorship that mark the boundaries of the “thinkable”. One should not dissociate from this hegemony the normative imposition of the legitimate language, a language always saturated with tropes and idioms, phraseologies and bombastic structures of feeling. It should perhaps be added that so-called ideologies never go in isolation even if the historian tends to isolate them (i.e. anticlerical id., anti-Semitic id., protofascism, republicanism and so forth) for the purpose of analysis.

(p. 201)

At the same time, however, Angenot recognizes the autonomy of various discursive genres within this broader compendium, and does not make any

attempt to totalize social discourse, and thus ignore its traditions, its discursive genres, its stakes, its constraints, its values within the discursive marketplace and so forth.

This approach is tied to a series of disciplines and texts, including argumentation and rhetorical work dating back to Aristotle, and developed through the elaboration of elements that allow for utterances to be linked. Amossy (2002) describes “the unexpressed premise accounting for the passage from one utterance to the other” as a “topos in the pragmatico-semantic meaning of the word” (p. 386), that is, beliefs commonly held by people in a particular group that give the appearance of representing a kind of consensus. This new perspective has proven to be fruitful in several linguistic fields, and it’s valuable for our purposes because it implies that to use specific words is to invoke a broader *topoi*, suggesting that the meaning of a word is determined more in regards to related clusters of terms than to a particular referent.

This may seem a tad obtuse, but its implications for how we “hear” particular discourses, or how we produce particular utterances for specific speech situations, is a crucial issue, especially for people who are foreign to a particular social discourse. If we stick to the example of the “undocumented immigrant” or, worse still, the “illegal”, then we can immediately imagine the array of linked *topoi* including foreigner, criminal, job-stealer, immigrant, outsider – or even worse, such as terrorist. Furthermore, every word the undocumented immigrant says in a given setting is from this perspective saturated by the context within which it is spoken. Her utterances are also bathing in a very particular time at which she speaks, which calls up not only the conditions of the speaking subject but also every element of the context within which, and to which, the word is spoken. An example might be the statement that “I’ve come to this country from Yemen because here I am free” pre- versus post-9/11 or the shootings at Charlie Hebdo, let’s say. Before 9/11 or Charlie Hebdo, this might have seemed like a comment on the West, its generosity and the “dream” that so many people associate with it. Post-9/11 or Charlie Hebdo, a host country interlocutor might construe this sentence differently, as in “free” to act inappropriately, or else using “free” as a negative rather than positive indicator. The point is, the utterance itself might be identical, but it may be “heard” in very different ways, depending upon the moment when it is uttered.

Immediately after 9/11, I traveled from Montreal to New York City, and at the border was accosted by a hostile border guard who was appalled when I said to him: “I don’t have my passport because I have never used it to cross this border, and didn’t think it would be any different now.” He barked back at me: “But we are at war!” I had traveled hundreds of times across the US border from Canada, and was traveling to New York that time in order to offer my support. I certainly never imagined that I would be considered a possible threat, or an imposter. The situation had changed, and not only had the border-crossing rules changed, but the “rhetoric” of the time had suddenly

become militaristic, rendering my own reasoning inappropriate or even disrespectful. This type of example leads Angenot (2004) to a crucial preliminary point in his thinking about “social discourse”, which is that it’s deeply linked to time, and, as such:

At any moment and in spite of different ideologies in competition, there exists a *diffuse thematic paradigm* that may undergo innumerable avatars but nevertheless provides the basic features of a dominant world-view. Such a thematic paradigm is not necessarily embodied in a specific philosophy or doctrine of the time; it may be more elusive, existing both everywhere and nowhere. Fashionable ideologies of the moment provide successive versions or variants of [it].

(p. 204)

In other words, we evaluate what we hear on the basis of the context, in the broadest possible sense, including (say) what the person listening to the utterances thinks about his/her interlocutor. Herein enter issues relating to racism and xenophobia, but also other factors such as physical attractiveness, or the degree to what is being said accords with the fashion of that particular time. This idea of discursive “fashions” is described by Bakhtin, who claimed that specific utterances are tied to the “speech genres” to which they relate, and to the “situatedness” of the person speaking. For Bakhtin (1981), language is stratified into different speech genres that gain and lose value depending upon the context (the space and the time) within which they are uttered:

The internal stratification of any single national language into social dialects, characteristic group behavior, professional jargons, generic languages, languages of generations and age groups, tendentious languages, languages of the authorities, of various circles and of passing fashions, languages that serve the specific sociopolitical purposes of the day, even of the hour (each day has its own slogan, its own vocabulary, its own emphases)—this internal stratification present in every language at any given moment of its historical existence is the indispensable prerequisite.

(pp. 262–3)

Consistent with this idea, Angenot suggests that the study of discourse must be clearly inscribed within a broader project of understanding the entire social discourse at a given time and place. This is very exigent, and demands that the reader or hearer possess a clear understanding of the prevailing norms of emission and reception, in order to accord the discursive commodities the speaker is attempting to peddle in the discursive marketplace. The undocumented immigrant is, as it were, selling his/her utterance, and hoping that the buyer will consider it worth the investment.

By way of concrete example, we can imagine an undocumented farmworker

who is pulled over for speeding. In his interaction with the officer, he might invoke the importance of bringing in the current crop of tomatoes before the impending storm. If this officer thinks that this is valuable work, and that indeed the storm will ravage the tomatoes because of their fragility, he might let the undocumented laborer off with a warning, or, at the very least, might not call the immigration authorities. The savvy undocumented immigrant, therefore, might try to “direct” his discourse appropriately, in the hope of achieving his desired end. But this is a complex action, because, as Bakhtin (1981) suggests:

The word, directed toward its object, enters a dialogically agitated and tension-filled environment of alien words, value judgments and accents, weaves in and out of complex interrelationships, merges with some, recoils from others, intersects with yet a third group; and all this may crucially shape discourse, may leave a trace in all its semantic layers, may complicate its expression and influence its entire stylistic profile.

(p. 276)

If we can agree that discursive exchanges do in fact occur this way, then the speaker of any utterance must be familiar with the local fashions, what is acceptable, or even “stylish”, in a particular discourse marketplace. Bakhtin describes utterances as living beings, cast forth into a pre-existing ecosystem, such that:

The word in living conversation is directly, blatantly, oriented toward a future answer-word. It provokes an answer, anticipates it and structures itself in the answer’s direction. Forming itself in an atmosphere of the already spoken, the word is at the same time determined by that which has not yet been said, but which is needed and in fact anticipated by the answering word. Such is the situation in any living dialogue.

