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The âSi Se Puedeâ Insurrection: A Class Analysis

By George Caffentzis

Following the large mobilizations in May of immigrant workers in the US, George Caffentzis gives his analysis of the complex barriers in place to arrest such forms of organisation, how these were disregarded and overcome by a new movement and what the emergence of this movement might mean for the political composition of the working class and capital in the US. (passed on via Wildcat thanks A.B.)

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And my coyote, Virgil, said to him when he refused to take me, a living man, over the Acheron to Hell, âCharon, do not be angry, but this undocumented passage has been decided upon in the place where what is wanted always happens. So donât ask any more questions.â

-Dante, Inferno, Canto III, lines 94-96.

Introduction: Invisible to Visible

There were more demonstrations in more places with greater participation between March 24 and May Day 2006 than any other six-week period in US history. For a number of days marches of more than half a million people overwhelmed the centers of major cities like Los Angeles, Chicago, New York, and Dallas halting business while there were literally hundreds of smaller gatherings in cities like Charlotte, North Carolina, Milwaukee, Wisconsin, Salem, Oregon, Philadelphia, Pennsylvania. Along with the public outpouring of bodies, there were dozens of student walk outs in high schools around the country as well as a nation-wide immigrantsâ âgeneral strikeâ called for May Day that was heeded by hundreds of thousands, perhaps millions of workers, including truck drivers who shut down the Port of Los Angeles (one of the main supply links in the commodity trade with China, South Korea, and Japan). The demonstratorsâ demands were amnesty for all undocumented immigrants and the defeat of pending draconian anti-immigrant legislation. In the process, they intermittently stopped or stalled the cycle of production, circulation and reproduction in the US for this six-week period. The slogan of these remarkable demos, whose size consistently surprised both their organizers and the authorities, became âSi Se Puedeâ [âYes It Is Possibleâ in Spanish], implying their awareness of a new political power in the Americas.

Even though the demonstrations, walkouts and strikes were remarkably orderly and non-violent, their harshest opponents, the anti-immigrant vigilante group called the Minuteman Project, described them as an âinsurrection.â And indeed it was an insurrection, at least in a legal sense of being an âorganized opposition or resistance to a government or established authorities,â because the demos were largely composed of undocumented workers, their families, friends and immediate supporters who, strictly speaking, were âillegalâ and âcriminalsâ but yet were demanding that they ought to be âdecriminalizedâ! By their millions they spoke the words, âWe are workers not criminals!,â implying that the government intent on further criminalizing them is the true criminal. Indeed, in these demonstrations the very symbol of the US, the âstars and stripesâ flag, and the one that the right-wing in the US has used insufferably--especially since 9/11--as a weapon of attack on immigrants, was overturned and subtracted from the state. If anything burned the Minutemen on May Day 2006, it must have been seeing tens of thousands of American flags in the hands of an ocean of people they called âcriminal thugsâ and âan invading armyâ who now made it a symbol of their struggle.

Surely it is crucial for us to know what caused this political earthquake. However, every effort to find the cause of significant developments in working class history must recognize that they are both over-determined (since they usually have multiple, often conflicting sources) and under-determined (since they always involve new powers emerging from collective actions). Bearing this caveat in mind,

I will present two kinds of explanations of this emergence of the immigrant movement this year, one obvious, historical and legalistic and the other rooted in a class analysis of the contemporary political composition of both the working class and capital in the US. Together these explanations can help us draw the landscape of political possibilities posed by the new immigrant movement more clearly.

