

Enlisting the State: Queer Sovereignty and Immigrant Rights

Cristina Beltrán, Associate Professor
Department of Social & Cultural Analysis
New York University
cbeltran@nyu.edu

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ABSTRACT

In recent years, a number of scholars have noted that one of the most exciting and unanticipated aspects of undocumented-youth activism has been the appropriation of strategies of visibility developed during the gay-rights movement. While the practice of “coming out” has prompted various scholars to draw connections between immigration and LGBT politics, I argue that what is most powerfully “queer” about undocumented youth activism has to do with its critique of sovereignty alongside demands for state power. Drawing on the work of Chandon Reddy, Lisa Cacho, Juana María Rodríguez, Bonnie Honig, Karma Chavez, and Sharon Krause, this essay explores how migrant activism articulates a variety of longings and demands that are both radical and impure. Exploring the connections between sexual desire and political demands, this essay explores how such queer accounts of sovereignty display a productively ambivalent relationship to the state. This ambivalence can be seen in their critiques of sovereignty — critiques that simultaneously reach both toward and beyond the logic of citizenship while also demanding government accountability and a more just distribution of public resources.

In claiming that political and sexual radicalism can exist alongside demands for government accountability, legal rights, and an increase in state resources, queer migrant accounts of sovereignty push back against some of the more totalizing critiques of state power and normativity seen in queer theory, cultural studies, and political theory. Such scholarship criticizes migrant activists for expressing a desire for citizenship and other more liberal visions of inclusion. I argue that while certain articulations of membership and demands for inclusion *can* work to undermine more radical and utopic claims, this critique of sovereignty is overly doctrinaire and ahistorical, displaying an inadequate understanding of how the political operates. To support this critique, I turn to the earlier political work of ACT UP and consider how today’s radical migrant activism enacts the connections between sexuality and politics in ways similar to early AIDS activism. I argue that undocumented subjects’ performance of sovereignty reflects a richly aberrant politics that productively unsettles the nation-state’s dreams of mastery and wholeness. In other words, rather than treating normative aspirations as the enemy of radicalism, a queer account of sovereignty highlights how dreams of freedom always exceed such binaries.

At times characterized as less than human, both “homosexuals” and “illegals” are populations that have faced a politics of mass hysteria characterized by physical targeting and removal; each has seen death and suffering dismissed as unworthy of concern since the communities “brought this on themselves.” Faced with a dehumanizing logic that blames them for their own suffering, HIV+ and undocumented subjects each challenge a political culture more interested in simplistic accounts of individual action than in complex analyses of human desire, free-market capitalism, and government failure. In both the case of ACT UP and radical migrant politics, activists sought to denaturalize the social meaning of desire, rendering it political by highlighting its relationship to history, community, and nation. Read together, these movements provide a queer optic for understanding the dynamics of sovereignty, citizenship, and state power. Both communities embody a commitment to saving their own lives — but not at the expense of their dreams or their pleasures.

Introduction

Over the past ten years, the United States has witnessed an unprecedented shift in the politics of immigration. After decades of an increasingly nativist political climate that criminalized non-citizens, immigrants and their allies inaugurated a nationwide movement of undocumented subjects claiming visibility and giving voice to their dreams and frustrations. Beginning in the spring of 2006, immigrants across the United States began demonstrating against harsh anti-immigrant legislation being debated in Congress.¹ Participating in hundreds of marches, rallies, and school and labor walkouts throughout the spring of 2006, an estimated “3 to 5 million people participated, with approximately 1.5 million people marching in 108 locations around the country between April 8 and April 10 alone.... In some cities, the immigration reform marches were the largest street demonstrations ever recorded.”² Refusing to obey the strictures of illegality, with its demands of silence and secrecy, the undocumented resisted the state’s injunction that they remain unknown and faceless. Rather than being a population spoken *for* and *about*, migrants and their allies engaged in mass actions in order to influence policy and give voice to their political opinions and values. Moreover, by creating a space of appearance where new forms of action could occur, noncitizens were engaging in acts of political freedom — what Hannah Arendt has described as the capacity for new beginnings. By taking to the streets and claiming space and rights, immigrants and their allies created spaces of political freedom and common appearance where none existed before.³

Despite the fact that comprehensive immigration reform had the support of both George W. Bush and Barack Obama, legislative opposition in Congress blocked the passage of comprehensive immigration reform following the protests of 2006. With comprehensive reform increasingly unlikely, immigration-rights activists began focusing on passing the Development, Relief and Education Act for Alien Minors Act. Introduced in 2001, the DREAM Act would extend a six-year conditional legal status to undocumented youth who meet several criteria, including: “entry into the United States before age 16; continuous presence in the United States for five years prior to the

¹ The initial trigger for the protests was the U.S. House of Representatives’ December 2005 passage of H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. Declaring that simply being undocumented constituted a felony, the bill criminalized anyone who offered nonemergency assistance to undocumented workers and their families.

² René Galindo, “Repartitioning the National Community: Political Visibility and Voice for Undocumented Immigrants in the Spring 2006 Immigration Rights Marches,” *Aztlán: A Journal of Chicano Studies*, Vol. 35, No. 2 (Fall 2010), pp. 37-38.

³ For more on the Arendtian logics of the 2006 marches, see my essay “Going Public: Hannah Arendt, Immigrant Action and the Space of Appearance,” *Political Theory*, Vol. 37, No. 5 (October 2009): 595-622.

bill's enactment; receipt of a high school diploma or its equivalent (i.e., a GED); and demonstrated good moral character. Qualifying youth would be authorized to work in the United States, go to school, or join the military. If during the six-year period they graduate from a two-year college, complete at least two years of a four-year degree, or serve at least two years in the U.S. military, the beneficiary would be able to adjust from conditional to permanent residence status.”⁴

As a discrete piece of legislation applying to only a particular segment of the population, the DREAM Act was far from comprehensive. Moreover, by focusing on children who did not “choose” to immigrate illegally and whose opportunities are limited through no fault of their own, the DREAM Act reinforces a good immigrant/bad immigrant account of migration that criminalizes undocumented parents as lawbreakers but labels their children “innocent,” upstanding, and assimilated — citizens in all but name. Advocates’ stories of young people who would qualify for the DREAM Act often emphasized their academic success, involvement in community and volunteer activities, and desire to engage in military service. Moreover, having come of age in the United States, these young people were often English-dominant and therefore characterized as less “foreign” than other segments of the unauthorized populations.

Yet despite efforts to frame undocumented youth in terms of nonthreatening innocence, since 2001, Congress has proved unwilling and unable to pass the DREAM Act. Even more significantly, anti-immigrant legislation at both the state and federal levels has grown harsher, with harm sometimes emerging from unexpected sources. For example, in an effort to show he was “serious” about immigration in his first term, President Obama pursued a punitive and enforcement-driven immigration policy characterized by increased immigration and customs enforcement raids and deportations.⁵ At the state level, in 2010 Arizona passed SB 1070, the country’s strictest anti-immigration bill,⁶ with other states following Arizona’s lead: 164 similar anti-immigration laws

⁴ See William Perez, *We Are Americans: Undocumented Students Pursuing the American Dream* (Stylus, 2009), pp. xxi-xxii.

⁵ *The FilAm*, “Obama’s Deportation Record Worse Than Bush,” March 14, 2012, <http://thefilam.net/archives/5856>.

⁶ In April 2010, Gov. Jan Brewer signed into law Arizona SB 1070, expanding state police officers’ power to ask about the immigration status of anyone they stop, and to hold those suspected of being illegal immigrants. The legislation requires police officers, “when practicable,” to detain people they reasonably suspect are in the country without authorization and to verify their status with federal officials, unless doing so would hinder an investigation or emergency medical treatment. The law also makes it a state crime — a misdemeanor — to not carry immigration papers. SB 1070 inspired massive demonstrations after its passage and boycotts for years afterward, until the Supreme Court largely invalidated the law. In 2011, voters recalled state Sen. Russell Pearce, SB 1070’s primary sponsor, over his hardline immigration policies. See Amanda J. Crawford, “Arizona Immigration-Law Author Pearce Loses in Recall Election,” *Bloomberg*, Nov. 9, 2011, www.bloomberg.com/news/articles/2011-11-09/arizona-senate-s-immigration-law-author-pearce-loses-in-recall-election.

passed state legislatures in 2010 and 2011.⁷ This combination of frustration with the failure to pass even the most modest immigration reform at the federal level alongside increased efforts at criminalization led to the rise of the current undocumented youth movement — a movement that has transformed the current immigrant rights debate.

Initially calling themselves Dreamers (based on their support for the DREAM Act), undocumented youth activists have become notable for their increasingly confrontational and creative character, despite efforts to frame them in terms of nonthreatening innocence. Indeed, one of the most exciting and unanticipated aspects of DREAM activism has been the appropriation of strategies of visibility developed during the gay-rights movement. The 2010 and 2011 “Coming Out of the Shadows” campaigns, for example, included a series of speeches by unauthorized youth who openly declared their status. In addition to announcing their status at rallies, marches, and conferences, undocumented activists have participated in cross-state pilgrimages, hunger strikes, bus tours, rallies, sit-ins and other forms of direct action (including intentionally getting arrested and entering into detention facilities). Aided by new forms of social media such as YouTube, Twitter, Tumblr, and Facebook, Dreamers created an alternative public sphere where the undocumented are *speaking* subjects rather than subjects merely spoken *about*. Posting their stories online and announcing their presence in various public settings, Dreamers demonstrate how such acts of self-disclosure and risk-taking are powerful enactments of political freedom that push us to rethink the meaning of citizenship — a status they both challenge and seek to inhabit.

The ability of undocumented youth activism to be simultaneously expressive *and* effective is so far best epitomized by the Dreamers’ successful pressuring of President Barack Obama to sign an executive order granting undocumented youth “deferred action.”⁸ While not offering a pathway to citizenship, for those undocumented youth who qualify, DACA (Deferred Action for Childhood Arrivals) provides work authorizations as well as meaningful (though temporary) relief from the daily threat of deportation. DACA’s implementation has thus far been one of few policy victories

⁷ In June 2011, Alabama passed HB 56 (the Hammon-Beason Alabama Taxpayer and Citizen Protection Act). HB 56 requires public schools to collect the immigration status of new students and their parents and makes it felony for anyone to transport or house an undocumented immigrant. The number of restrictive laws jumped in 2011, when five states — Alabama, Georgia, Indiana, South Carolina, and Utah — passed Arizona-style bills. See Ian Gordon and Tasneem Raja, “164 Anti-Immigration Laws Passed Since 2010? A MoJo Analysis,” *Mother Jones*, March/April 2012, www.motherjones.com/politics/2012/03/anti-immigration-law-database.