(p. 281)

Angenot (2004) supplements this approach by describing the social discourse environment, identifying details of its prevailing hegemonies and norms. Whereas Bakhtin often describes this relationship in organic terms, as though the utterance is animate, Angenot is more material-minded in his social discourse approach, and therefore much more apt to think of the utterance as commodity than as living being:

This division of discursive labor may also be approached in the logic of market and commodities. Discourses circulate, their value is regulated by supply and demand, they are marketed and exchanged. All discursive topologies are subject to a specific economy with its market engineering, supply and demand, planned obsolescence of ideological goods,

inventories, and clearance sales. A whole new economy with its fashions, infatuations, inflations, and crashes, conflicts with the preservation principle and the need to control the limits and outskirts of the thinkable. Hence the frequency of that classical compromise: the “foreseeable newness,” or the art of making new out of old.

(p. 207)

This idea, key to his work on how utterances circulate in a social discourse, moves Angenot away from Bakhtin and towards Bourdieu (1990). Bourdieu’s approach, like Bakhtin’s and Angenot’s, challenges the idea that we can undertake some kind of a formal analysis of language, that we can just record what was said, as the basis for how it could or should work. This might apply in some cases, but in social situations, like for example the relation between an undocumented immigrant and a policeman, it goes beyond just saying the right thing from a purely technical standpoint. The “right thing” has to be uttered at the right time, in the right way, to the person most likely to be receptive to it; and furthermore, determining what is “right” for a particular situation can be enormously complicated.

For Bourdieu, linguistic exchange isn’t “living”, in the way that Bakhtin describes it, but rather it’s a kind of economic transaction between a “producer, endowed with a certain linguistic capital, and a consumer (or a market), . . . which is capable of procuring a certain material or symbolic profit” (p. 66). Utterances aren’t, as he says, “signs to be understood and deciphered; they are also signs of *wealth*, intended to be evaluated and appreciated, and *signs of authority*, intended to be believed and obeyed,” which leads him to the very salubrious observation that:

Quite apart from the literary (and especially poetic) uses of language, it is rare in everyday life for language to function as a pure instrument of communication. The pursuit of maximum informative efficiency is only exceptionally the exclusive goal of linguistic production and the distinctly instrumental use of language which it implies generally clashes with the often unconscious pursuit of symbolic profit.

(p. 67)

This use of “profit” suggests that the examples to which Bourdieu is referring relate more to (say) selling something, or deriving personal benefit from the interaction. In the case of undocumented immigrants, it’s not so much profit as it is survival. Like a claimant in a courtroom, the undocumented immigrant is trying to undo labels that have been placed upon him/her, such as “criminal” or “illegal”, and trying to substitute instead “hard worker” or “contributor to the host society”. He/She may also be trying to disassociate him/herself from a group to which he/she is deemed tied, because of the negative connotations of that association. A legal investigator describes this process:

Sometimes it's just pride in whatever their country of origin is. Some of them think they are a little bit better than others, and so they don't want to be confused with people from other countries. I've heard statements like: "I don't want to be confused with one of those Mexicans". Obviously, not every Latin American here comes from Mexico, and each culture, and each country, has their different ways of interacting, even in regards to sense of humor. The common thing is that we all speak Spanish, but then you have your different cultural aspects, and they are very different from one country to another. But I think it is also very typical of Americans to group people, like all the Hispanics. So here it's assumed that I am Mexican.

Bourdieu's work goes a long way in explaining why a Latin American legal investigator might not wish to be labeled as a Mexican, and certainly why Mexicans don't want to be labeled "illegal". The links here are not just linguistic ones, tying the sign to the signified, because by the association between labels in a particular topoi, the Mexican can be viewed in the first instance as a criminal. Describing someone instead as "undocumented", or *sans papiers*, is somewhat better because it doesn't relate so much to their person, as it does to their possessing, or not, some kind of documents. It's still negative, but much less so than "illegal", because if this person enters into the discourse marketplace as an "illegal", it's as though the words that he/she is offering are being sold by some kind of a criminal.

And so in order to survive or derive profit from a foray into a discourse marketplace, the speaker counts on, and attempts to establish, some basis for the communication of his/her value, credibility or viability. But the process is highly complicated because, according to Angenot (2004), the underlying rules of the social discourse

comprise a thematic repertory, an implicit cognitive system (or perhaps several cognitive systems in competition), and a regulated topology, a division of labor in the discursive realm. These are the basic components of what engenders the sayable, the writable, and the discursive acceptability at a given historical moment in a given society.

(p. 200)

Herein are echoes of Bakhtin's idea that any narrative consists of complex interrelationships, consonances and dissonances, such that "understanding" is active and interactive. All this helps to explain why it's difficult for someone foreign to a speech context to discern the right way to direct a narrative because, to use Bakhtin's (1981) formulation, a speaker's

... orientation toward the listener is an orientation toward a specific conceptual horizon, toward the specific world of the listener; it introduces

totally new elements into his discourse; it is in this way, after all, that various different points of view, conceptual horizons, systems for providing expressive accents, various social “languages” come to interact with one another.

(p. 282)

This means that the utterances aren’t unified, and they aren’t untainted by the exterior world, because

All words have the “taste” of a profession, a genre, a tendency, a party, a particular work, a particular person, a generation, an age group, the day and hour. Each word tastes of the context and contexts in which it has lived its socially charged life; all words and forms are populated by intentions. Contextual overtones (generic, tendentious, individualistic) are inevitable in the word.

(p. 293)

These contexts evolve constantly, so the relationship between the speaker and the language he/she produces “is always found in a state of movement and oscillation that is more or less alive” (p. 293). Angenot (2004) suggests that this complex and unfolding relationship is nevertheless regulated by rules which, even if fluid and variable across genres, are nevertheless discoverable. The problem is

...to try to connect the literary, scientific, philosophical, political fields, and so forth, and without neglecting stakes, constraints and traditions of these individual fields to extrapolate trans-discursive rules, discover vectors of exchange, and set up a global topology of the prevailing *sayable*, accounting therefore for using “Social Discourse” in the singular, and not social discourses as a simple coexistence and juxtaposition of genres, disciplines, and local cognitive strategies.

(p. 200)

The difference between Bakhtin, Bourdieu and Angenot, then, resides where each of them chooses to place the emphasis. For Bourdieu, the “sayable” is linked to the circulation of discursive goods in the marketplace, while for Angenot it is tied to the conditions under which the speaking subject produces his/her utterance, and for Bakhtin (1981), whose work subtends both, that same word, however constrained, is nevertheless the product of living, speaking individuals who are situated in very specific ways, in space and in time. Utterances are therefore living entities that interact with the environment, even as they act upon it:

The living utterance, having taken meaning and shape at a particular historical moment in a socially specific environment, cannot fail to brush up

against thousands of living dialogic threads woven by socio-ideological consciousness around the given object of an utterance, it cannot fail to become an active participant in social dialogue. After all, the utterance arises out of this dialogue as a continuation of it and as a rejoinder to it—it does not approach the object from the sidelines.