The Obvious Cause: Immigration Legislation

It is not hard to find the obvious stimulus for the "Si Se Puede" demonstrations. You could read it announced on their banners again and again, "HR 4437," the designation of a piece of legislation entitled "The Border Protection, Anti-Terrorism and Illegal Immigration Control Act of 2005." It is also often referred to as the "Sensenbrenner" Act after its sponsor, a Republican Congressional Representative from Michigan. The House of Representatives passed this legislation by a vote of 239-182 on Friday, Dec. 16, 2005. As of the moment, it is not yet law since the Senate must pass its own immigration bill which it did on May 25th, designated S 2611--and the two bills must be reconciled to a common Act, before it is sent on to the President for signing, if he does not veto it. HR 4437 is what is called an "enforcement-only" bill because its conception of undocumented immigration is that of "crime control," i.e., a crime is determined and penalties are devised to punish and control it. First, it defines a new legal criminal category (similar to older criminal forms of trespassing on private property, as in the game acts, but now designed for the national territory), "unlawful or illegal presence," which is any violation of any immigration law or regulation, even if it is a technical one. This crime would be considered "an aggravated felony" and, as with other aggravating crimes like "hate crimes," would lead to extra penalties like, in this case, indefinite detention or expedited removal as well as the denial of ordinary undocumented immigrants of many forms of administrative or judicial review. In essence, the bill makes every immigration violation, however minor, into a federal crime (Justice for Immigrants 2006).

Second, "anyone or any organization who assists an individual without documentation to reside in or remain in the US knowingly or with reckless disregard as to the individual's legal status would be liable for criminal penalties and up to five years in prison." Church personnel who provide shelter or other basic needs assistance to an undocumented individual could be prosecuted under this law and property used in this act would be subject to seizure and forfeiture (Justice for Immigrants 2006). Union organizers unionizing production sites where undocumented immigrants predominate could also be prosecuted. Included in this act are also employer sanctions, i.e., it would be a crime for an undocumented person to hold a job in the US and his/her employer would be complicit in this crime. Other aspects of this bill include:

*the Department of Homeland Security is required to erect up to 700 miles of fencing along the Southwest border (and further militarize the 2000 mile long border);

*State and local law enforcement officers are authorized to enforce federal immigration laws. State and local governments which refuse to participate would be subject to the loss of federal funding;

*Document fraud would be considered an aggravated felony and would subject an asylum-seeker to deportation and bars to re-entry (Justice for Immigrants 2006).

In other words, HR 4437 is the kind of law the anti-immigration movement has been calling for, one that categorizes undocumented workers as criminals to be tried, convicted, jailed and then deported--pure and simple. If enacted, the bill would transform almost every person in the US (not only police officers) into either its violators, its enforcers or classify them as criminally complicit with its violators.

After Sensenbrenner's bill passed the House of Representatives in late December, Congress went into recess and not much was done legislatively to deal with it, for the second step in the legislative procedure was to be taken by the Senate. However, alarm about the law spread throughout the Catholic

Church, the unions and immigrant rights organizations quickly over the Christmas holidays. I know from my comrades in the immigrant workers' rights movement that, after a decade of legislative defeats, they saw HR 4437 as their endgame. If the Sensenbrenner bill became law, they intoned, they too would be headed for prison, if they continued to do their work!

Two and a half months later an amazing transformation in the immigrant communities of the US took place that could only be seen by those with religious sensibilities as miraculous. The dire message concerning the impact of HR 4437 clearly reached these communities: unless something drastic was done, the Senate would pass a similar bill and President Bush, after some griping, would sign it into law. Undocumented immigrants especially had to make an important decision this winter, would they take the risk of making themselves socially visible to protest HR 4437 after surviving in the US on the basis of their invisibility? They decided by the millions to take the risk both individually and collectively to publicly declare that they are workers and not criminals (and implicitly charge that those who brand them as criminals are the criminals).

Surely this spring's immigrant insurrection in the streets of the US stopped the political momentum behind HR 4437. The senators bitterly debated a number of immigration bills, but they decisively rejected the option of passing a copy of the Sensenbrenner bill. Many recognized that HR 4437 was so sweeping and draconian that it actually helped to unite the immigrants, especially the undocumented ones. They looked at the huge demonstrations and the May Day national strike with apprehension and determined that they must find a way to undermine the most powerful self-defined working class movement since the mid-1970s. On May 25th the Senate passed its own bill, S2611, by a vote of 62-36. This bill, though it has a wide number of punitive measures similar to HR 4437, still offers possibilities for some of the undocumented to gain legal status.