⁸ For a more extensive discussion of how new social media “queers” democracy through the politics of coming out, see my essay “Undocumented, Unafraid, and Unapologetic: DREAM Activists, Immigrant Politics, and the Queering of Democracy,” in *From Voice to Influence: Understanding Citizenship in a Digital Age*, edited by Danielle Allen and Jennifer S. Light (University of Chicago Press, 2015), pp. 80-104.

for unauthorized individuals in recent years — and its existence is largely due to Dreamers’ willingness to aggressively confront the Obama administration.

Often LGBT (lesbian, gay, bisexual, and transgender) themselves, Dreamers and other undocumented activists who chose to “come out” have rejected secrecy and criminalization in favor of more defiant forms of nonconformist visibility, voice, and protest. This ability to operate successfully at the intersection of liberal inclusion and radical possibility has led a number of scholars (including myself) to characterize this as the Dreamers’ ability to “queer” the politics of migration. Recognizing that the links between sexuality and migration now serve as both cultural touchstone and powerful resource for the undocumented-youth movement, scholars have created a rich and growing body of work analyzing the relationship between immigrant-rights activism and queer world-making possibilities.⁹

Yet in thinking further about what constitutes a queer migration politics, the argument I put forward here moves in a different direction. Thinking further about both the movement and the growing scholarship surrounding being generating, it’s my contention that what is most powerfully “queer” about undocumented youth activism has less to do with “coming out” than with how undocumented activists claim sovereignty while criticizing the state. Put somewhat differently, an underexplored aspect of what it means to “queer” the politics of migration involves the movement’s ability to link sexual politics with the effort to simultaneously denounce and claim sovereignty and state power. Drawing on the work of Juana María Rodríguez, Bonnie Honig, Karma Chavez, and Sharon Krause, this essay explores how migrant activism articulates a variety of longings and demands that are best understood as both radical and impure. Exploring the connections between sexual desire and the political, this essay explores how such queer accounts of sovereignty display a productively ambivalent relationship to the state. This ambivalence can be seen in undocumented activist critiques of sovereignty — critiques that simultaneously reach both toward and beyond the logic of citizenship while also demanding government accountability and a more just distribution of public resources.

⁹ See Nicholas DeGenova, “The Queer Politics of Migration: Reflections on ‘Illegality’ and Incurability,” *Studies in Social Justice* Vol. 4, No. 2 (2010), pp. 101-26; Karma Chávez, *Queer Migration Politics: Activist Rhetoric and Coalitional Possibilities* (University of Illinois Press, 2013); and Beltrán, “Undocumented, Unafraid, and Unapologetic.” See also the special issue of *Sexualities*: “Queer Migration, Asylum, and Displacement,” edited by Rachel A. Lewis and Nancy A. Naples, Vol. 17, No. 8 (December 2014), pp. 911-1040, and the special issue of *Latino Studies*: Mexican (Im)igrant Students and Education: Constructions of and Resistance to ‘Illegality,’” guest edited by Hinda Seif, Char Ullman, and Guillermina Núñez-Mchiri, Vol. 12 (2014), pp. 169-328.

In claiming that political and sexual radicalism can exist alongside demands for government accountability, legal rights, and an increase in state resources, queer migrant accounts of sovereignty pushes back against some of the more totalizing critiques of state power and normativity seen in queer theory, cultural studies, and political theory. Such scholarship is often distinguished by its tendency to criticize migrant activists for expressing a desire for citizenship and other more liberal visions of inclusion. I argue that while certain articulations of membership and demands for inclusion *can* work to undermine more radical and utopic claims, this critique of sovereignty is overly doctrinaire and ahistorical, displaying an inadequate understanding of how the political operates. Turning to works of queer theory and AIDS scholarship by Deborah Gould, Douglas Crimp, and Ann Cvetkovich, this essay turns to the earlier political work of ACT UP and considers how today's radical migrant activism enacts the connections between sexuality and politics in ways similar to early to AIDS activism. Drawing on Juana Maria Rodriguez's theory of queer gesture and Jacques Rancière's discussion of politics and the police, I argue that the undocumented's performance of sovereignty reflects a richly aberrant politics that productively unsettles the nation-state's dreams of mastery and wholeness. In other words, rather than treating normative aspirations as the enemy of radicalism, a queer account of sovereignty highlights how dreams of freedom always exceed such binaries.

Part I of the essay brings together critiques of the state alongside theories of sovereignty, state power, and sexuality in order to explore how desire is itself a non-sovereign experience. In part II, I turn to the connections between ACT UP and radical migrant activism and their shared critique of unnecessary fatalities due to both government inaction and the violent uses of state power. At times characterized as less than human, both "homosexuals" and "illegals" are populations that have faced a politics of mass hysteria characterized by physical targeting and removal. Faced with a dehumanizing logic that blames them for their own suffering, HIV+ and undocumented subjects each built movements seeking to expose the failed logics of sovereignty while also trying to enlist state power on their own behalf. Part III explores how both movements engage what Karma Chavez describes as "gray politics" — impure practices that bridge everyday survival with a commitment to a political liberation. The paper's final section argues for a queer politics of pleasure whose utopian impulses resist drawing sharp distinctions between practices that reinforce "national and territorial logics" versus a "queer 'no borders' imaginary" that refuses to traffic in liberal notions of

“recognition, visibility, and representation.”¹⁰ Rather than pursue a disciplinary analysis capable of celebrating only those images and practices divorced from liberal conceptions of selfhood, the essay concludes by considering queer politics’ longstanding commitment to bridging everyday survival with radical accounts of ungovernable pleasures and desires.

Part I – Sovereignty and the State: Dreams, Desires, and Refusals

Radical Refusals: State Violence and the Resistance to Reform

Social and political theorists engaged with questions of race, gender, and sexuality have produced a valuable body of work analyzing the racialized violence of the state and the limits that adhere to the logics of sovereignty and the related language of citizenship. For example, in *Sharing Democracy*, Michael L. Ferguson criticizes readings of the immigrant rights protests of 2006 for being overly “bounded by the state.”¹¹ For Ferguson, it would be a mistake to understand the chant “Today we march, tomorrow we vote” as a desire for inclusion into the nation-state — rather, undocumented protesters were expressing “a more radical challenge” by acting in defiance of the expectation that they need to be formally included in the democratic sovereign people in order to count.¹² For Ferguson, the immigrant rights protests should not be read “exclusively in terms of unequivocal desire for citizenship and permanent residence.”¹³ Celebrating the Occupy movement and its “leaderless and agenda-less approach to activism,” Ferguson concludes her book by calling for activists to engage in a “freedom-centered politics” that resists calls for “specific legislative or executive action.”¹⁴ As she acknowledges, “[s]hifting to a freedom-centered view of democracy has real political costs. . . . The question for us to consider is: Which costs would we rather pay? Given the dominance of an orientation to outcomes, I would err on the side of cultivating our capacity for political freedom.”¹⁵ Yet in calling for a conception of freedom that embraces “nonsovereignty, unpredictability, risk, and uncertainty,” Ferguson acknowledges that “[t]here may be situations, of course, where short-term goals should be prioritized: for examples, in matters of life and death,

¹⁰ For examples of this type of critique, see Melissa Autumn White, “Documenting the Undocumented: Toward a Queer Politics of No Borders,” *Sexualities*, Vol. 17(8), p. 979; Belkis Gonzalez, *Getting Papers: The Terms of Legalizing Intimacies, Labors, and Kinship*, unpublished doctoral dissertation, New York University, 2013, pp. 230-31.

¹¹ Michael L. Ferguson, *Sharing Democracy* (Oxford University Press, 2012), 151.

¹² *Ibid.*, p. 152.

¹³ *Ibid.*, p. 188.

¹⁴ *Ibid.*, p. 162.

¹⁵ *Ibid.*, p. 163.

oppression, and human dignity.” Ultimately, however, she concludes by stating that “by and large, I believe democracy would be best served if, like Occupy, we prioritize instead the active practice of sharing a life together with plural others.”¹⁶

In a similar vein, in *Freedom With Violence: Race, Sexuality and the U.S. State*, Chandan Reddy challenges the conception of the citizen as “the subject of knowledge” and “the trope of unity.”¹⁷ Asking his readers to “refuse the figure of the citizen,” Reddy challenges the logic of inclusion and legislative reform, pointing us instead to “the strange coupling of civil rights and national security” and the ways in which the modern state legitimizes further racial violence through a process of limiting the rights of certain populations while granting freedom to others.¹⁸ Quoting Max Weber, Reddy defines the state primarily in terms of its claim to have the monopoly on legitimate violence.¹⁹ Analyzing the U.S. state primarily through the lens of violence, Reddy grounds his analysis in the history of chattel slavery, conquest and colonialism. Offering readers a powerful account of how racism and homophobia have been fundamental to the rise of the liberal national state, Reddy exposes how the practice of state-making often legitimizes further racial violence:

For a military whose condition of possibility is the nation-state, and for a nation-state whose sovereignty was forged through taking turns in making and observing race wars between Western sovereign states and nonsovereign peoples, race is both effect and cause of the development of national sovereignty.²⁰

Freedom With Violence begins with a discussion of legislation that the author understands to be iconic of American state-making: the Sheppard-Byrd Hate Crimes Prevention Act. Passed as an amendment to the National Defense Authorization Act of 2010, Reddy argues that while Sheppard-Byrd protects individuals from interpersonal violence based on gender identity, sexuality, and disability, its passage under the NDAA’s auspices granted freedom from individual violence while allowing the state to deploy further racial violence. According to Reddy, “[e]ach public demand for a freedom protected by the state threatens to expose these historically forged and variable material relations between a specific set of institutions — what Louis Althusser terms the ideological and repressive state apparatuses — which ironically the public call for freedom mediates.”²¹

In *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*, Lisa

¹⁶ Ibid., p. 163.

¹⁷ Chandan Reddy, *Freedom With Violence: Race, Sexuality and the U.S. State* (Duke University Press, 2011), p. 156.

¹⁸ Ibid, p. 156 and p. 5.

¹⁹ Ibid., p. 37.

²⁰ Ibid., p. 235.

²¹ Ibid., pp. 38-39.