(p. 274)

The idea that dialogue itself is somehow organic, and tied to a living space where dialogue occurs is crucial, for Bakhtin, because

...in any actual dialogue the rejoinder also leads such a double life: it is structured and conceptualized in the context of the dialogue as a whole, which consists of its own utterances...and of alien utterances (those of the partner). One cannot excise the rejoinder from this combined context made up of one's own words and the words of another without losing its sense and tone. It is an organic part of a heteroglot unity.

(p. 284)

This latter approach is a sign of Bakhtin's time (1895–1975 with the brunt of his work undertaken in the early part of the 20th Century), tied to the contemporary interest in vitalism (cf. Burwick and Douglass 1992), and linked to his earlier work on the carnival. Nonetheless, it's the crucial linchpin in the work of both Angenot and Bourdieu, who see discourse as produced within a context, in an ongoing way, directed towards particular ends. When brought to bear upon the act of translation, this becomes all the more fascinating because in a situation in which the added component of traversing linguistic and/or cultural bounds is added into the equation, the utterance faces multiple hemispheres of ideology, situatedness and context; and since home languages translated into host situations tend to be fraught with politics, the idea of each utterance bathing in ideology becomes all the more significant.

Against the backdrop of social discourse, the discourse marketplace and Bakhtin's vitalistic approach to discourse, we can assess the challenges facing undocumented immigrants. Since they are necessarily outsiders to the host country, they experience a sense of indeterminate outsidership that feeds into feelings of unease and tension, described by a lawyer:

I think that on one level, people who are undocumented are aware that they are susceptible to being detained or deported at any moment. People I talk to as witnesses for violations by undocumented persons are aware of that and they live in the fear of that all the time. On the other hand, it's impossible to live with that all the time, so you sort of try not to think about it. I think that people assume that there is a more fair system than there is, that if you're reasonably discovered that you would be quickly detained and deported.

This lawyer identifies the central issue that ties together the “awareness” that undocumented people have of the risks they are running, the “fear” that they will get caught and the effort to “not think about it” so that they aren’t incapacitated. This is a complex mental game made much worse by the swirling array of laws, proposed laws and programs that they can be subjected to. A brief description of some such laws and programs can help us appreciate the challenges these people face.

Awareness, fear and the backdrop of punitive actions

The social discourse surrounding undocumented immigration issues has undergone important changes in the last decade, particularly in the United States. As we’ve seen, many new and draconian measures flow from the adoption of new (but at that time mostly unenforced) laws in 1996. After 9/11, many of the new laws were enforced either for the first time, or more stringently. So much new legislation has been debated, proposed or passed in their wake that any research project in this era has to look critically upon data or frameworks developed pre-9/11. A community organizer summed up the situation as dramatic:

I think what 9/11 did was legitimize prejudice. We had this Know-Nothing Party [a political party that flourished in the 1850s in the United States that was an outgrowth of the strong anti-immigrant and especially anti-Roman Catholic sentiment that started to manifest itself during the 1840s], and we have this history of anti-immigration, and I think what 9/11 did was justify the kind of prejudices that were already out there. I think that it’s because of 9/11, which legitimized people doing nasty things to foreigners.

Social discourse can shift dramatically after an event like 9/11, a natural disaster, the sinking of a vessel containing undocumented people, the murder of journalists or cartoonists or reports of abuse directed against migrants. In regards to the cultural aspects of the social discourse, it’s also worth keeping in mind that the more distant one is from the host culture, the more difficult it will be to successfully work (within) the system. For this reason, people who are refugees, homeless, foreign or for whatever reason marginal can be subjected to a complex array of discriminatory actions that are taken in regards to the dominant and hegemonic social group.¹ But the situation of undocumented people is growing in size and dimension, and it has become so egregious, and abuses are now so widespread, that it now defies both logic and consistency. This is even affecting law enforcement officials who find themselves charged with assessing complex immigration data and convoluted immigration regulations; and it’s a growing concern for officials involved in the process of incarcerating foreigners on grounds which can be murky

to officials, and often incomprehensible to those who find themselves in the system.

Reports and rumors about new legislation concerning irregular migrants

The last decade has been witness to a plethora of recently enacted or newly proposed legislation affecting foreigners, emanating from different federal, state and local offices. These changes are in themselves a source of great anxiety amongst immigrant and asylum communities, and amongst those charged with enforcing new laws. It's noteworthy that each of these programs has been discussed in the media, but not all have been adopted; and even when adopted, they are not consistently enforced from one state, or even one county, to the next. Furthermore, new proposals are constantly being put before state and local legislatures, but a lot of them look like posturing on the part of legislative members trying to prove their "toughness" to constituents. In fact, there has been such an array of proposals aimed at curbing illegal migration that an exhaustive list would be a chapter-length work, particularly if it included local, state and federal initiatives. It's worth mentioning a few of them, though, because they provide a concrete sense of where a social discourse comes from.

For instance, when I first started interviewing people for this project, there was significant discussion of the 2005 "Operation Streamline" that enforces criminal prosecutions against virtually every person caught illegally crossing stretches of the US-Mexico border. The Operation was described in Congress, and was of course widely reported in the media, which created an atmosphere of fear and uncertainty amongst the population targeted. A lawyer I interviewed noted that:

There's an overarching anti-immigrant sentiment that has developed since September the 11th that has made people much less sympathetic, if they were ever sympathetic to undocumented people in this country. There's this sense that people are surprised that people get any basic rights as undocumented people. It seems like it's getting worse, and that may be a function of the media.

There is significant debate about this Operation, and many reports that describe activists protesting against it; whether it is eventually dismantled or not, its impact will continue to be felt as undocumented people hear stories about the law, its effects, and its uncertain future.

Even more to the point, though, is the incredible amount of legislation that is put forward, debated, modified or changed in city, state and federal districts every month. Each of these new initiatives, and challenges, comes in addition to the vast array of legislation that exists in local, municipal, county,

province, state and national settings. Immigrants hear about these proposals, first or second hand, and are susceptible to acting on the basis of what they hear. This is destabilizing, but also justifiable, since there can be significant variation from one state to another in terms of openness to migrants, as a public defender indicated with reference to the United States:

I think our government right now is very immigrant unfriendly, and it makes me angry to consider how immigrants are treated. There's also a huge contrast between [different states] in terms of embracing and celebrating different cultures. It would be hard to be an immigrant right now.

Amidst this variation, there's also a consistent anti-immigrant theme that emerges at various levels of vociferousness depending upon the political climate, and all of it has an effect, because the lag-time between propositions, implementation and knowledge is so long that people may still believe that they are still in force even if they no longer exist.