The Senate deployed a classic strategy in this bill to defeat the immigrant workers' new power and unity: divide and conquer. S 2611 literally divides up the present set of undocumented immigrants into three mutually exclusive subsets: (a) those who have been in the US for less than two years, (b) those who have been in the US between two and five years and (c) those who have been in the US for more than five years. Group (a) members must leave immediately on passage of the bill or face deportation. Group (b) members "must leave the country, and apply to re-enter through some currently unknown process." Group (c) members would be allowed to stay and apply for citizenship, provided they pay back taxes, learn English and have no serious criminal records." This division, the senators clearly thought, would tempt many undocumented immigrants to turn against each other, especially those who were in Group (c).

I should also make it clear that though this bill does not identify all undocumented immigrant workers with either criminals or terrorists as HR 4437 does, its other less publicized provisions make it almost as draconian. They include:

*6,000 National Guard troops would be assigned to border duty to assist Border Patrol agents, money would be provided for aerial surveillance and the building of a 370-mile fence or wall along the Mexican border. The bill "vastly increases detention and deportation practices and further militarizes the border," according to the Asian American Legal Defense and Education Fund.

*"The Senate bill also establishes guest worker programs, allowing employers to recruit workers outside the country on temporary visas. These new contract workers would be vulnerable to employer pressure, since their visa status would be dependent on their employment," according to David Bacon (Bacon 2006).

*"The bill makes document fraud an aggravated felony and grounds for deportation, resulting in the criminalization of the millions of immigrants who have had to provide false Social Security cards to employers to get hired" (Bacon 2006).

The next step in the legislative process involves the negotiation to "reconcile" HR 4437 and S 2611. Without the "Si Se Puede" demonstrations the political initiative would have been totally in the hands of the politicians. But after May Day 2006 there is a new subject haunting the corridors of Congress, the undocumented immigrant, and this unpredicted and unpredictable presence is putting a new sense of caution in the deliberations there. There is now even hope among the immigrant rights activists that this Congressional anxiety will lead to the failure of the reconciliation process. If that happens, there would be no new immigration legislation this year, which, perhaps, is the best possible outcome and one that would not have been possible without the "Si Se Puede" demonstrations.

Thus the specific "who, what, why and when" of these demonstrations have been explained in the above account, though the end of the story is still undetermined. In another sense, however, there is much still unexplained. For example, why are there between 11 and 12 million of undocumented immigrant workers in the US in the first place? Why is Congress so divided about immigration? How did the undocumented immigrant workers get the sense that they could become politically visible in such a dramatic way? To answer these questions concerning the frame of the story, another, at times subterranean, path must be taken through the analysis of the classes in struggle against each other and within themselves. This is not an easy path to take, but one that the slogan of the movement—"We are workers not criminals"—points us to. For the immigrants quite properly see themselves as playing an essential role in the history of the US working class.

Capital's Dilemma: Labor Flexibility vs. Workers' Autonomy

A class analysis of the "Si Se Puede" demos is a bit hellish because the issue of immigration, especially of undocumented workers, divides both workers and capitalists in the US. Consequently, there are many "strange bedfellows" revealed in this analysis, and even stranger victories and defeats. There is no clear inter-class cut concerning this issue, so it is important to be careful about our terms. Consider two conundrums: (1) although the recent anti-immigrant politics is firmly identified with the Republican Party, many capitalists who normally prefer Republican Party positions are firmly against legislation like HR 4437, (2) although the AFL-CIO supports amnesty for undocumented workers, many white, some black, and even a few Hispanic workers are against it because they believe that the undocumented are threats to their wages and working conditions. So one cannot simply conclude that the capitalist class is against the demands of the "Si Se Puede" demonstrators and the working class is for them. There is a complex set of conditions and dilemmas that both classes are now struggling with. Let us deal first with the capitalists. US capital has largely been supportive of official, documented immigration since 1965 when the very restrictive immigrant laws of the 1920s were repealed and the annual quota for immigrants, especially from South America and Asia, was gradually expanded. It is, of course, no accident that 1965 was also the year of the Voting Rights Act and the legislative beginning of the end of the US apartheid regime. At the very moment that black workers were beginning to have expanded rights to contract for their labor power, capital began to increase the number of immigrants from around the world.