Marie Cacho powerfully echoes Reddy's analysis. According to Cacho, today's "'racial progress' is heavily indebted to the state and its legal apparatuses, and for some populations that is precisely the problem."²² For Cacho, "human value is made intelligible through racialized, sexualized, spatialized, and state-sanctioned violence."²³ Like Reddy, who characterizes "law as an archive of racialized knowledge and the structure of legitimate violence," Cacho sees the state and its laws as producing a discourse of criminalization that "justifies people's ineligibility to personhood because it takes away the right to have rights."²⁴ Describing the relationship between law and the state, she writes:

law is dependent upon the *permanence* of certain groups' criminalization. These permanently criminalized people are the groups to whom I refer as *ineligible for personhood* — as population subjected to laws but refused the legal means to contest those laws as well as denied both the political legitimacy and moral credibility necessary to question them. These populations are excluded from the ostensibly democratic processes that legitimate U.S. law, yet they are expected to unambiguously accept and unequivocally uphold a legal and political system that depends on the unquestioned permanency of their rightlessness.²⁵

According to Cacho, to be "ineligible for personhood is a form of social death. . . . For different reasons, undocumented immigrants, the racialized poor of the global South, and criminalized U.S. residents of color in both inner cities and rural areas are populations who *never* achieve, in the eyes of others, the status of 'living.'"²⁶

Ferguson, Reddy, and Cacho all seek to reject the "regulative discourse of citizenship."²⁷ Moreover, Reddy and Cacho reject state reform as a way to effectively challenge or substantively impact the workings of racism and homophobia. For Cacho, this rejection of state reform is based on her belief that "[f]or all legally uncertain populations, the law punishes but does not protect, disciplines but does not defend. Because the state renders criminalized populations of color ineligible for personhood and, consequently, ineligible for the right to ask for rights, they cannot be incorporated in rights-based politics."²⁸ Similarly, for Reddy, "the citizen's freedom *requires* the reduction of the immigrant worker to the state of impermanence; democracy *designates* military

²² Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York University Press, 2012), p. 4.

²³ Reddy, *Freedom With Violence*, pp. 38-39; Cacho, *Social Death*, p. 4.

²⁴ Cacho, *Social Death*, p. 8.

²⁵ *Ibid.*, p. 6.

²⁶ *Ibid.*, p. 7.

²⁷ Reddy, *Freedom With Violence*, p. 155.

²⁸ Cacho, *Social Death*, p. 8.

order; and the protection of civil right *ratifies* the torture of the enemy combatant.”²⁹ Similarly, when engaging the question of racial disparities and the law, Reddy asserts that “the state addresses racism through the affirmation and protection of individual rights, while using a juridical rights-bearing subject as a means of silencing all alternative discourses and systemic accounts of antiracism by projecting them as racist.”³⁰ (145)

Ferguson, Reddy and Cacho all offer valuable insights regarding how practices of freedom often exceed the state and that political movements must continually attend to the regulative and violent nature of sovereignty and state making. Yet each of them falls prey to a problematic tendency to depict sovereignty and state power in deeply totalizing and unsatisfactory ways. In the case of Ferguson, it’s telling that she characterizes “matters of life and death, oppression, and human dignity” as the exceptional situations to politics as usual, characterizing such instances as atypical and out of the ordinary. The implicit claim here being that “by and large,” political normalcy does not involve such matters “matters of life and death, oppression, and human dignity.” Yet as my discussion of the undocumented and AIDS activism will show, both movements were based on such conditions of ongoing violence and precarity. Yet Ferguson’s frame decenters these experiences and movements, rendering them “outside the norm” of democracy and sharing life with plural others. Placing the experiences of undocumented and AIDS activists at the center of our politics, we can see how “normalcy” and practices of freedom signify differently for differently situated subjects.

Reddy’s claim that the “juridical rights-bearing subject” is capable of silencing “all alternative discourses” and Cacho’s assertion that certain groups are “permanently” criminalized and therefore “ineligible for personhood” each fail to account for the deeply *political* nature of membership. As Jacques Rancière rightly notes in his discussion of dissensus, politics involves the power exercised by those who have no qualifications for exercising power, Rancière describes such democratic enactments as “the count of the uncounted — or the part of those who have no part.”³¹ If subjects were “permanently rightless” and forever “ineligible for personhood,” human beings could never transform the terrain of politics. In other words, while striving for a radical resistance to the logics of sovereignty and the state, both Cacho and Reddy ultimately put forward an analysis of power that is profoundly anti-political. If politics occurs precisely at the point when *subjects who have no*

²⁹ Reddy, *Freedom With Violence*, p. 155 (italics mine).

³⁰ Ibid., p. 145.

³¹ Jacques Rancière, “Who Is the Subject of the Rights of Man?” *South Atlantic Quarterly* Vol. 103, Nos. 2/3 (Spring/Summer 2004), p. 304.

claim make a claim, then politics is “fundamentally about contesting political exclusion by enacting equality.”³²

Finally, Ferguson, Reddy, and Cacho each put forward a unitary account of sovereignty and the state that accepts sovereignty’s own mythologized account of itself, its mastery, and its normative injunctions. In treating sovereignty’s claims as unproblematic and empirically accurate, these authors fail to consider how sovereignty and the state function as what Martti Koskenniemi describes as “a manifestation of a political ethos.” Neither final nor absolute, sovereignty is part of a political vocabulary that seeks to “preserve or change a status quo” or “support or oppose particular contestants.”³³ In other words, rather than simply approaching sovereignty and state power as unproblematic and clearly defined concepts, I read them as practices that are historically emergent, fundamentally paradoxical, and essentially contested.

In the following section, I turn to various theories of sovereignty and put them in conversation with scholars of sexuality whose depictions of desire and state power help us make sense of how undocumented and AIDS activists work to enlist the powers of sovereignty on their own behalf.

Desiring Sovereignty: Dreams of a Contested Concept

While scholars such as Reddy and Cacho characterize the state form almost exclusively in terms of its capacity for violence and racial cruelty, practices of sovereignty and state power have a more complex and dynamic history.³⁴ As Koskenniemi reminds us, sovereignty’s persistence is surely due to the positive words associated with it — “words such as self-determination, nationhood, independence.”³⁵ Sovereignty has been invoked “by those who struggled against theocratic rule in early-modern Europe” as well as “to support decolonization in the twentieth century.”³⁶ Today, we turn the discourse of sovereignty “to express frustration and anger regarding the diminishing spaces of “collective re-imagining, creation and transformation” in the context of global modernity with its emphasis on expert rule and neoliberal rationality.³⁷

Jens Bartelson has described sovereignty as a “sponge concept” whose very ambiguity is

³² Andrew Schapp, “Enacting the Right to Have Rights: Jacques Rancière’s Critique of Hannah Arendt,” *European Journal of Political Theory*, Vol. 10, No. 1 (2011), p. 23.

³³ Martti Koskenniemi, “Vocabularies of Sovereignty — Powers of a Paradox,” in *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept*, p. 232.

³⁴ Reddy, *Freedom With Violence*, p. 46.

³⁵ Koskenniemi, “Vocabularies of Sovereignty — Powers of a Paradox,” p. 239.

³⁶ *Ibid.*, 241-42.

³⁷ *Ibid.*

conditioned by its centrality.³⁸ Moreover, as philosopher Quentin Skinner has written, because sovereignty is such an ambiguous concept, many scholars approach the term as an “argumentative resource” rather than a “single agreed-upon concept” requiring a simple, clear definition.³⁹ Indeed, as Skinner notes, this ambiguity is not the result of “conceptual confusion born out of persistent misunderstandings of its ‘true nature’” but is instead a concept characterized by “historical depth” — a depth that reflects “past efforts to give it content.”⁴⁰ Echoing Skinner, Stephen Krasner notes that the “rules and practices of sovereignty did not begin at any particular point in time. Rather, they evolved over several centuries.”⁴¹

Yet despite the concept’s protean nature, there are certain characteristics that typically define it. Krasner characterizes sovereignty in terms of three core elements:

- International legal sovereignty: international recognition that implies the right to enter into contracts or treaties with other states, juridical equality, and membership in international organizations.
- Westphalian/Vettelian sovereignty: the absence of submission to external authority structures, even structures that states have created using their international legal sovereignty.
- Domestic sovereignty: more or less effective control over the territory of the state including the ability to regulate trans-border movements.⁴²

According to Krasner, these three elements of sovereignty are “analytically and empirically distinct; they are not an organic whole.”⁴³

As Sharon Krause notes, sovereignty is a term “especially associated with the rise of the modern state . . . a defining feature of which is the capacity to exercise control over a territory and population. A state is sovereign to the extent that no other entity has the power or the right to determine what happens within its domain.”⁴⁴ In a similar vein, Neil MacCormick characterizes a ‘sovereign state’ as one that is “fully self-governing and independent of external control, and this

³⁸ Jens Bartelson, *A Genealogy of Sovereignty* (Cambridge University Press, 1995), p. 237.

³⁹ Quentin Skinner and Hent Kalmo, “A Concept in Fragments” in *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept* (New York: Cambridge University Press, 2010), pp. 1 and 9.

⁴⁰ *Ibid.*, p. 11.

⁴¹ Stephen D. Krasner, “The Durability of Organized Hypocrisy,” in *Sovereignty in Fragments*, p. 97.

⁴² *Ibid.*, p. 96.

⁴³ *Ibid.*, p. 97.

⁴⁴ Sharon Krause, *Freedom Beyond Sovereignty: Reconstructing Liberal Individualism* (University of Chicago Press, 2015), p. 2.

condition is the ‘sovereignty’ of the state.”⁴⁵ Moreover, the concept of independence “also plays a role in nearly all discourses of sovereignty. The idea of independence from entities similar in kind is implicit in the notion of sovereignty.”⁴⁶

According to Skinner, this insistence on the capacity to exercise control over a territory and population can be seen in the state’s aggressive efforts to patrol its own borders “with increasing vigilance” while also maintaining “an unparalleled level of surveillance” over those who exist within its territorial boundaries.⁴⁷

As the above language makes clear, the concepts of “sovereignty” and “state” are intimately related. Indeed, as Jüri Lipping notes, “[e]xpressions such as *sovereign state* or *state sovereignty* clearly indicate that historically, as well as conceptually, these two terms — sovereignty and the state — have run their course more or less hand-in-hand.” Lipping notes that two of the major theorists of sovereignty (Jean Bodin and Thomas Hobbes) “were also the first original thinkers of the modern state.”⁴⁸

As Krause notes, there is interesting homology between the sovereign state and the liberal citizen who is supposed to reside within it: “Alongside the idea of the sovereign state, there emerged within modern liberalism a quasi-parallel conception of the human being . . . thinkers from Locke to Kant to John Stuart Mill, the individual is likewise understood, at least in principle, to be the master of her domain.”⁴⁹

In this way, we can see that both the sovereign state and the sovereign subject are characterized by a dreams of mastery — to be sovereign is to be agentic and self-sufficient, to be independent and in control of what one does rather than being controlled by others or by circumstance. We see this in Bodin and his ideal view of the early-modern commonwealth. Writing in 1576, Bodin calls sovereignty “the absolute and perpetual power of a commonwealth.” According to Koskenniemi,

⁴⁵ See Neil MacCormick, “Sovereignty and After,” in *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept* (New York: Cambridge University Press, 2010), p. 153. As MacCormick writes: “Sovereignty can also characterize an individual or collective power-holder, an entity or agency within a state, such as an emperor, a king, a dictator, or a parliament. That entity of person is then the ‘sovereign’ of that state. Finally, one must take note of popular sovereignty. Sometimes sovereignty is regarded as belonging to the people of a territory, who are or at least proclaim themselves to be the ultimate self-governing masters of the institutions of the state that holds the territory,” p. 153.