In light of all the contradictory things that people hear, they are likely unsure of how to act, what to say and, pace Bourdieu (1990), what will “work” to get them safely back to their homes or to their jobs. Typically, the undocumented immigrant won't know what is “correct”, appropriate or, to use the terminology from Bourdieu or Angenot, they don't know what they should offer up to the marketplace of discursive practice, and they risk saying something that cannot be “heard” or, worse, they might employ a discursive or practical tactic that works in Mexico, but not here (offering to pay the fine in cash, invoking friends in the hope that the officer knows them, and so forth). These linguistic and cultural obstacles could be better overcome in the presence of a translator or interpreter, so I'd like to begin by thinking about what kind of training such a person should have, and what the “field” of translation studies should look like. To do so, it's important to recognize that interpreting on behalf of undocumented people is akin to arguing on behalf of the unwanted, the undesirable or, worse, people who are deemed dangerous because they are quite literally “out of place”, an idea best understood as regards censorship.

Social discourse, censorship and translation

Translation is one of the disciplines at the intersection between culture and knowledge transfer, and as such it deals with the selection, transformation and dissemination of information against the backdrop of the prevailing social discourse described above. At this intersection, however, stands an array of tasks that are so different in nature that they aren't even captured in the oft-mentioned distinction between translation and interpretation. This distinction is nonetheless an appropriate place to begin, and so I use the accepted

terminology of “interpretation” to refer to the work involved in linguistic translation *tout court*, and “translation” to mean linguistic interpretation that is supplemented, or even supplanted, by information that helps describe what the speaker is trying to say, or means to say. This of course far exceeds what we normally think of as the task of translation, or translation studies; indeed, even if we defer to the many definitions provided in the monumental Doorslaer and Gambier (2013), we’re generally led to the quest for efficacious and accurate renderings of one language into another, without (in my opinion) sufficient reference to concrete impediments in the social discourse.

And so informed by work by Angenot, Bakhtin and Bourdieu, and from a somewhat outsider perspective relating to what literature and law can teach us about the situation of the undocumented immigrant, I’d argue that we need to think carefully about what translation means in the context of marginalized peoples, and what kinds of things should be taught in the realm of translation studies, which leads me to wonder what should be involved in that kind of work. Of course the definition game for emerging or underrepresented fields like translation studies can be tricky because it demands that practitioners undertake an exercise deemed unnecessary in established fields, like, say, anthropology or sociology (even though they too suffer from constant and justifiable identity crises). In order to contribute to our understanding of the translation process, I would like to think about what translation studies *do* from a somewhat uncharacteristic perspective that focuses not only upon the transformation of linguistic material from one national language to another, but also on the resistance to this process. This is best understood with reference to materials deemed inadmissible, that is, material that is not necessarily just untranslatable, but rather undesirable in translation, and therefore untranslatable. By invoking censorship, I hope to contribute to our understanding of translation in the context of the undocumented immigrant discursive paradigm, and then to efforts at solidifying translation work inside institutions of higher learning.

To begin, I want to take us back in time to the case of a famous couple of translators and publishers, Henry and Ernest Vizetelly, and their involvement in the translation and dissemination of works by Émile Zola that were deemed obscene in France, and prosecuted as such in England. With the insights of that example, and discussions about what obscenity charges teach us about translation studies, I’ll then turn to more contemporary concerns regarding illegal immigrants, drawing attention to the overlap between what was said against Henry Vizetelly at his trial,² and what is said about illegal immigrants, in terms of their involving the representation of “filth” and “dirt”, that is, the treatment of matter that is deemed in its filthiness to be “out of place”. These two examples point to challenges faced by translators and translation studies, both in terms of its acceptance as a discipline and course of study, and its formulation as an adequate description of those tasks translators should learn to undertake in order to meet these challenges. Thinking

in academic ways about what a translator should be allowed to do in a situation of intercultural translation, assessing the multiple competing definitions of translation studies and debating technical matters about what kind of translating methods should be taught to students, it's easy to forget the real object of translating for marginal groups like undocumented immigrants. No matter how accurate the translation, or how sophisticated the methodology, or how wonderful the certification process, the real obstacles to translation are often elsewhere, in, for example, preconceived notions about the nature of the material being translated, or the person speaking the foreign language.

I'll also underline the fact that when translators work on behalf of these undesired or so-called undesirable elements, they themselves can come under fire as being the vessels through which unwanted individuals are given passage into the unwitting and innocent host society rather than as useful vehicles, mediums or intermediaries in a complex transformational linguistic process. This means that translation studies should indeed undertake the broad tasks usually associated with this realm, including, for example: applied interpreting and translation, the analysis of contextual meaning, "extra-linguistic" aspects of communication, cross-cultural sensitivity, sociolinguistics, dialectology, localization and terminology management. But this already broad training could nonetheless benefit from a deep understanding of what kinds of contextual impediments can prevent the admission of the discourse, on the grounds that its very presence threatens the sanctity of the host or home society (a point driven home by such events as the shooting at Charlie Hebdo). As such, translation studies needs to be conceived of within a much larger humanistic enterprise that is bolstered through study of history, philosophy, literature and politics; and to see why, it's instructive to look into the realm of obscenity.

Obscenity and translation

In 1857 two seminal texts came before French tribunals, and their authors, Gustave Flaubert and Charles Baudelaire, were both charged with obscenity. Despite the differences in genres, and in the approach taken by the defense, the rhetoric of both trials can be seen as a precursor to arguments that would be made against Henry Vizetelly in 1888. *Les Fleurs du mal* was denounced as being disgusting to the point of causing a kind of infection, and its author was portrayed as a purveyor of garbage (Guyaux 2007), and similar accusations were made against Vizetelly for his translations of Zola's novels. In spite of the many differences between Zola via Vizetelly, Baudelaire and Flaubert, the critical vocabulary deployed against them all seems to make one thing clear: in the eyes of many of their contemporaries, and certainly in the courtrooms of justice, the works that were being scrutinized were all portrayed as a kind of dirt that was imposed upon an unsuspecting reading public that risked, in its exposure to it, an irreversible infection. This idea of utterances acting

like infections in a social discourse is a common theme throughout obscenity trials, as de Grazia (1993) chronicles with rigorous detail across a plethora of examples. My claim is that the translation of unwanted texts or utterances – no matter how felicitous, how professional, how rigorous – will be impeded if the reader or hearer is averse to their contents. And this applies to “obscene texts” or any other unwanted discourse, or discourse uttered by unwanted people.