But capitalists do not want just any immigrant worker, at any time and any place. They want him/her to have specific skills, training, physiognomy, docility and cost. One of their most important questions is whether the immigrants can be hired and fired at the boss's discretion and whether they can be forced to leave the country when they are not wanted. This is what is called "labor flexibility" and is most treasured by capitalists, since it puts in their hands the power of choosing whether to use or expel a worker. The problem with officially sanctioned immigrant workers who have various forms of work authorization is that within a relatively short time they can become resident aliens and then citizens, with all the rights of other US workers (however meager they might be). This transition reduces their "flexibility" both individually and collectively.

This situation has led to the development of an alternative source of immigrant labor—the unauthorized or undocumented worker who arrives in the US without official sanction and hence is without the contractual protections that other workers normally have. These almost right-less workers have the maximum of "flexibility" to the point that capitalists can decide fire them, not even pay them for their

work and not face sanctions. Undocumented immigrant laborers have therefore been in much demand, especially by capitalists in industries where mechanization is too expensive and the available US-born workers are relatively few. According to the Pew Hispanic Center, the undocumented now constitute almost 5 percent of US waged workers (Migration News 2006a).

But this labor flexibility for the low-tech capitalist can turn into exactly its opposite, worker autonomy, for undocumented workers who use their very status as unofficial workers to come and go as they will, independent of the micro- or macro-conditions of employment. They can use their very undocumented situation to shape the conditions of their lives and create communities on both sides of the borders they are crossing to aid their self-activated movements. The undocumented can turn their right-less status into a power of movement. When these canons are realized in action and habit so that a whole world of cross border movement is created independent of the needs of capital, labor flexibility turns into worker autonomy.

There is evidence that this transformation is taking place in the US, and the occurrence of the *Si Se Puede* insurrection is definitive evidence of it. In that sense capitalists are now in a situation similar to one they faced with the rise of the hobo worker in the late 19th and early 20th century (after *Coxey's Army's* march on Washington). At first, the capitalists of the West were pleased about the fact that workers were leaving (or losing) their homes and turning hobo by using the railroads to follow the harvests (and to disperse when the fields were picked), to swarm to new mines (and to leave when the seam was exhausted), to enter the forests and fell huge trees (and disappear once the building boom was over). This was the labor flexibility they desperately needed. However, when the hoboes began to use the railroads for free to satisfy their own needs and to develop fighting organizations like the Industrial Workers of the World (IWW) to defend themselves, this flexibility began to turn into something ugly for capitalists, i.e., into a measure of workers' autonomy. For example, hoboes by the hundreds would descend on an isolated mining town that had arrested IWW organizers in a free speech fight by hopping freights from destinations more than a thousand miles away and overwhelming the local police force.

The struggle over a strategy to preserve the hoboes' flexibility but destroy their autonomy was fought out among the capitalists in the first part of the 20th century. Eventually, from the 1919 Palmer raids, through the railroad police attacks on hobo jungles, to the New Deal housing programs, a complex strategy of violence and incentives was worked out that gradually eliminated the hobo workers' autonomy.

The capitalists in the US are having a similar dilemma now. The conflict between capitalists represented in this spring's debates in the Congress is not about the profitability of immigration, both documented and undocumented; on this they are united. Their problem is to destroy the immigrants' labor autonomy while preserving and even more precisely controlling their flexibility. This will require a refined and, on the surface, contradictory set of policies. Once one understands this dilemma, the conflict between the congressional supporters of HR 4437 and S 2611 can be more clearly seen not as an all-or-nothing battle, but as a disagreement over how strong a dose of repression is enough to destroy labor autonomy and how enticing must the incentives remain to preserve labor flexibility. The mixture is not easy to determine and must be continually reassessed, since its subject is clearly in the process of responding to the very policies being devised and to larger forces in the world political economy.