⁴⁶ MacCormick, “Sovereignty and After,” p. 155.

⁴⁷ Quentin Skinner, “The Sovereign State: A Genealogy,” in *Sovereignty in Fragments*, p. 44.

⁴⁸ Jüri Lipping, “Sovereignty Beyond the State,” in *Sovereignty in Fragments*, p. 186.

⁴⁹ Sharon Krause, *Freedom Beyond Sovereignty*, p. 2.

this notion of “absolute and perpetual” reflects how the tradition came “to think about the power addressed by sovereignty.”⁵⁰

Yet such dreams are continually undone by the fact that sovereignty is itself a liminal concept, “poised between facts and norms, simultaneously both political and legal.” According to Hent Kalmo, sovereignty is liminal because “it points to the paradoxical possibility that, when illegality becomes extreme, it can convert itself into a new standard of legality. One sovereignty is replaced by another so that what was before a punishable act of resistance becomes the founding act of a new state.”⁵¹ Drawing on Giorgio Agamben, Lipping characterizes this as the “the ‘paradox of sovereignty.’” Citing *Homo Sacer*, Lipping notes that the sovereign is, at the same time, outside and inside the juridical order.’ The singular site of a sovereign power thus turns out to be the state of exception.”⁵² In other words, sovereignty functions as a tool of analysis and polemics simultaneously.⁵³ Despite its assertions of “absolute and perpetual power,” sovereignty was born “out of a desire to understand and explain power,” while also working to “claim, legitimize and challenge power.”⁵⁴

Yet alongside this fantasy of masterful self-sufficiency that seeks to cover over its own practices of illegitimacy, the claim to sovereignty (often in the guise of citizenship) reflects a desire for collective governance, participation in decision-making, and the administration of justice, environmental protection, and human rights. In this image of popular sovereignty, power is possessed by the union of the people themselves. In this context, the state refers “not to a passive and obedient community living under a sovereign head, but rather to a body of the people viewed as the owners of sovereignty themselves.”⁵⁵ In this context, political subjects often bemoan the decline or crisis of the state, a condition whose symptoms include “the decline of public services and the increasing privatization of public corporations; the loss of control of the economy by the state and domination by the market; that fact that in several countries, many important activities are regulated not by the state but by independent agencies.”⁵⁶

⁵⁰ Koskenniemi, “Vocabularies of Sovereignty — Powers of a Paradox,” p. 223.

⁵¹ Hent Kalmo, “A Matter of Fact? The Many Faces of Sovereignty,” in *Sovereignty in Fragments*, p. 114.

⁵² Jüri Lipping, “Sovereignty Beyond the State,” in *Sovereignty in Fragments*, p. 200, and Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford University Press, 1998), p. 15.

⁵³ Koskenniemi, “Vocabularies of Sovereignty – Powers of a Paradox,” p. 223.

⁵⁴ Ibid.

⁵⁵ Skinner, “The Sovereign State: A Genealogy,” in *Sovereignty in Fragments*, p. 31.

⁵⁶ Michel Troper, “The Survival of Sovereignty,” in *Sovereignty in Fragments*, p. 132.

In her discussion of the sovereigntist view of individual agency, Krause seeks to unsettle our belief that “agency consists in the capacity for personal control over one’s actions, that it is an internal property located in the individual will, and that it always takes the form of intentional choice.”⁵⁷ Insisting that agency “is not solely an inner faculty of the individual but an emergent property of intersubjective exchanges,” Krause argues that “because agency depends on social uptake, it is a socially distributed phenomenon.”⁵⁸ Because it eludes personal control, agency extends beyond intentional choice — individual agency is “a socially distributed phenomenon.”⁵⁹ For Krause, the exercise of agency is “a *non-sovereign* experience.”⁶⁰

It’s my contention that Krause’s insights regarding the *non-sovereign* experience of individual agency applies equally to the concept of state sovereignty. In both cases, dreams of mastery are undone by the socially distributed and intersubjective reality of state power. Turning to the work of Juana María Rodríguez, I aim to explore how the sexual politics of queer desire helps us understand how radical movements can simultaneously disdain and long for sovereignty and state power.

In *Sexual Futures, Queer Gestures, and Other Latina Longings*, Rodríguez puts forward a theory of queer gesture “that works at the interstices between sexual desires and political demands, between discipline and fantasy, between utopian longings and everyday failures.”⁶¹ Highlighting the “everyday labor of political social and sexual energies that mark our collective will to survive,” Rodríguez argues for reaching toward various forms of engaged action “even when these are flawed, imprecise, and corruptible.”⁶² In contrast to Reddy’s injunction to reject state reform, Rodríguez draws on Dean Spade’s call for a “critical trans politics” that intervenes in the “law and policy venues that most directly impact the survival of trans people.”⁶³ Rather than step away from the law and policy because they are too corrupt and ineffective,” Rodríguez calls for a queer activist scholarship that is about “critique, engaged collective action, *and* imagining ourselves and our worlds otherwise.”⁶⁴

⁵⁷ Krause, *Freedom Beyond Sovereignty*, pp. 3-4.

⁵⁸ *Ibid.*, pp. 7 and 4.

⁵⁹ *Ibid.*, p. 99.

⁶⁰ *Ibid.*, p. 5.

⁶¹ Juana María Rodríguez, *Sexual Futures, Queer Gestures, and Other Latina Longings* (New York University Press, 2014), p. 7.

⁶² *Ibid.*, p. 8.

⁶³ Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics and the Limits of Law* (South End Press, 2011), p. 32.

⁶⁴ Rodríguez, *Sexual Futures, Queer Gestures, and Other Latina Longings*, p. 8.

Grounding her analysis around the sexuality of racialized queer female subjects, Rodríguez considers a variety of sexual cultures and practices, including Latina femme practices of submission, “daddy play,” pornography, and sovereignty claims. In each encounter, she highlights the fact that desire itself is non-sovereign experience. In this way, Rodríguez allows her readers to consider the political possibilities that might adhere to even our most politically incorrect fantasies.

In her recognition that “[s]ex is always more than personal,” Rodríguez reminds her readers that queers “have a long history of loving and living differently, spinning out social and sexual networks and coextensive bonds with other temporal moments of affection and desire.”⁶⁵ Aware of the dangers that come with abandoning an engagement with radical sexual politics, she cites Margot Weiss’s work on BDSM⁶⁶ and her insistence that “desire is forged in the crucible of history, community, and nation.”⁶⁷ In this way, Rodríguez embraces the troubling alchemy of desire that makes it both unpredictable and forceful:

Rather than proposing a decolonial project aimed at wiping away the taint of racialized abjection, I want to consider the possibility of seizing our sexual imaginations to activate abjection as a resource for a reclamation of erotic-self determination and world making.”⁶⁸

By insisting on gender and sex as acts of interpretation, “[q]ueers make the sexual and social meanings that surround bodies and gestures appear.”⁶⁹

Taking up the concept of sovereignty (particularly in the context of Puerto Rican statehood and the removal of sodomy laws on the island), Rodríguez is able to consider how the demand for sovereignty is both connected to long histories of violence and a gesture that can speak back to colonial and oppressive forms of rule.⁷⁰ In this way, taking up the concept of sovereignty is a way to take pleasure in “fucking with the state.”⁷¹

Here, Rodríguez’s account of sovereignty has unexpected resonances with Bonnie Honig’s critique of sovereignty in *Antigone, Interrupted*. According to Honig, certain political theorists tend to display “fascination with rupture over the everyday, powerlessness over sovereignty, and heroic

⁶⁵ Ibid., p. 53.

⁶⁶ BDSM refers to Bondage & Discipline/Domination & Submission/Sadism & Masochism.

⁶⁷ Margot Weiss, *Techniques of Pleasure: BDSM and the Circuits of Sexuality* (Duke University Press, 2011), 219. Quoted in Rodríguez, p. 20.

⁶⁸ Rodríguez, *Sexual Futures, Queer Gestures, and Other Latina Longings*, p. 21.

⁶⁹ Ibid., p. 136.

⁷⁰ Ibid., p. 71.

⁷¹ Ibid., p. 94.

martyrdom over the seemingly dull work of maintenance, repair, and planning for possible futures.”⁷² Rather than defining political freedom solely in terms of “nonsovereignty, unpredictability, risk, and uncertainty,”⁷³ Honig asks whether democratic and feminist theorists “might rethink the rejection of sovereignty and consider devoting themselves instead to its cultivation. We might be critical of sovereignty’s operations in particular contexts while still seeking to enlist the powers of sovereignty in others, for our own democratic or redistributive agendas.”⁷⁴ Using AIDS activism as a model, Honig argues that groups such as ACT UP, facing a crisis of mass death and government neglect, sought “not just to oppose the state and expose the irresponsibility of government but to enlist the state’s resources.” AIDS activists “wanted sovereignty, and they tried to claim it. They did not want to just lament sovereignty’s excesses.”⁷⁵

In the following section, I extend the work of Rodríguez and Honig by revisiting the work of ACT UP to reconsider what it means to “queer” the politics of immigration.⁷⁶ Faced with a dehumanizing logic that holds them responsible for their own suffering, people with AIDS/HIV and the undocumented (people living without papers) each challenge a political culture more interested in simplistic accounts of individual action than in complex analyses of neoliberalism, human desire, and government failure. Building on Rodríguez’s refusal to draw sharp divisions between practices that reinforce “national and territorial logics” versus a “queer ‘no borders’ imaginary,” I argue that one of the most powerful elements of “queer” politics has been its capacity to bridge everyday survival with a commitment to a liberatory politics of desire.

Part II

Politicized Through Precarity: The Shared Resonances of Denigration, Demonization, and Disposability

A Few Caveats

In analyzing the resonances between ACT UP (AIDS Coalition To Unleash Power) and today’s undocumented activism, a few caveats are in order. First, while my analysis is comparative, it’s clear that there are significant overlaps in the two communities under discussion: A number of

⁷² Bonnie Honig, *Antigone, Interrupted*, p. 2.

⁷³ For examples of this tendency Honig identifies, see Ferguson, p. 162.

⁷⁴ Honig, *Antigone, Interrupted*, p. 2.

⁷⁵ *Ibid.*, pp. 59-60.

⁷⁶ *Ibid.*, p. 61.

AIDS activists were immigrants; no doubt some were undocumented.⁷⁷ A focus on people with HIV/AIDS from migrant communities and communities of color was a major concern for various segments of ACT UP, and some of these activists were themselves members of these groups.⁷⁸ Today, there are undocumented activists who are HIV+ and involved in HIV/AIDS activism as well, some linked to their organizing within migrant communities. So to speak of ACT UP and undocumented activism is to recognize that these communities are overlapping rather than completely distinct.