The reference to “dirt” tells us a lot about the cultural understanding of unwanted texts (or undesirable people), particularly through the lens of William James’s definition of dirt as “matter out of place” (James 2008, p. 104). From this perspective dirt is the exception that proves the rule, the anomaly that reinforces the norm, the ambiguity against which distinctions come into definition. Dirt occupies another space, or it invades a space, and so it is unwelcome and yet, like the sacred, it is also from another realm, and in that respect separate and prohibited, exalted and defiled. Dirt, recalling R. Sieburth’s (2008) work on poetry and obscenity, “exists outside of system, it escapes classification, it represents a disorder which must be excluded, bounded, interdicted, so that order may be instituted and maintained” (p. 345). From this standpoint, we can see the risks and perils of trying to introduce the “foreign”, be it obscene or other in different ways, because in so doing we are asking for the integration of something that stands outside not only linguistically, but also in terms of accepted norms and codes of representation. Foreign texts resemble the dirt to which they are compared because they are not discerning, and their effects are multifarious and uncontrollable.

Inappropriate utterances or themes can attack the institutional *purliceu* of poetry, in the case of Baudelaire, unsuspecting women in that of Flaubert and the vulnerable uneducated classes in that of Zola via Vizetelly. Sieburth recalls the work of anthropologist Mary Douglas, who observed that “fears of pollution tend to focus on the danger of margins, that is, on any borderline object or event which threatens the coherence or integrity of the physical or social body” (p. 352). From this perspective, James is indeed correct, dirt is “matter out of place” because, as Sieburth notes, “its location is always somehow liminal, interstitial, in between; its lack of clear differentiation is precisely what renders it so potentially defiling” (p. 352). These examples suggest that when the body’s flesh is opened up, it creates spaces of ambiguity and marginalization that challenge identity and allow the reader or viewer to entertain indeterminacy. The open flesh also allows for the entrance of dirt, pollution, foreignness, which suggests that Baudelaire is obscene because the dirt that his poems represent is unknowable and mysterious, betwixt-and-between and neither here nor there. By these descriptions Baudelaire’s poems are deemed marginal, illicit, illegal and unwanted, just as utterances made by undocumented immigrants are, which has the effect of rendering the book of poetry, and the body of the immigrant, undesirable, illegal and untranslatable into any acceptable language.

As we further reconsider the task of the literary translator as regards the case of Vizetelly the translator, and, moreover, the case of Vizetelly the translator of the defiled work of Zola, we find oft-overlooked issues beyond the formal task of translation, even when attempts are made to account for the relevant context within which this task is undertaken. We can begin by looking at the language employed against Henry Vizetelly in the face of a “Pernicious Literature Debate” described in the House of Commons. The proceedings were assembled as a pamphlet called *Pernicious Literature* by the National Vigilance Association (1889), alongside of a report from the Old Bailey and newspaper comments concerning the trial and conviction of Henry Vizetelly. Therein, we find the reproduction of an article in the London *Star* that suggests that while Rabelais is obscene, Chaucer is coarse and Boccaccio’s ladies and gentlemen are all too frank, “Zola’s novel “La Terre” has none of the charm the humour, the style, which redeemed the works of the authors named; it is simply unrelieved and morbid filth,” and it is therefore “impossible to excuse its reproduction into English” (p. 22). The editor of *The Methodist Times* notes:

Zolaism is a disease. It is a study of the putrid. . . . No one can read Zola without oral contamination, and the only plea that can be made is that the disgust inspired destroys the fascination of the evil. It is time that the legislative action was taken against other authors besides Zola, who are contributing to the literature of the Sewer. . . . Broadcast translations are an offence which demands the utmost severity of punishment and repression.

(p. 24)

The editor of *The Western Morning News* agrees:

Whatever may be said in favor of the state shutting its eyes to the circulation of Zolaesque literature, there can be no question that Zola is filthy in the extreme, and obscene to the point of bestiality. He is more unclean, and realistically so, than any other writer, . . . We could prove our point in a moment if in the very proof we were not likely to do the evil which we deprecate.

(p. 25)

So from this perspective translation is linked directly to border-crossing undertaken by those who are deemed undesirable in both the home and host countries: “A class of vile scoundrels came over to England simply because the freedom of our laws enabled them to carry on their nefarious trade which their own country probably would not allow” (p. 8). One witness suggested that law enforcement officials need to do more to limit the incursion of unwanted texts: “We ought not to have stood by while this terrible pestilence was

spreading throughout the country. In other countries, the State undertook this duty” and that “on the whole, it was a much better and a more thorough way of dealing with this evil”. He then suggested that one role that the state should play is to “create a sounder public opinion” and the House of Commons “could do that” (p. 10). All of this is an interesting take on the role of the state which suggests that its representatives should actively intervene in the social discourse; as though the state, through some kind of education or propaganda, could modify this great compendium of discourse practices. Interestingly, the Secretary of State replied that

the public judgment was a safer guide than that of any official, and if the general moral sense of the community did not compel individuals to prosecute, no good would be done by trying to create an artificial moral sense by the actions of the prosecutor.

(p. 12)

At the same time, though, in this example the literary translator is not valorized for his/her knowledge or skill, he/she is demonized because he/she actually threatens the health of the body politic by bringing the foreign to bear upon the healthy native population. In these same hearings, a Mr. De Lisle, of Leicestershire, suggested that the state intervene as a kind of gatekeeper for unwanted discourse because:

The evil affected the class of persons who were least able to resist it. Those who were rich and had comfortable homes might keep the evil from their doors; but the poor, who had little scope for the higher enjoyments of life, naturally picked up the literature which was nearest at hand. It was a terrible evil that this filth should be thrown in the faces of the people day after day; and therefore he hoped that the House, if it did express an opinion on the matter, would speak most emphatically, and be prepared, if necessary, to limit that liberty of publication of which in most respects we were so justly proud. The highest duty of Conservatives was the safeguard of the morals of the people; indeed he was convinced that if they allowed the corruption of moral sentiment, which had been going on for years, to continue, there was no system of government which could be erected which would long stave off the threatened clouds of revolution.

(p. 11)

The Secretary of State of the Home Department interjected, suggesting that:

So far. . . as he could influence the Public Prosecutor, . . . he would certainly urge prosecutions in any cases in which it did not appear that more harm than good would be done by dragging them into the light of day.

(p. 13)

Another witness, Mr. Mundella, from Sheffield, noted that there was an antidote in the form of a kind of vaccine, notably “the supply of healthy literature, and an intellectual training to preserve the young from the pernicious effects of the poisonous stuff to be met with” (p. 14).

So what is emerging here is an image of a moral duty, to be carried out by presumably enlightened officials, to control the borders by choosing appropriate imports as part of a broader censorship of public morals. And interestingly, this control is to be effected on behalf of the poor, the downtrodden, those who cannot protect themselves from the plague by closing the gates of their communities, or by those who have intellectual or cultural prophylactics that can act to vaccinate the people against nefarious threats from the other, in text or in body. And the person who is quarantined, interdicted or held responsible for this plague is exactly the one who is trying to explain its meaning: the translator. What kind of a task does the translator face when the issue is undocumented immigrants rather than obscene literature? It’s more or less the same thing.