Surely there is much to discuss, since the empirical consequences the passage of an HR 4437-type immigration law are hard to predict. Such a law aims to destroy the autonomy of immigration not only by criminalizing individual undocumented immigrants, but also by criminalizing the organizations that are at the center of a supportive immigrant community: the Church, the union, the local political machine, and the network of family and homeland friends and associates. The problem with such a law from the point of view of Capital is that if it were applied successfully, it would be so rigid it might destroy the capitalist function of immigration--the preservation of labor flexibility--and therefore it would be a worse catastrophe! For Capital's problem is that workers are using immigration as a way

of advancing their agenda; they are no longer being ruled by its signals generated by the labor market. HR 4437, by ham-fistedly conflating the categories of illegal immigrant and terrorist creates a powerful rhetorical effect that commits the system to a rigidity that can undermine its reason d'être. After all, employers who hire the undocumented are not only greedy, but they become in the eyes of this bill the equivalent of traitors and fifth columnists!

On the other side, if a draconian law like HR 4437 is systematically under-enforced, then the loss of control over immigrant workers would be even more drastic. Since, from the capitalists' conception of labor power, a lazy, toothless, barking bulldog is even less effective as a herder of labor power than a scrappy terrier with sharp teeth.

The HR 4437 defenders could point out that given the economic devastation caused by neoliberal policies in the former colonized world, the undocumented would come and take their chances even if the law were enforced to the letter. In their defense, they could point to the death ships full of undocumented damned of the earth paying thousands of dollars to cross the Mediterranean from North Africa to work in an Italy with an immigration law (called the Bossi-Fini law) that is even more draconian than HR 4437 and they often end drowned on the sea floor for their troubles. That is a measure of the level of despair around this planet. The pro-HR4437 capitalists can argue that undocumented immigrants would be even more docile, frightened, and slave-like, after the law was passed, especially in the face of the obvious failure of the Si Se Puede insurrection's effort. But the role of such workers is so crucial to the functioning of the US economy at this time that many wiser heads are loath to count on an all-stick-no-carrot law like HR 4437. The supporters of S 2611 (including the likes of President Bush, and Senators John McCain and Ted Kennedy) are claiming that their bill will be punitive enough to end the autonomy of immigration, but not so prohibitive that it will interrupt the crucial flow of immigrants into the US as HR 4437 threatens to do. Moreover, through its complex system of dividing undocumented immigrants into three levels (creating a literal Divine Comedy of immigrant labor with its own inferno, purgatory and paradise), it will make enforcement of the law in the interest of workers with more than five years residence in the US. Critics of S 2611 argue in response that it is not strong enough to crush the autonomy of immigrants and that only truly draconian legislation like HR 4437 will take the initiative away from them.

The representatives of Capital have been debating these positions (and will continue to) in a very divided Congress, for the problem of immigration legislation is not one of simply stopping illegal immigration. The real question is how to make the condition of immigrant workers both as slave-like (i.e., to have workers without rights) and as flexible (i.e., to have no expenses of reproduction) as possible. Their additional problem in the summer of 2006, however, is that in the past immigration legislation did not have to politically deal with its object: the immigrant worker. This time, due to the Si Se Puede insurrection, it does.

The Working Class Dilemma: Organizing Power vs. a new Iron Law of Wages

The Si Se Puede Insurrection is a great moment in US working class history. But this is not to say that every worker approves of it. On the contrary, if the opinion polls of the Pew Hispanic Center are to be believed, there is a significant segment of the working class that is against the demands of the demonstrators. Its February 2006 poll of 2,000 adults (with a large percentage inevitably being workers) found that when asked as to what should be done with the 11 to 12 million unauthorized immigrant workers: 32 percent want them to stay permanently; 32 percent would create a temporary-worker program; and 27 percent would deport them all (Migration News 2006a). There is plainly an intense debate within the US working class (including immigrant workers) about whether immigrant workers in general and undocumented ones in particular increase the power of workers. The two most reasonable sides of the debate are: (a) immigrant workers increase the general level of workers' power by their prominence in the struggles around unionization and (b) immigrant workers (especially undocumented ones) reduce wages for US-born workers, especially blacks and Latinos, and lower working class power.