Second, although this essay focuses on ACT UP, it's important to remain cognizant of the fact that AIDS activism began years before ACT UP was formed. During the early years of AIDS activism (between 1981 and 1986), a variety of organizations were formed, including the Gay Men's Health Crisis (GMHC) and People with AIDS Coalition (PWAC).⁷⁹ As Deborah Gould shows, "[e]ven before an infectious agent had been identified and isolated," lesbians and gay men were not only in the process of inventing safe sex, they also "lobbied for government funding and held the government accountable for its negligent and punitive response to the crisis."⁸⁰ Like Gould, Ann Cvetkovich warns us that it would be a mistake to "mark the beginning of AIDS activism with the founding of ACT UP . . . by then, generations of PWA's had died fighting for their lives."⁸¹ At the same time, each of these scholars and others recognize that ACT UP represents a distinctive shift in AIDS activism. ACT UP was noteworthy for creating "new forms of cultural and media

⁷⁷ As Horacio Roque Ramírez notes, at times, the impact of HIV and AIDS in various communities was obscured by "historical, biomedical, and demographic factors." For Ramírez, this set of factors made it particularly difficult to develop "an accurate appreciation of the ongoing seriousness of AIDS among queer, Latino, and queer Latino populations." See "Gay Latino Histories/Dying to Be Remembered: AIDS Obituaries, Public Memory, and the Queer Latino Archive" by Horacio N. Roque Ramírez in *Beyond El Barrio: Everyday Life in Latina/o America*, edited by Gina M. Pérez, Frank A. Guridy, and Adrian Burgos Jr. (New York: NYU Press, 2010), p. 106. For more on this dynamic, see: Ana María Alonso and María Teresa Koreck, "Silences: 'Hispanics,' AIDS, and Sexual Practices," *differences*, Vol. 1, No. 1 (Winter 1989), pp. 101-24; David Román, "Not-About-AIDS," *GLQ: A Journal of Lesbian and Gay Studies*, Vol. 6, No. 1 (2000); and David Román, "Speaking with the Dead," in *AIDS and the National Body*, edited by Thomas E. Yingling (Durham: Duke University Press, 1997).

⁷⁸ See Gil Cuadros, *City of God* (San Francisco: City Lights, 1994); Rafael Pérez-Torres, *Mestizaje: Critical Uses of Race in Chicano Culture* (Minneapolis: University of Minnesota Press, 2006); Paul Allatson, "'My Bones Shine in the Dark': AIDS and the De-description of Chicano Queer in the Work of Gil Cuadros," *Aztlán: A Journal of Chicano Studies*, Vol. 32, No. 1 (Spring 2007), pp. 23-52.

⁷⁹ In addition to GMHC and PWAC, another significant example of early AIDS activism occurred in 1983 with the rise of the PWA self-empowerment movement and the publication of the "Denver Principles." See Douglas Crimp, "AIDS: Cultural Analysis/Cultural Activism," *October*, Vol. 43 (Winter 1987).

⁸⁰ Deborah B. Gould, *Moving Politics: Emotion and ACT UP's Fight Against AIDS* (University of Chicago Press, 2009), p. 57.

⁸¹ Ann Cvetkovich, *An Archive of Feelings: Traumas, Sexualities, and Lesbian Public Cultures* (Duke University Press, 2003), p. 181.

activism” and incorporating “a distinctive flair for the visual and performative.”⁸² Even more significantly, as Gould powerfully notes, ACT UP “not only inaugurated a new era in lesbian and gay politics and in AIDS activism, it also was the site from which a new, *queer* sensibility emerged and took hold, a sensibility that was embraced by lesbians, gay men, and other sexual and gender outlaws across the country.”⁸³ Recognizing the emergence of such a sensibility offers an important counter to the tendency to remember ACT UP as “a group of privileged gay white men.”⁸⁴ As Cvetkovich notes, while the role of lesbian AIDS activists “has not always been fully acknowledged,” there was a “strong presence of women and lesbians in ACT UP.”⁸⁵

The emergence of ACT UP led to direct-action AIDS organizations erupting across the country, with new groups forming in “unexpected places like Kansas, Maine, Minnesota, Missouri, and Vermont . . . groups have sprung up in Georgia, Tennessee, and seven cities in North Carolina alone.”⁸⁶ Emphasizing an “angry, confrontational activism as well as sex-radicalism,” the politics of ACT UP offered a new and compelling vision of queer subjectivity in a moment of crisis.⁸⁷

In a similar vein, it would be wrong to characterize recent DREAM activism as marking the birth of undocumented activism. Unauthorized immigrants and their allies have a long history of engaging in mass protest; throughout the twentieth century, fights for worker rights and against anti-immigrant legislation produced diverse forms of undocumented resistance and activism.⁸⁸ As Alfonso Gonzalez has noted, there have long been major mobilizations to fight for migrant rights, including “actions against Proposition 187 in California; protests against similar bills in places like Arizona; and numerous actions against the border wall in the southwest in the 1990s.”⁸⁹ Yet like AIDS activism, undocumented activism experienced a distinctive shift in recent years, though this transformation is less tied to a single organization such as ACT UP. A pivotal shift in undocumented activism occurred a decade ago, during the immigrant-rights protests of 2006. Refusing to obey the strictures of illegality, with its demands of silence and secrecy, across the country in ever-increasing numbers, the undocumented and their allies began engaging in a wide

⁸² Cvetkovich, *An Archive of Feelings*, p. 157.

⁸³ Deborah Gould, *Moving Politics*, p. 256.

⁸⁴ Cvetkovich, *An Archive of Feelings*, p. 158.

⁸⁵ *Ibid.*, pp. 13, 158.

⁸⁶ Gould, *Moving Politics*, pp. 219-220.

⁸⁷ *Ibid.*, p. 215.

⁸⁸ See, for example, Vicki L. Ruiz, *Cannery Workers, Cannery Lives: Mexican Women, Unionization, and the California Food Processing Industry, 1930-1950* (University of New Mexico Press, 1987).

⁸⁹ Alfonso Gonzales, *Reform Without Justice: Latino Migrant Politics and the Homeland Security State* (Oxford University Press, 2014), p. 152.

array of mass actions, ranging from school walkouts to marches, street demonstrations, and work stoppages. Similar to ACT UP, such direct-action protests were increasingly emergent in regions of the United States less known for radical activism, including a number of Southern and Midwestern states such as Tennessee, Georgia, Alabama, Wisconsin, Kansas, and Iowa. Rejecting the state's injunction that they remain unknown and faceless, undocumented protesters risked visibility and deportation by withholding their participation in the economic and political logics that supported their exclusion and exploitation.⁹⁰ As with ACT UP, this decision to embrace a performative politics of confrontational visibility and direct action marks a major shift in the sensibility of undocumented activism. In sum, both movements experienced a shift in political orientation that seems fruitful to analyze in terms of one another.

And finally, despite my belief in the value of this type of comparative analysis, I do not want to suggest that these two movements fit together seamlessly. They don't. The specific dynamics of harm, trauma, and loss with which each movement wrestles must be acknowledged and respected. The experience of sickness and mass death in the first decade of the AIDS epidemic was unprecedented: The 1980s and '90s saw the gay community suffer the particular terror of watching an overwhelming portion of their communities fall prey to a disease with an extraordinarily high mortality rate. During the 1980s, AIDS emerged as a leading cause of death among young adults in the United States. By 1989, HIV/AIDS had become the second-leading cause of death among men 25-44 years of age, surpassing heart disease, cancer, suicide, and homicide.⁹¹ The physical and experience of sickness and the discriminatory violence that resulted from being diagnosed with a stigmatized disease is a distinctive aspect of the AIDS crisis. In the 1980s, it was not uncommon for hospitals to place the dead bodies of AIDS victims in garbage bags; funeral homes refused to provide them proper burials.⁹² Activist and film historian Vito Russo characterized the specific dynamics of living with AIDS in 1988 as akin to living through a war:

Every time a shell explodes you look around to discover that you've lost more of your friends. But nobody else notices — it isn't happening to them. . . . It's worse than wartime because during a war people are united in a shared experience. This war

⁹⁰ See Cristina Beltrán, "Going Public: Hannah Arendt, Immigrant Action and the Space of Appearance," *Political Theory*, Vol. 37, No. 5 (October 2009), pp. 595-622.

⁹¹ "Current Trends Mortality Attributable to HIV Infection/AIDS—United States, 1981-1990," *The Morbidity and Mortality Weekly Report*, January 25, 1991, Vol. 40, No. 3, pp. 41-44. The MMWR is prepared by the Centers for Disease Control and Prevention (CDC). See www.cdc.gov/mmwr/preview/mmwrhtml/00001880.htm.

⁹² Regarding those who died of AIDS being placed in garbage bags, see the documentary *How to Survive a Plague* (2012), <http://surviveaplague.com/>. See also Frank Bruni, "The Living After the Dying," *The New York Times*, March 17, 2012. For discrimination by funeral homes, see Sharon Bass, "Funeral Homes Accused of Bias on AIDS," *The New York Times*, November 15, 1987.

has not united us — it's divided us. It's separated those of us with AIDS and those of us fighting for people with AIDS from the rest of the population. . . . [T]hey don't spend those days and nights and months and years trying to figure out how to get ahold of the latest experimental drug and which dose to take it at and in what combination with what other drugs and from what source and for how much money because it isn't happening to them so they don't give a shit. . . . They don't spend their waking hours going from one hospital to another, watching the people they love die slowly because of neglect and bigotry. . . . They haven't been to two funerals a week for the last three, four, or five years so they don't give a shit."⁹³

In an echo of Russo, Deborah Gould recalls how alongside “planning and executing numerous demonstrations,” AIDS activism was intimately connected to the daily experiences of illness, caregiving, and grief:

In their daily lives during the early 1990s . . . ACT UP members visited friends and fellow activists in the hospital, changed diapers and cleaned bed sores; drove friends to doctor appointments; watched lovers be reduced to needing help to eat and go to the bathroom; feared seroconverting and getting sick, felt guilty about being unable to stand the thought of visiting yet another friend in the hospital; learned how to hook up a catheter; helped friends move into hospice; learned about more friends testing HIV-positive, listened as loved ones said they had decided to stop taking their meds; went to memorial service after memorial service; stopped knowing what to say or how to help; helped lovers and friends kill themselves.⁹⁴

Beyond managing the grief and exhaustion that comes with coping with one's own illness as well as the illness of loved ones, the AIDS crisis also marked the loss of particular quotidian forms of physical and sexual pleasure. As Douglas Crimp writes:

Freud tells us that mourning is the reaction not only to the death of a loved person, but also “to the loss of some abstraction . . . such as fatherland, liberty, an ideal . . .” Can we be allowed to include, in this “civilized” list, the ideal of perverse sexual pleasure itself? . . . Alongside the dismal toll of death, what many of us have lost is a culture of sexual possibility: back rooms, tea rooms, bookstores, movie houses, and bath; the trucks the pier, the ramble, the dunes. Sex was everywhere for us, and everything we wanted to venture: golden showers and water sports, cocksucking and rimming, fucking and fist fucking. Now our untamed impulses are either proscribed once again or shielded from us by latex. Even Crisco, the lube we used because it was edible, is now forbidden because it breaks down the rubber. . . . To say that we miss uninhibited and unprotected sex as we miss our lovers and friends will hardly solicit solidarity, even tolerance. But . . . Our pleasures were never tolerated anyway; we took them. And now we must mourn them too.⁹⁵

Such passages make clear that any effort to engage in comparative analysis requires an awareness of the particular forms of “personal and communal loss” that emerge from specific communities with distinct histories, cultures, and practices.