There is an enormous corpus of work that ties undocumented, or dare I say “illegal” immigrants to crime, and its profusion accounts for the link in many people’s minds between “illegal” people and “illegal” activities.

Paramilitary groups trading fire with U.S. agents. Kidnappings and murders of U.S. citizens. Members of al-Qaida, Hezbollah and other terrorist organizations infiltrating the border on a routine basis. We are not talking about Iraq – but Texas. One of the clearest indicators the United States has lost control of its southwest border is the ease with which thousands of tons of drugs and millions of illegal aliens are crossing the U.S. border on an annual basis. This open borders policy has opened the door to more than just cheap labor. The presence of millions of undocumented persons in our country has provided a perfect cover for various forms of criminal activity, ranging from drug trafficking to prostitution to identity theft.

(Civitas Institute 2007)

Challenging or dismantling the misinformation of this connection has been a task undertaken by many scholars, journalists and politicians (Hagan and Palloni 1999; Sampson 2008), but the task is daunting because the connection between criminality and the illegal is so easy to make, and because “tough on crime” is often a surefire platform. It’s also a political landmine, as is made clear by Governor Christie of New Jersey:

During his most recent campaign for reelection, New Jersey Governor Chris Christie claimed he would vote in favor of passing the Tuition Equality Act, New Jersey’s version of the Dream Act that recently passed through the State Senate. Under the new reforms, undocumented students that have attended a public high school for at least three years would

qualify for in-state tuition rates at any New Jersey public college. Despite his earlier pledge of support, Christie announced on November 25th that while he is still in favor of extending in-state tuition rates for the children of immigrants, he would not sign the Senate's version of the bill, claiming that the bill approved by the Senate was "overreaching" by asking for more funds than the federal version of the bill. In response to his announcement, New Jersey Senate President Steve Sweeney accused Christie of "once again turning his back on those who need us most... When he was running for governor he supported it, now that he is running for President he does not." MSNBC columnist Steve Benen noted how Christie appears to be cross-pressured in trying to appeal to Latino and moderate voters within his state, while still keeping favor with the national Conservative base, which have become increasingly polarized on immigration issues.

(Political Research Associates 2013)

This reportage contributes to the confusing social discourse that swirls around the issue of undocumented immigrants. The Governor seems on-board, and then not, he pledges support, it sounds like a sure thing, and then it evaporates. It's difficult enough as an American citizen to keep up with the various sides, and who is on them, but the flip-flopping aggravates the situation considerably. Not only are there physical borders and boundaries, there are also borders between issues that are crossed and re-crossed, as undocumented immigrants, led to believe one news story only to have it shot down by another, feel double-crossed.

From censoring ideas to patrolling national borders

We learn a lot about our borders when considered in this light, and it justifies Petrilli and Ponzio's (2006) suggestion that we distinguish in translation between "listening" and "hearing", whereby "listening is connected with hospitality", and "wanting to hear aims to distinguish, classify, reduce to identity, define, judge", a more narrow definition imposed when interlocutors are intending "to defend one's own rights to the disadvantage of the rights and viewpoints of others" (p. 192). This approach insists that it's the translator's role to challenge the imposition of inappropriate labels, like filth and bestiality, broadening the task of the translator and adding to his/her responsibility to translate the text or the utterance, a responsibility as well to its author or speaker. Therefore, the translator is called upon to mediate in the encounter between languages, signs and cultures, and this task demands that he/she participate in processes of migration and globalization from the perspective of linguistic, ideological and physical borders.

What we saw in the Vizetelly case is the idea that controlling borders has to include censoring ideas that undermine prevailing systems of public

morality by impeding the passage of unwanted filth akin, from Petrilli and Ponzio's perspective, to "absolute alterity". Absolute alterity, they claim, requests hospitality and therefore questions identity, and for them:

This request cannot be registered, it cannot be acknowledged, it resounds like an accusation, even if this is not the intention. In fact, the request for hospitality evidences a bad conscience in the good conscience of identity, it evidences those characteristics of the capitalist system that are preferably ignored: underdevelopment, oppression, segregation, poverty, famine, illness, death, war—all being irreducible excesses of this same system.

(p. 207)

Crucially, this "request for hospitality made by migration comes from an alterity that cannot be assimilated by the community" (p. 206).

In the case of obscene literature, as in the case of "illegals", the request for entrance is inassimilable because it's being made by absolute alterity. The host, deemed to be somehow pure, homogenous and sanctified, is threatened by this infection. Censorship is deemed legitimate, therefore, because it protects its population, and trials against imposters are appropriate because they flush out the unwanted filth. To combat such a monologic perspective on identity rights, Petrilli and Ponzio call "for translation understood in terms of hospitality; his/her existence calls for listening, for understanding of his/her irreducibility to the system, consequently for transformation of this very same system" (p. 207).

In light of these observations, it seems that a broad definition of translation and interpretation studies is crucial in order to account for such phenomena as intralingual translation, intercultural translation and the reception of translations and interpretations. As we've seen, certain utterances, or certain migrations, come to be deemed filthy, and this categorization then resists or closes down any kind of translation, including inter- or intralingual translation into the host society. In truly accounting for the complexity of these processes, we come to realize that even the work of the lawyer is a kind of translation, since he/she helps translate the experience of the undocumented in terms that will be understood by the judicial system. This is indeed why undocumented people come to rely upon lawyers, or should do so, if they are actually arrested or booked. Before then, as I argue in the next chapter, they need translators on the front lines, people who try to ensure that the dreaded arrest never happens.

The multiple disciplines of translation

With a sense of the social discourse and the discourse marketplace, we can return to the multiple tasks of translation, and think differently about how

to translate on behalf of the “illegal” who, like the dirt to which he/she is implicitly compared, must be resisted rather than understood. In my own interviews with interpreters from this realm, I’ve found competing views on how this should be accomplished. For example, federally certified interpreters insist upon the need for high-level, disinterested, certified and recognizable training, while those who work on more front-line cases, traveling for example with police officers patrolling immigrant neighborhoods, argue for methods that are closer to the aforementioned distinction between being listened to and hearing. The latter doesn’t have as a prerequisite the need for a technically accurate link between the immigrant discourse and the translation thereof, except in ensuring that the perspective of the other be understood with ethically grounded empathy.