The first position is the basis of much of the AFL-CIO's support for amnesty for undocumented

workers in 2000 after being against it for decades. This reversal came about because its strategists were worried about the dramatic drop in union membership in the US (from 33% in the early post war years to about 12% today) and were desperately surveying the class horizon for some sector where there was a possibility of reversing the trend. They found it in the immigrant workers, especially the undocumented. These workers were very well disposed to unionization and were at the forefront of the biggest and most successful union battles in the late 1990s. The idea was that if these workers were given more legal security created by an amnesty, they would be able to lead a new wave of unionization similar to the way that the labor *âupsurgeâ* of the 1930s was lead by the immigrants who came in the early part of the century. Moreover, if they increased the power of workers at the floor of the wage labor hierarchy, they would move the rest of the world of workers into action. This *âpushing up from the bottomâ* strategy was a calculated risk, of course, but it was based upon two well-established facts:

(1) Union workers make much higher wages and more and better fringe benefits than do nonunion workers. In 2003, the union wage premium (the difference between union and nonunion wages after controlling for a variety of worker characteristics such a amount of schooling) was 15.5 percent (for black workers it was 20.9 percent and for Hispanics 23.2 percent) (Yates 2005).

(2) In workplace after workplace, the majority of nonunionized workers have expressed through surveys the desire to be unionized.

That is, unionization had a demonstrable positive impact on wages and workers knew it. So what is holding back a new wave of unionization similar to the CIO drives of the 1930s? Clearly it is the fear that if you were involved a unionization campaign, you threatened your own job and--with the bossesâ threat to relocate the workplace, if it is unionized, continually drummed into your head--the jobs of your work mates. Anything that could weaken this well-justified fear would help increase the power of workers to unionize and increase their power directly in the wage arena. But this citizen workerâs fear concerning union organizing is amplified many times over for an immigrant worker, especially if s/he is undocumented. Consequently, their terror could only be countered by the legalization their status. The consequence of amnesty, the AFL-CIO thinkers reasoned, would be an increase in unionization at the bottom that would filter up the wage scale.

This position has clearly a wide resonance in the US working class as evidenced by the fact that almost three quarters of the people in the Pew Hispanic Center poll I referred to above were for alternative to large-scale deportation of undocumented immigrants. But there are clearly many who believe that immigrants have a negative impact on their status as workers, using a *âcommon-sense economicsâ* that resembles the *âiron law of wagesâ* in the 19th century. That old *âlawâ* postulated that there is a fixed amount of the national product that is fated to be paid in wages, called the *âwage fundâ*, so that the more workers competing for the wage fund, the lower the wage rate. The newer version takes a more dynamic supply-and-demand form that can be found in many modern textbooks; for example, in Paul Samuelsonâs *Economics: âLimitation of the supply of any grade of laborâ* can be expected to raise its wage rate; an increase in supply will, other things being equal, tend to depress wage ratesâ (Samuelson is quoted in [Borjas 2004]). Since immigration brings in more laborers of different *âgradesâ*, they will be *âchasingâ* the same number of jobs they are qualified for, thus reducing the prevailing wage rate for that type of job. Conversely, a sure way to increase wages, other things being equal, is simply to reduce the number of workers chasing the same job by, for example, eliminating immigrants from the chase.

This reasoning sounds obvious, however uncomfortable it is for supporters of amnesty for undocumented immigrants. George Borjas, a Cuban-born US economist, is the most famous proponent of this application of the *âlaw of supply and demandâ* to the *âlabor marketâ*. His research design was straight forward: he divided the waged working class into four education levels (high school drop out/high school grad/some college/college grad) and eight work experience levels

(1-5/6-10/11-15/16-20/21-25/26-30/31-35/36-40+), and therefore 32 cells (or "skill groups," as Borjas called them). He then studied for each cell the wage growth and the change in the proportion of immigrants between 1960, 1970, 1980, 1990 and 2000. On the basis of his findings he concluded that there is "a negative relation between wage growth and immigration: weekly wages grew fastest for workers in those skill groups that were least affected by immigration" (Borjas 2004). More precisely he calculated, counterfactually, what wages would have been if there were no immigrants:

"the immigrant influx that entered the country between 1980 and 2000 lowered the wage by 7.4 percent for high school drop outs, by 3.6 percent for college graduates, and by around 2 percent for both high school graduates and workers with some college." Similarly, although this immigrant influx lowered the wages of white native workers by 3.5 percent, it lowered the wage of native-born blacks by 4.5 percent, and of native-born Hispanics by 5 percent (Borjas 2004)

He then uses a "supply and demand" model to explain the negative relation: "it seems that Paul Samuelson was right after all: Wages fall when immigrants increase the size of the workforce" (Borjas 2004).

It appears that the intuition of workers, who might reject the verbal hyperbole and confrontational tactics of the Minuteman Project, but who also want to decrease legal immigration and find "illegal immigration a serious problem," is backed by theory and evidence. Do they have a point? I do not think so. Borjas's key finding was the negative correlation between the percentage of immigrants in a skill group and the growth in wage rates for that skill group: a low percentage of immigrants correlates with larger wage increases, a high percentage of immigrants correlates with lower wages increases. But correlation does not determine explanation. Even if his correlation holds, why it holds is still an open question.

Borjas immediately concludes that the correlation's explanation resides in the supply and demand law of the labor market: the more workers the lower the wage rate. But there is no reason why this is the best explanation. After all, it might be that the correlation is accounted for by the fact that immigrants have fewer legal powers and rights and so in areas of the economy where they predominate, wage rates will increase more slowly than in areas where they are less in evidence. If this explanation of the correlation is best, then a major positive change in the legal status of immigrants, especially undocumented ones, would most likely end the negative correlation between wage growth and percentage of immigrant workers.

Even the common intuition that "immigrants, especially undocumented ones, take jobs Americans do not want" can explain the correlation as well. After all, if jobs taken by a specific skill group have very slowly growing wages, this would make them less attractive to native workers and they would draw in immigrant workers (especially undocumented ones) making for a higher percentage of immigrants in the skill groups in question. In other words, does wage growth determine the composition of the skill group or vice versa?

This inability to find a single, obvious best explanation arises from an obvious fact: the determination of wages is a complex matter. Changes in wage rates cannot be attributed to supply and demand explanations for a variety of reasons. The most important one is that wages are determined by class struggles whose rules are themselves the objects of struggle. We know, for example, that wages depend upon additional factors besides the number of workers like (a) the organizational power of workers, and (b) the "reproduction cost" of workers' labor power. History has shown that workers who have organized themselves adequately have forced reluctant capitalists to accept minimum wage rates for a variety of jobs (as well as limits to the work day and better working conditions). The geographical dispersion of wages demonstrates that there is no given level of housework and commodities that is necessary to reproduce a worker's labor power diurnally or generationally. The minimum reproduction costs for a particular kind of labor power is battled for throughout the circuit of a worker's life, from factory, office or farm to the kitchen and bedroom with radically different results across the planet (and these differences constitute what we often call "culture").

These additional elements of wage determination can explain why immigrant labor is attractive to capitalists. First, immigrant workers have less capacity to organize with other workers because of their reduced legal status and their being objects of racism or other forms of chauvinism. Second, the reproduction costs of immigrants' labor power up until the time of their arrival (usually as adult but youthful workers) is borne by families, communities and the state of their home country. They arrive in the US literally as gifts to capital from the hands, hearts, and wombs especially of the women of Mexico and the rest of the Americas!