⁹³ Quoted in Gould, *Moving Politics*, pp. 237-38. (Emphasis Russo's.)

⁹⁴ Gould, *Moving Politics*, pp. 421-22.

⁹⁵ *Ibid.*

Likewise, being undocumented represents a specific form of trauma, violence, and loss that also needs to be understood in both its diversity and specificity. The ongoing fear of discovery and deportation represents the affective condition marking the everyday lives of the undocumented. For the undocumented, quotidian activities become saturated with anxiety. Filling out an apartment application, visiting the doctor, driving a car, applying for a job, acquiring your child's birth certificate, opening a bank account, enrolling oneself or one's children in school, trying to board an airplane, going on a field trip, applying for an internship, trying to get into a bar or nightclub — everyday acts are transformed into sites of risk and unease. Even if one is never discovered or arrested, the experience of such unceasing trepidation takes its toll.

The act of crossing into the United States also represents a particular encounter with state violence and mass death. As a number of scholars have noted, the 1990s saw an increase in border militarization that only gained in momentum following the terrorist attacks of September 11, 2001.⁹⁶ Over the past twenty years, measures such as Operation Gatekeeper in San Diego/Tijuana, Operation Safeguard in Nogales, Arizona, Operation Hold the Line in New Mexico, Paso, and Operation Rio Grand in southeast Texas all claimed to be part of an enhanced effort to dissuade and/or halt unauthorized migration into the United States.⁹⁷ Migrants making the journey to the United States today must contend with a vast and growing array of technologies designed to make it more difficult to cross; in addition to the continued building of border walls and the hiring of more and more field agents, the DHS uses drones, cameras, motion sensors, ATVs, and Blackhawk helicopters. Yet rather than dramatically slowing migration, measures designed to militarize the border have simply diverted migrants away from more urban crossing points in areas such as San Diego into the more remote and dangerous terrain of the Sonoran desert.⁹⁸ This push to force people to cross in more isolated areas has led to a dramatic increase in migrant deaths.⁹⁹ An estimated

⁹⁶ This expansion can be seen in the decision to replace the Immigration and Naturalization Service with the Department of Homeland Security, an omnibus agency created in 2003 to subsume all aspects of homeland security. As Tanya Golash-Boza notes, the DHS budget has steadily increased since its creation: from \$31.2 billion in 2003 to \$50.5 billion in 2009. See Golash-Boza, *Immigration Nation: Raids, Detentions, and Deportations in Post-9/11 America* (Paradigm, 2012), p. 48.

⁹⁷ Massey, *Beyond Smoke and Mirrors*, p. 95. Moreover, because crossing into the United States has become more difficult and dangerous, migrants are now more likely to hire coyotes to assist them in making it across the border, making the process more expensive and exposing migrants to rape and other forms of abuse by unscrupulous smugglers.

⁹⁸ See Wayne A. Cornelius, "Deaths at the Border: Efficacy and Unintended Consequences of US Immigration Control Policy," *Population and Development Review*, Vol. 27, No. 4 (2001): 661-85.

⁹⁹ The remote regions of southern Arizona and South Texas boasts temperatures of 120 in the summer and lows below freezing in the winter. The journey of migrants through this harsh and treacherous terrain is often life-threatening: Thousands have died of thirst and exposure. See Nick Miroff, "South Texas County Faces Wave of Migrant Deaths,"

2,238 migrant bodies were recovered in south-central Arizona from 1999 to 2012.¹⁰⁰ With decaying remains sitting unidentified in places such as the Pima County Morgue, many bodies are never identified or recovered. Denied the closure of burying their loved ones (or even the certainty of knowing if they are dead or alive), the families and friends of those whose bodies are never recovered are subject to yet another form of uncertainty and loss.

Of course, there is enormous diversity in the experience of how one enters the United States, as well as how one becomes unauthorized. Differential access to capital means that diverse communities of migrants arrive in a variety of ways — through air travel, in cars, and on foot. For some migrants, the act of becoming undocumented involves simply overstaying or failing to renew their visas. There's also significant diversity in the type of labor that unauthorized subjects do: While many work in low-wage service sectors, others are part of the professional class, working as journalists, educators, artists, nonprofit employees, technology workers, and small-business owners. Yet regardless of their occupation, undocumented workers are much more vulnerable to exploitation and having their labor go uncompensated.

The undocumented are also subject to increased interior enforcement that's created a heightened culture of policing designed to apprehend migrants within the borders of the United States. With huge sums of money now being spent on interior enforcement, the rise of raids and deportations under the Obama administration has led to an intensification of police power and an increase in mass deportations not seen since the mass repatriations of Mexicans in the 1930s. Moreover, as Tanya Golash-Boza notes, because immigration raids work to “terrify communities,” the increasing frequency of worksite and home raids has made the experience of being unauthorized a site of ever-increasing site of harm and trauma.¹⁰¹ And finally, in a reversal of the INS's 1954 policy to detain only migrants who had proven to be dangerous, today's culture of migrant criminalization presumes that the very condition of being undocumented represents a threat to the polity, leading to a dramatic increase in noncitizens being placed in immigration detention centers.¹⁰² The increase in

The Washington Post, May 8, 2013, http://articles.washingtonpost.com/2013-05-08/world/39114984_1_illegal-migrants-u-s-border-patrol-checkpoint.

¹⁰⁰ *A Continued Humanitarian Crisis at the Border: Undocumented Border Crosser Deaths Recorded by the Pima County Office of the Medical Examiner, 1990-2012*. The Binational Migration Institute The University of Arizona, June 2013, p. 12. See: http://bmi.arizona.edu/sites/default/files/border_deaths_final_web.pdf.

¹⁰¹ Tanya Golash-Boza, *Immigration Nation: Raids, Detentions, and Deportations in Post-9/11 America*, 46.

¹⁰² As Golash-Boza writes: “ICE has gone from a policy of presuming that noncitizens do not present a threat to society to a policy of assuming they do present a threat, and only releasing migrants who can prove otherwise.” See *Immigration Nation*, pp. 63-64.

raids, deportations, and ongoing detention is yet another way that unauthorized subjects are disappeared from their friends, families, workplaces, and communities.

In sum, in analyzing the AIDS crisis of the 1980s and '90s, understanding the conditions of the undocumented today requires attending to the particular forms of danger, exploitation, risk, loss, and violence that emerge from being unauthorized subjects in the United States.

Yet despite these caveats, it's my contention that there are powerful resonances and affinities between the political dynamics faced by these two (sometimes overlapping) populations. I want to turn now to some of these resonances and affinities.

Even while trying to demonstrate the particularities of each population in the previous section, it's plain to see that the undocumented and people with HIV/AIDS share the experience of being denigrated and demonized. As Karma Chávez notes, both LGBT and migrant politics have been “attacked through shared logics of scapegoating, threat, and deviance.”¹⁰³ Writing in 1989, Douglas Crimp speaks of how those suffering from HIV/AIDS were “blamed, belittled, excluded, derided. We are discriminated against, lose our housing and jobs, denied medical and life insurance.”¹⁰⁴ In a similar vein, the undocumented are also discriminated against and denied the resources necessary for basic survival. Over the past twenty years, the undocumented have been increasingly subject to the denial of any and all public assistance — migrants are denied federal welfare benefits and (more recently) are denied health coverage under the Affordable Care Act.

Such callousness is related to the fact that both groups are victims of a stigmatizing logic of blame that characterizes the populations in question as “bringing it on themselves.” Demonized as lawbreakers who “chose” to come to the United States illegally, the undocumented are understood as constitutively criminal and therefore undeserving of either sympathy or assistance. In a similar vein, to be a person with HIV/AIDS is to be a subject whose very illness represents the guilty proof of engaging in dangerous and immoral behavior (homosexuality, unprotected sex, drug use, etc.), responsible for whatever suffering befalls them. Crimp describes the assaultive dynamics circulating during the AIDS crisis, writing that “[s]eldom has a society so savaged a people during their hour of loss.”¹⁰⁵

¹⁰³ Karma Chávez, *Queer Migration Politics: Activist Rhetoric and Coalitional Possibilities* (University of Illinois Press, 2013), p. 10.

¹⁰⁴ Douglas Crimp, “Mourning and Militancy,” in *Melancholia and Moralism: Essays on AIDS and Queer Politics* (MIT Press, 2002), p. 146.

¹⁰⁵ *Ibid.*, p. 137.

Such ongoing vilification produced what Deborah Gould calls “unarticulated but forceful affective states coursing through lesbian and gay communities.”¹⁰⁶ To experience crisis as a member of a stigmatized population (particularly during the early years of the epidemic) often reflected contradictory feelings about self and society. During this period, activism and discussions about AIDS within LGBT communities “were saturated with ambivalent language that indicated gay pride as well as shame, and animosity toward society as well as a strong desire for social acceptance and a related anxiety about intensified social rejection.”¹⁰⁷ ACT UP/New York member Greg Bordowitz recalled how his initial feelings about his own AIDS diagnosis reflected his own internalized homophobia: “I thought there would probably be retribution for living out a gay sexual life. . . . You know, maybe there was something wrong with getting fucked. Maybe there was a price to pay.”¹⁰⁸ Similar affective dynamics are also at play within undocumented communities. Continually characterized as lawbreakers who willfully chose to transgress the rules of the state, undocumented activists also wrestled with the guilt and shame that characterizes the larger discourse of illegality and criminalization. Given this hostile climate, it’s no surprise that both movements initially engaged in the politics of respectability and inclusion, portraying themselves as “responsible subjects” and “good immigrants.”¹⁰⁹ Interestingly, it was undocumented youth who were instrumental in making the shift towards a more radical and confrontational stance. As Genevieve Negrón-Gonzales notes, the experiences and situation of undocumented youth “engenders a unique experience of ‘illegality’ which differs from that of their parents.”¹¹⁰ Brought here by adults and educated in American schools, undocumented youth confront a different logic of blame and culpability than that of their parents. Occupying a unique space of belonging and exclusion and “inculcated with ideas of meritocracy, free will and individuality, these young people nevertheless live under the constant threat of deportation.”¹¹¹ Driven by their own complex feelings

¹⁰⁶ Gould, *Moving Politics*, p. 63.

¹⁰⁷ *Ibid.*, p. 62.

¹⁰⁸ *Ibid.*, p. 79. See also Bordowitz 2002a.