Rather than choosing one or the other, I’ll return to the literary examples again briefly to recall that the problem with Zola’s novels in England is the way in which they infect by virtue of their being out of place, foreign and corrupting to the local public mores. Exactly the same kind of discourse is employed against so-called “illegals”. What they are doing is not necessarily undesirable, but their very presence is pernicious because of their otherness. And so even though Latin Americans tend to share basic family, economic and religious values with the host population, they are guilty before opening their mouths because they speak from a liminal space. The profiling that singles them out does so using the categories of visible dirt, as though law enforcement officers, who patrol highways and systematically target visible minorities for random stops, are cleaning up the highways to rid them of unclean elements. The enemy of this flow is the idea of a homogenous American culture or, in linguistic terms, a monologic entity that will be threatened by the infection of outside influences. This image moves from the theoretical to the actual with the horrendous details of the detention of a nine-month pregnant undocumented woman in Tennessee, who was pulled over in 2008, and found to be illegal. The officer, following an Immigration and Customs Enforcement program that authorizes local law enforcement officers to enforce federal immigration laws, took her to a correctional center where she was incarcerated. The details of what followed are repulsive:

On July 5, 2008, after being held at the detention center for two days, Villegas’ water broke. She began to go into labor. According to court documents, sheriff’s deputies did not release her, nor did they allow her to call her husband. They handcuffed her, shackled her ankles together with leg irons, placed her on a stretcher and drove her to Metro General Hospital. In details taken from the court record, two male deputies came into Villegas’ private room and monitored her as she undressed and put on a hospital gown. When medical staff asked the deputies to uncuff her for her obstetrical examination, they refused. A physician wrote a “no-restraint” order, which the deputies disregarded. Villegas’ right arm and

left leg were shackled to the hospital bed throughout the exam and active labor, until a sympathetic deputy broke department protocol and freed her from the restraints. He kept them off during the actual birth and for a few hours afterward, but replaced them when his shift ended.

(Wood 2014, p. 2)

The persecution of Villegas persisted after the birth, leading her to develop complications from being denied access to a breast pump (deemed by the officers as not legitimate medical equipment), and being separated from her baby and her son. The only way to understand such barbarity is to consider that the parties to this persecution, and the legal system itself, refused to view this young Mexican woman or her child as human beings like themselves, but saw them instead according to all the categories thus described: filth, dirt, infection, foreign, matter out of place.

The remedy for such horrific events can be found in changes to both law enforcement and the justice system, which are to be distinguished in this case, because law enforcement is ostensibly whatever the highway patrol wants to do with the “illegal”, which ranges from nothing at all to deportation, whereas justice is doled out by judges on the basis of codified legal argumentation, adequate representation and judicial norms that ensure the attainment of what is fair, moral, right, merited and in accordance with the law. Translation in those two settings is so different in each case as to exceed any single definition and surpass any specific set of technical competencies. One translator who works in legal cases with immigrants in Tennessee recounted the story of a hospital that reluctantly admitted an illegal immigrant in a small rural town because she was about to have a baby. After the birthing process, specialists in the removal of hazardous materials, wearing special suits of the type we saw during the crises in the Japanese nuclear plants, were called in to disinfect the operating room where she had her baby. Exposure to this woman, like the exposure to Vizetelly’s translations of *La Terre*, risked contaminating the integrally pure and monologic realm of the United States.

Conclusion: translation studies and the quest for deep time

One of Vizetelly’s strategies for defending himself was to note that Zola’s work was available in France and England already, and that his translation was expurgated of those passages that might be offensive to the English sensibility. This defense failed because by their very nature Zola’s books were as pernicious as the bodily secretions of the undocumented immigrant giving birth, and their presence in the territory was only proof that actions needed to be taken to clean things up. Undocumented people are in these examples akin to diseases, filth or undesirable pests who should be treated as such, and so the translator, caught between two languages but also between opposing worldviews, needs to be trained to recognize obstacles beyond linguistics that

stand in the way of him/her doing his/her job. At the same time, we should advocate for translation studies, since it could help sensitize people to the need for this kind of work, and in turn train people to act as the advocates and intermediaries I've described thus far.

Translation studies are hardly prominent in the university system, except in some of the more cosmopolitan cities in which translation is of daily importance (Amsterdam, Geneva, London, Montreal, New York) or in areas where a core group of scholars has assembled to build through great efforts and solid scholarship a strong program, like in Manchester, UK. Furthermore, translation studies, like the rest of humanistic and social science training, is under siege from the dearth of funding, the result of this prolonged recession and ever-more forceful insistence by administrators that they can do away with core humanities training in favor of science and technology or some kind of distance learning. In such a climate, one way to protect and promote translation studies is by calling attention to its more technical side, insisting on the importance of training people for federal certification. Every interpreter I've interviewed or worked with for research projects on homelessness, undocumented migrants and refugee determination has mentioned the dearth of certified translators, and yet very few universities are equipped or funded for this crucial task.

But beyond this more narrow objective, translation studies needs to be firmly entrenched into the curriculum of Liberal Arts, an enclave that is generally deemed essential for all undergraduates, no matter what their eventual professional objectives. Interpreters could argue a role for themselves in Anthropology departments, in particular, but also in Sociology, Medicine and Law, where they can assist by explaining not just the dictionary meanings of specific utterances, but also offer critical cross-cultural interpretation to help overcome misunderstandings and deleterious stereotypes. A successful example of this is the burgeoning area of Narrative Medicine, which has convincingly argued that the transmission of information concerning symptoms, from patient to medical practitioner, is as much an intercultural linguistic issue as a medical concern. In an era of global multiculturalism, it is inconceivable that intercultural interpretation would not be a value added to medical training and practice.

The same applies to legal hearings involving immigrant or refugee communities or the huge undocumented or *sans papiers* populations around the world. These two programs, translation and interpretation studies, account in different ways for globalization, interdisciplinarity and geopolitical developments, and they would have to work from humanistic and technical perspectives. Dividing the field clearly on these grounds, and arguing for them individually, reflects the reality that different kinds of translation and interpretation would help us deal with the complexity of multicultural societies in an era of high-profile xenophobia that renders the foreign filthy. The result of such a multipronged approach to integrating translation studies into the university

would be to show that translation is a humanistic enterprise, requiring as much cultural understanding as technical savvy; because filth, in whatever language, won't be deemed desirable to a host population fearful of any infection that a couple of squirts of Purell can't ward off.

If we want to argue against the kinds of nefarious treatment of undocumented people that we've seen here, it would also be valuable to focus upon the second generation. In most public discourses in America, Australia, Europe and even in parts of Asia, there already is the idea that we are all immigrants. But this is not a discourse sufficiently convincing in light of the more "expensive" terms, the terms that trump all other terms, such as "security" or "terrorism". So from a language or propaganda perspective, we need to find ways to overcome these terms with value-laden ones, particularly in the face of an opposition that usually finds little in ideas of compassion, civility or forgiveness. One way to overcome this *différend* is to make reference to the second generation, the children of the incarcerated people who will grow up in our country without the guidance of the fathers and mothers who help make them whole. A public defender notes that:

Family members disappear, and this is not simply in terms of Latinos. It happens with Latinos also, but also in terms of anybody who goes to prison, initially the family visits for the first little bit, and little-by-little the prisoner is forgotten. Within the Latin population, it becomes a double whammy because the person in prison can no longer provide, and since somebody has got to provide for the wife and children, there is another guy who comes in.