Another, more philosophical reason to doubt Borjas' explanation of the correlation is due to the concept that both he and Paul Samuelson use without comment, 'the labor market.' The notion of the labor market assumes that human labor power is a thing that can be separated from its 'owner' and sold on 'the labor market' the way material objects (apples, coal, or automobiles) can be separated from their owners and be sold on a commodity market. Once such an idea is accepted, the rest of their explanatory scheme becomes 'commonsensical.' Their ability to make this assumption without comment, however, shows how far capitalist ideology has penetrated the working class mind. For the very idea of 'the labor market' is a great example of commodity fetishism and bad faith, i.e., the superstitious transubstantiation of social relations, especially conflictual ones, into simple relations among things. But one's capacity to labor that is sold for a wage cannot be separated from one's life, it is a part of one's existence that is supposed to become another's who puts it to use to make a profit. This transaction is justified by an impossible contract sealed with a mutual act of bad faith by worker and capitalist, since one cannot truly sell one's life to another. To make the whole notion of a labor market work in law, therefore, the worker is recognized as the owner of his/her self, who can sell parts of this very self into a partial slavery to another! It is reminiscent of the famous bargain with the devil, where the devil 'buys' a soul that is in actuality inalienable. This impossible, demonic and metaphysical feat lies at the heart of the concept of the labor market. The apparent 'common sense' of the Borjas' explanation of the impact of immigration on the wage is simply an illusion of power. Finally, if this philosophical excursus into the working class condition is not acceptable as a critique, consider the following empirical comparison in Table 1 instead:

Table I
(percentages)

All workers	black workers	Hispanic workers
'union premium'	15.5	20.9 23.2
'Borjas gap'	-3.7	-4.5 -5

The two rows simply compare the different effects of unionization (according to Yates) and immigration (according to Borjas) on wage growth with respect to different categories of workers. The 'union premium' swamps out the 'Borjas gap' quite dramatically. For example, when black workers get unionized their wages tend to increase by almost 21 percent, while according to Borjas their wage loss due to increased immigration is 4.5 percent. Put in a counterfactual setting and ignoring the interaction between 'the union premium' and the 'Borjas gap,' these numbers result in the following: if a native black worker is involved in a workplace where immigrant workers successfully organize a union (after an improvement in their legal status) and s/he joins, his/her average wage increase would be 16.4 percent (=20.9% from the union premium -4.5% from the impact of immigrant workers). Clearly in such circumstances, black workers would then be the winners from immigration. The same holds true, though for different wage gains, for white and Hispanic workers as well. If such an eventually appears throughout the economy, then there would be a dramatic increase in wages due to the increase in the rights of immigrant workers. One can conclude from Borjas' work that if immigrants come to the US and have no rights they will be a drag on the wages of native-born members of the US working class, but if they come to the US, get the rights to organize and they use

them, they will be an important stimulus to an upsurge of increased wages for all workers in the US! The divided mind of the US working class expresses itself this summer then in a race between the desire for legalizing undocumented immigrants and freeing their capacity to organize to fight for the whole class and the desire to deport all of the undocumented and try to force capital to stay put within the territorial US. Who will win out in this race is not clear, because the choice for a new possibility (the joining with the immigrants and undocumented) is risky and can lead to loss, if legalization ends only with increased competition between more workers. The "Si Se Puede" demonstrations demonstrated to the rest of the US working class, however, that the undocumented are ready to fight, all they need are the legal weapons to do so. Besides, the path of the Minutemen and their ilk is clearly a dead-end, since there is no likelihood that Capital would accept having its capital "stuck" in the US. If forced to choose, it would unambiguously accept the option of legalizing the undocumented over that eventuality. The question is, who will force Capital to choose?

Conclusion: The class situation in the summer of 2006

The complex inner conflicts within classes described above are the source of the indecision we are witnessing in both capital and working class in the US in the aftermath of the "Si Se Puede" demonstrations. It is impossible for me to predict which side of the debate the preponderance of class powers will settle on, and, once that is settled, what the outcome of the inter-class conflict will be. But what is clear is that the insurrection of the six week period between March 25 and May Day, with its deep connection to the recent revolutions against neoliberalism in South America, is promising another kind of working class power in the US. It remains for native-born workers to cast their lot with the most disenfranchised part of their class. If they do not, though the undocumented will suffer most immediately, it is they who will seal their place in history's Cocito, the frozen river at the bottom of Hell.

George Caffentzis, Parma, 17 June 2006

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