¹⁰⁹ Discussing early AIDS activism, Gould notes the many ways that activists invoked “the trope of responsibility” in order for the gay community to “prove themselves” to the larger society. (See *Moving Politics*, 85) According to Gould, such an approach worked from a logic that gays “had to be ‘good’ in order to get a proper response to the AIDS crisis from state and society” (89). In a similar vein, during the 2006 immigrant rights protests, marchers often carried signs with statements such as, “We Are Not Criminals” and “We Are Not Terrorists” while waving the American flag (rather than the flags of their home countries). Such defensive logics, I argue, limited the ability of the protests to exceed the nationalist logic of the U.S. nation-state. See: Beltrán, “Undocumented, Unafraid, and Unapologetic: DREAM Activists, Immigrant Politics, and the Queering of Democracy.”

¹¹⁰ Negrón-Gonzales, “Undocumented, Unafraid and Unapologetic,” p. 262.

¹¹¹ *Ibid.*

of outrage and attachment, undocumented youth “blur the line between citizen and non-citizen, challenging the idea that citizenship status logically correlates to the conferral of civil rights.”¹¹²

Both AIDS and undocumented activists struggle against a mass culture that conflates their identities with a particular stigmatized crisis. As AIDS activists continually stressed, “AIDS does not discriminate” — the disease can affect (and infect) anyone. Indeed, the majority of people with HIV/AIDS are poor and people of color.¹¹³ Yet from the time it came to the public’s attention, HIV/AIDS became associated with the gay community, particularly gay men. In a similar vein, anyone can be (or become) undocumented — large numbers of undocumented individuals in the United States are from China, Ireland, Russia, and the Philippines. Yet it is Latinos who are most closely associated with illegality, particularly Mexicans.¹¹⁴

Both “homosexuals” and “illegals” have been vilified in ways that are not only deeply dehumanizing but are part of a much longer history of anti-gay and anti-Mexican/Latino rhetoric that existed prior to the more recent debates surrounding HIV/AIDS and immigration. As voiced by individuals representing the state, the escalation of such hateful speech not only produces a climate conducive to queer and immigrant bashing — it creates a politics of mass hysteria characterized by an emphasis on physical targeting and removal. As Gould notes, in 1985 it was revealed that the Reagan administration had seriously considered the mass quarantine of people with AIDS.¹¹⁵ Scarier still, public support for identifying and separating populations was growing — Lyndon LaRouche’s quarantine initiative gained enough popular support to be placed on the California ballot.¹¹⁶ In sum, both high-ranking elected officials alongside an alarming number of Americans were willing to countenance high levels of state intrusion into the lives those with HIV/AIDS. Mandatory testing, quarantine, and tattooing people identified as HIV-positive were all policies deemed worthy of public consideration.

¹¹² Ibid., p. 267.

¹¹³ Crimp notes: “What is now called AIDS was first seen in middle-class gay men in America, in part because of our access to medical care. Retrospectively, however, it appears that IV drug users—whether gay or straight—were dying of AIDS in New York throughout the ’70s and early ’80s, but a class-based and racist bias failed to begin to look until 1987.” See “How to Have Promiscuity in an Epidemic” in *Melancholia and Moralism*, p. 59.

¹¹⁴ As Alicia Schmidt Camacho notes, “[b]ecause Latino communities have historically been composed of higher percentages of undocumented migrants and non-naturalized legal residents, they have been particularly vulnerable to deportation and expulsion.” See “Hailing the Twelve Million: U.S. Immigration Policy, Deportation, and the Imaginary of Lawful Violence,” by Alicia Schmidt Camacho, *Social Text*, Vol. 28, No. 4 (Winter 2010), p. 17.

¹¹⁵ Deborah Gould, *Moving Politics*, p. 76. See also Epstein 1996, 95.

¹¹⁶ Ibid., p. 167.

Significantly, much of the most vitriolic rhetoric aimed at both communities came from elected officials. In 1987, for example, Senator Jesse Helms of North Carolina stated, “There is not one single case of AIDS in this country that cannot be traced in origin to sodomy” and, “Somewhere along the line we’re going to have to quarantine people with AIDS.”¹¹⁷ Eight years later, Helms told a *New York Times* interviewer, “We’ve got to have some common sense about a disease transmitted by people deliberately engaging in unnatural acts.”¹¹⁸ California Rep. William Dannemeyer read a graphic description of gay sex into the *Congressional Record* on June 29, 1989, entitled “What Homosexuals Do.”¹¹⁹ Dannemeyer supported the LaRouche initiative, banning HIV-positive immigrants, and barring AIDS victims from working in the healthcare field, stating, “I don't think that persons with AIDS should be working as doctors, dentists or nurses in this country.”¹²⁰ Dannemeyer also promoted the idea that the AIDS virus could become airborne in a 1989 video entitled “AIDS: What You Haven’t Been Told.”¹²¹

Almost thirty years later, in June 2015, presidential candidate Donald Trump kicked off his bid to become the Republican nominee by stating:

The U.S. has become a dumping ground for everybody else’s problems. . . . When Mexico sends its people, they’re not sending their best. They’re not sending you. They’re sending people that have lots of problems, and they’re bringing those problems with us. They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people.¹²²

In portraying undocumented immigrants as criminals and rapists, Trump is part of a long line of politicians and lawmakers who in recent years have characterized the undocumented in shockingly dehumanizing terms. In 2013, U.S. Rep. Steve King of Iowa compared immigrants to dogs, while Tennessee state Rep. Curry Todd suggested in a public hearing that due to birthright citizenship,

¹¹⁷ Erik Osse, “Jesse Helms' Shameful Legacy Can't Be Whitewashed,” *Huffington Post*, July 21, 2008, www.huffingtonpost.com/erik-ose/jesse-helms-shameful-legacy_b_111791.html.

¹¹⁸ Kevin Sack, “The Quotations of Chairman Helms: Race, God, AIDS and More,” *The New York Times*, August 26, 2001.

¹¹⁹ Robert Stewart, “Dannemeyer’s AIDS Views Have Moderated Somewhat,” *Los Angeles Times*, May 15, 1989. See also Keith Love, “GOP Rep. Dannemeyer Focuses on Family, Enters Senate Race,” *Los Angeles Times*, December 10, 1985.

¹²⁰ Robert Stewart, “The True Believer: Some Call Rep. William Dannemeyer a Bigot; Others Say He’s a Hero. All Agree He Never Backs Down and Enjoys a Good Fight,” *Los Angeles Times*, July 11, 1990.

¹²¹ Zack Ford, “Flashback to 1989: Anti-Gay Rep. Dannemeyer Propagated Airborne Threat of AIDS,” *ThinkProgress*, June 6, 2011.

¹²² Alexander BurnsJune, “Donald Trump, Pushing Someone Rich, Offers Himself,” *The New York Times*, June 16, 2015. For video of remarks, see <http://thinkprogress.org/immigration/2015/06/16/3670217/trump-immigrants-campaign-launch/>.

undocumented immigrants can “go out there like rats and multiply.”¹²³ In 2011, Kansas state Rep. Virgil Peck compared illegal immigrants to “wild feral pigs” and suggested they be shot by gunmen in helicopters.¹²⁴

Today, the undocumented represent the population most widely discussed in terms of targeting and removal. Beyond calling for an increase in wall-building and militarization of the border to keep out noncitizens, Trump (currently the front-runner in the 2016 GOP presidential primary) has called for rounding up and deporting all 11 million undocumented and has called for eliminating birthright citizenship.¹²⁵

Not surprisingly, after years of being subject to state violence related to a toxic logic of disposability that was both dehumanizing and discriminatory, both movements came to embrace a more radical and confrontational politics. For AIDS activists, it was the government’s “deafening silence” in the early years of a massive health crisis alongside repressive and discriminatory legislation that only contributed to an ever-rising number of deaths.¹²⁶ As Gould notes, “[w]hen ACT UP/NY held its first meeting on March 12, 1987, the numbers of diagnoses and deaths per year were rising exponentially, and there were no FDA-approved drugs to treat AIDS.”¹²⁷ For the immigrant-rights movement, a similar temporal and affective logic was at play: Years of neoliberal policies displacing communities, increased militarization along the border, a sharp increase in raids and deportations, an upswing in punitive anti-immigrant rhetoric and legislation, and the failure to pass even the most circumscribed immigration reform created a widespread sense of outrage, anger, and despair that helped produce an activist culture willing to engage in public protest and direct action.

In analyzing the various resonances between the AIDS crisis and the disastrous politics of immigration, what I find most striking is how both movements cultivated an increasingly radical

¹²³ Alex Seitz-Wald, “Rep. Steve King: Immigrants Are Like Dogs,” *Salon*, May 22, 2011, www.salon.com/2012/05/22/rep_steve_king_immigrants_like_dogs/; Associated Press, “Tennessee Lawmaker Likens Illegal Immigrants to Rats,” November 10 2010, www.timesnews.net/News/2010/11/10/Tennessee-lawmaker-likens-illegal-immigrants-to-rats.html.

¹²⁴ Aliyah Shahid, “Virgil Peck, Kansas GOP Legislator, Advocates Shooting Illegal Immigrants Like ‘Feral Hogs,’” *New York Daily News*, March 15, 2011, www.nydailynews.com/news/politics/virgil-peck-kansas-gop-legislator-advocates-shooting-illegal-immigrants-feral-hogs-article-1.121111.

¹²⁵ Nick Corasaniti, “Donald Trump Releases Plan to Combat Illegal Immigration,” *The New York Times*, August 16, 2015.

¹²⁶ According to Gould, the Supreme Court decision *Bowers v. Hardwick* marked a critical turning point in the “emotional and political habitus of the LGBT community” (121). Within months of the decision, direct-action AIDS groups emerged across the country (128).

¹²⁷ Gould, *Moving Politics*, p. 397.

approach to sovereignty in order to secure their survival. Driven by their commitment to saving their own lives, both AIDS and undocumented activists lack the luxury of rejecting the state. Instead, both movements acknowledge the violence of sovereignty and its operations, while simultaneously demanding its accountability and support. In this way, the account of sovereignty put forward by ACT UP and undocumented activists is more akin to what Crimp describes as the absence of grounds that creates an ethical project of responsibility he characterizes as “queer.” Drawing on Thomas Keenan’s anti-foundationalist account of responsibility in *Fables of Responsibility*, Crimp argues that for Keenan, just as literature teaches us that no reading of a text is ever complete, this same resistance to total comprehension and closure is akin to the condition of possibility for ethics. Because the arbiters of morality have so often disqualified gay life, according to Crimp (“the ground rules that are given are ones that disqualify us from the start”), this same absence of grounds marks “the beginning of authentic responsibility.” He states: “I will therefore call this genuine responsibility queer.”¹²⁸

It’s my contention that to be undocumented is also to be a subject defined by one’s transgressions and facing ground rules that “disqualify” from the start. In order to thrive, such subjects must cultivate a radical orientation to the nation-state that recognizes state power as a set of practices that resists total comprehension. Put somewhat differently, rather than approaching sovereignty as a space of closure, a queer account of sovereignty remains attentive to the ethics of membership while also maintaining a commitment to preventing death.