When consequences of such dynamics are traced through time, things begin to look a little different. Immigration is not, therefore, a present-day phenomenon, it is, a multilayered and complex process of *longue durée*, connected to the past. It's also a process that looks to the future, and the future of our societies depends upon how we deal with generations to come. If this is the orientation we take, "family values" over "security", children of immigrants over illegal immigrant parents, there may be sway. An activist scholar noted that:

We need to appeal to these sort of family values, and the actual effect of the destruction of families and the weakening of families that inevitably takes place as a result of the various types of exclusions associated with immigration boundary control. It's not something Americans have to think about. It's not something that they see.

Translators, interpreters and publicly funded efforts to bring the conversation out of the dark margins and into the bright light of justice and human rights could go a long way to advancing this work, and challenging the distinction between the clean inside and the dirt outside.

Notes

- 1 This is also why Pierre Bourdieu's work on "language and symbolic power" (Bourdieu 1990) is always valuable for this kind of research, because he explains the (ill)logic of the discourse marketplace, which buys most discourses from "foreigners", particularly poor foreigners, at a discount.
- 2 In 1888 Henry Vizetelly was prosecuted for "obscene libel" on account of his having translated Émile Zola's novel *La Terre* into English. For the offense, he was fined £100; and when he continued translating, albeit abridged versions of Zola's works, he was again prosecuted, fined £200 and imprisoned for three months.

Bibliography

- Ahmad, Ali Nobil (2008) "The Romantic Appeal of Illegal Migration: Gender, Masculinity and Human Smuggling from Pakistan", in Schrover et al. (2008), pp. 127–50.
- Amossy, Ruth (2002) "Doxa and Discourse: How Common Knowledge Works", *Poetics Today* 23.3, pp. 369–94.
- Angenot, Marc (2004) "Social Discourse Analysis: Outlines of a Research Project", in Barsky (2004), pp. 199–216.
- Bakhtin, Mikhail (1981) "Discourse in the Novel", in *The Dialogic Imagination: Four Essays by M.M. Bakhtin*, ed. Michael Holquist, trans. Caryl Emerson and Michael Holquist. Austin: University of Texas Press.
- Bakhtin, Mikhail (1986) *Speech Genres and Other Late Essays*, eds. Carly Emerson and Michael Holquist, trans. Vern W. McGeed. Austin: University of Texas Press.
- Barsky, Robert F. (ed.) (2004) "Marc Angenot and the Scandal of History", *Yale Journal of Criticism* 17.2, pp. 163–311.
- Baudelaire, Charles (1857) *Les Fleurs du mal*. Paris: Poulet-Malassis.
- Bourdieu, Pierre (1990) *Language and Symbolic Power*. Intro by John Thompson. Cambridge, MA and London: Harvard University Press.
- Burwick, Frederick and Paul Douglass (1992) *The Crisis in Modernism: Bergson and the Vitalist Controversy*. New York: Cambridge University Press.
- Civitas Institute (2007) "Illegal Immigration: Drugs, Gangs and Crime". Available at: <http://www.nccivitas.org/2007/illegal-immigration-drugs-gangs-and-crime>. [Accessed: 15 January 2015]
- De Grazia, Edward (1993) *Girls Lean Back Everywhere: The Law of Obscenity and the Assault on Genius*. New York: Vintage.
- Doorslaer, Luc van and Yves Gambier (eds.) (2013) *Handbook of Translation Studies*, 4 volumes. Amsterdam and Philadelphia, PA: John Benjamins.
- European Commission (2000) *Push and Pull Factors of International Migration: A Comparative Report*. Luxembourg: Statistical Office of the European Communities.
- Guyaux, André (2007) *Baudelaire: un demi-siècle de lecture des "Fleurs du mal", 1855–1905*. Paris: Presses de l'Université Paris-Sorbonne.
- Hagan, John and Alberto Palloni (1999) "Sociological Criminology and the Mythology of Hispanic Immigration and Crime", *Social Problems* 46.4, pp. 617–32.
- James, William (2008) *The Varieties of Religious Experience—A Study in Human Nature*. London: Arc Manor.

- Lesesma, Alberto (1998) "Undocumented Crossings: Narratives of Mexican Immigration to the United States", in Maciel and Herrera-Sobek (1998), pp.67–98.
- Maciel, David and Mar'a Herrera-Sobek (1998) *Culture across Borders: Mexican Immigration and Popular Culture*. Tucson: University of Arizona Press.
- National Vigilance Association (1889) *Pernicious Literature: Debate in the House of Commons. Trial and Conviction for Sale of Zola's Novels. With Opinions of the Press*. London: National Vigilance Association.
- NCLR (National Council of La Raza) (2010) *Know Who You are Dealing With: Key Hate Groups and Their Representatives in 2010*. Washington. NCLR Factsheet. Available at: http://www.nclr.org/images/uploads/publications/62243_file_KnowWhoYouAreDealingWith_factsheet_1.pdf. [Accessed: 15 January 2015]
- Parkes, Matthew (13 December 2013) "Issue Brief: This Month in Racial and Immigrant Justice". Political Research Associates. Available at: <http://www.politicalresearch.org/tag/justice/#>. [Accessed: 15 January 2015]
- Petrilli, Susan and Augusto Ponzio (2006) "Translation as Listening and Encounter with the Other in Migration and Globalization Processes Today", *TTR: Traduction, Terminologie, Rédaction* 19.2, pp. 191–223.
- Political Research Associates (2013) Available at: <http://www.politicalresearch.org/2013/12/13/issue-brief-this-month-in-racial-and-immigrant-justice-2/#>. [Accessed: 15 January 2015]
- Ramirez, Hernan (2011) "Masculinity in the Workplace: The Case of Mexican Immigrant Gardeners", *Men and Masculinities* 14, pp. 97–116.
- Sampson, Robert J. (2008) "Rethinking Crime and Immigration", *Contexts* 7.1, pp. 28–36.
- Schrover, M., J. Van der Leun, L. Lucassen and C. Quispel (eds.) (2008) *Illegal Migration and Gender in a Global and Historical Perspective*. Amsterdam: Amsterdam University Press.
- Sieburth, R. (1984) "Poetry and Obscenity: Baudelaire and Swinburne", *Comparative Literature* 36.4, pp. 343–53.
- Wood, Heather (30 October 2014) "Juana Villegas Now has Legal Standing to Live in the U.S. Other New Mothers may not be so Lucky", *Nashville Scene*, pp. 1–4.