Part III

Saving Our Own Lives: Accountability, Desire, and Queer Claims to Sovereignty

In her analysis of queer migration politics, Karma Chávez characterizes queerness as “a coalitional term, a term that always implies an intermeshed understanding of identity, subjectivity, power, and politics located on the dirt and concrete where people live, work, and play.”¹²⁹ Drawing on the work of Chicana feminist Chela Sandoval, Chávez characterizes queer migration politics as advancing what she describes as a “differential vision of queer migration coalitional politics. A

¹²⁸ Crimp, “Mourning and Melancholy,” p. 16.

¹²⁹ Karma Chávez, *Queer Migration Politics: Activist Rhetoric and Coalitional Possibilities* (University of Illinois Press, 2013), p. 7.

differential vision reflects an impure political orientation, whereby activists seek relationships to others who may take different approaches but who resist hegemonic power systems.”¹³⁰

Thinking alongside Chávez, I argue that what both AIDS and undocumented activists share is this capacity to bridge everyday survival with a commitment to a liberatory politics. Often treated as ineligible for the rights they sought, both movements developed an anti-foundationalist account of the state that understands sovereignty as the absence of grounds, yet as valuable and consequential.

In order to highlight the materiality of queer politics, my analysis also draws on the work of Sara Ahmed and her conception of sexual and bodily orientation. I argue that both AIDS and undocumented activists advance a “queer” orientation to sovereignty that is “out of line” with traditional concepts of the state. According to Ahmed, “[i]f we presume that sexuality is crucial to bodily orientation . . . how we are oriented sexually are not only a matter of ‘which’ objects we are oriented toward, but also how we extend through our bodies into the world.” In this way, sexuality involves “not only object-choice, but differences in one’s very relation to the world.”¹³¹ For Ahmed, the normative marks an orientation “which puts some objects and not others in reach.”¹³² Here, we can draw on Ahmed to think about how normative conceptions of the state put citizenship in reach while making other options appear less attainable and less available. In this way, a queer orientation to sovereignty speaks to the possibility of having a different relation to how one inhabits space, including how one might inhabit the nation-state. Moreover, such failure to be “in alignment” with the state may well fashion productive forms of disorientation that envisions the state and its powers anew.¹³³

Such a queer orientation to sovereignty can be seen in the way AIDS activists have characterized possible engagements with the state. At the end of 1986, for example, two activist art collectives (the Silence = Death Project and the Lavender Hill Mob) began to plaster New York City with posters emblazoned with the gay-rights movement’s pink triangle, with the point facing up, above the slogan “Silence = Death.” The text at the bottom of the poster stated: “Why is Reagan silent about AIDS? What is really going on at the Center for Disease Control, the Federal Drug

¹³⁰ Ibid., p. 18.

¹³¹ Sara Ahmed, *Queer Phenomenology*, p. 67-68.

¹³² Ibid., p. 66.

¹³³ Ibid., pp. 82-83.

Administration, and the Vatican? Gays and lesbians are not expendable . . . Use your power . . . Vote . . . Boycott . . . Defend yourselves . . . Turn anger, fear, grief into action.”¹³⁴



As Gould argues, the text “reflected and reinforced the new mood in the community: it condemned the government’s response to AIDS. . . . Months later, members of the Silence = Death Project attended the founding meeting of ACT UP/NY and contributed their graphic to the burgeoning direct-action movement.”¹³⁵

Politicized by its own precarity, the Silence = Death Project was one of many examples of how the daily experience of vulnerability and violence created an activist culture acutely aware of both the value and contradictions of state power. Yet this call to action is simultaneously orientated toward and away from engaging with traditional conceptions of political participation. The poster draws attention to the failure of elected officials (Ronald Reagan) and federal agencies (the CDC and FDA) while also urging its readers to mobilize affect and engage the state (turning grief and fear into anger, fear and anger into voting). Grounded in a commitment to everyday survival — “the dirt and concrete where people live, work, and play” — this complex account of state power can be productively characterized as “queer.”

Describing what it might mean to have a different relation to how one might inhabit the nation-state, a member of ACT UP remarked: “I was invested in the idea of helping to create a queer public sphere that wasn’t about civil rights, but rather was about freedom, which is larger and more audacious and bolder than simple demand for civil rights. And ACT UP seemed to be an organizational framework for that kind of politics.”¹³⁶

¹³⁴ Gould, *Moving Politics*, p. 130.

¹³⁵ *Ibid.*, p. 129.

¹³⁶ *Ibid.*, p. 188.

As sociologist Josh Gamson argues, the direct-action protests of ACT UP “resignified AIDS deaths . . . from death caused by deviance or virus to murder by government neglect. Where contemporaneous constructions of AIDS blamed a virus and gay male sexuality, AIDS activists blamed the homophobic government and other institutions.”¹³⁷ Gould continues: “Posters at ACT UP demonstrations often were in the shape of gravestones with the names of people who had died and the epitaph, ‘Killed by Government Neglect.’ . . . ACT UP’s die-ins, where demonstrators would lie in the streets while others outlined their bodies with chalk, similarly conjured up a murder scene rather than death by disease or by ‘deviance.’”¹³⁸ In this way, ACT UP generated outrage by drawing attention to the government’s role in the crisis of mass death — often going so far as to accuse the government of murder. Yet alongside such indictments of the state, ACT UP claimed the right to demand accountability and reforms to a violent and homophobic government it openly distrusted.

Two weeks after ACT UP’s first meeting, the organization held its first protest, “targeting the FDA and the profiteering of pharmaceutical companies.”¹³⁹ Demonstrators hung FDA Commissioner Frank Young in effigy, shut down Wall Street, and tied up traffic for several hours. Seventeen people were arrested, and the demonstration made national news. Several weeks later, Young announced that the FDA would speed up its drug-approval process. As scholars such as Gould and Epstein note, members of ACT UP experienced this as an enormous victory: Their actions “had the potential to get experimental, possibly life-prolonging, drug treatments to people with AIDS much more quickly.” In yet another example of their efficacy, in December 1987, pharmaceutical company Burroughs Wellcome lowered the price of AZT by 20 percent.¹⁴⁰ Moreover, through their own research and increasing expertise in the area of drug testing, members of ACT UP demanded a seat at the table in order to push the FDA to revamp its drug testing system. Through their protests and participation, activists were able to implement an ACT UP-devised “parallel track” program, which allowed more people with HIV/AIDS access to experimental drugs.¹⁴¹

As with ACT UP, undocumented activists sought to develop the connections between artistic practice and social activism. In connecting the arts with campaigns for social change, activists have

¹³⁷ Josh Gamson (1989), quoted in Gould, p. 239.

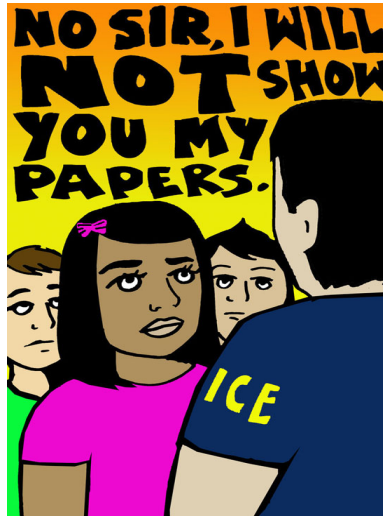
¹³⁸ *Ibid.*, p. 239.

¹³⁹ *Ibid.*, p. 131.

¹⁴⁰ *Ibid.*, p. 400.

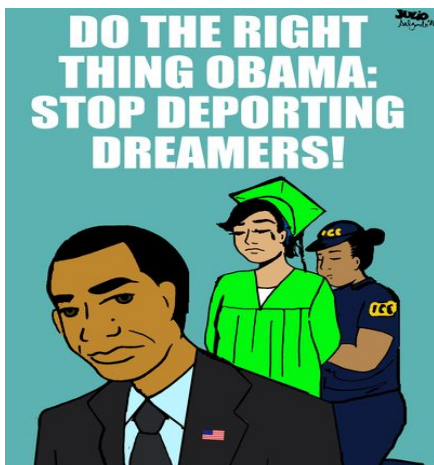
¹⁴¹ *Ibid.*, p. 293.

organized art collectives to create images that would raise consciousness and draw attention to the issue of undocumented rights. Julio Salgado, for example, is one of the preeminent artists to emerge



from the undocumented-youth movement.

Calling attention to the failure of elected officials and federal agencies, Salgado's artwork often shows images of undocumented youth resisting the logic of criminalization and demanding rights:



A co-founder of Dreamers Adrift, an artists' and writers' collective started in 2010 by and for undocumented youth, Salgado has produced some of the movement's most iconic images.¹⁴² He is especially well known for his "I Am Undocu-Queer" series. Launched in 2012 in conjunction with United We Dream's Queer Undocumented Immigrant Project, Salgado asked undocumented queers to send him emails with a quotation "explaining what it means to them to be both queer and

¹⁴² For more on Salgado, see "'Layers of Humanity': Interview with Undocumented Artist Julio Salgado," by Hinda Seif, *Latino Studies*, Vol. 12 (2014), pp. 300-09.

undocumented along with a photo of themselves from the waist up.”¹⁴³ Describing the posters, Karma Chávez writes:

Each poster features a single activist wearing a white T-shirt emblazoned with two purple-and-white badges, one reading “Undocumented and Unafraid” . . . the other proclaiming “Queer & Unashamed”. . . Each image of a person is set against a bright, solid-colored backdrop and beneath the words “I am Undocuqueer.” Beside the image is the individual’s quotation and first name.¹⁴⁴

As Chávez notes, the Undocu-Queer posters “simultaneously point towards more utopian and normative directions.”¹⁴⁵ Yet in noting this “normalizing impulse,” Chávez argues that because their political strategies emerge from “the realities of youths’ lived experience,” such normative aspirations “should be evaluated differently than if they were the aspirations of U.S. citizens.”¹⁴⁶ Here, we see how queerness for Chávez “not only refers to a kind of critique” to non- and anti-normative genders and sexualities — “it also implies what is possible for making lives livable.”¹⁴⁷



Like ACT UP, the undocumented-youth movement has also displayed a potent mix of direct action, artistic creativity, and successful organizing — all of which were evident in the movement’s success in pressuring President Obama to sign an executive order granting undocumented youth “deferred action” in 2012.

¹⁴³ Chavez, *Queer Migration Politics*, p. 101.

¹⁴⁴ *Ibid.*, p. 101-02.

¹⁴⁵ *Ibid.*, p. 102.

¹⁴⁶ *Ibid.*, pp. 99, 111.

¹⁴⁷ *Ibid.*, p. 6.

Angry and appalled over the Obama administration's extraordinarily high rates of deportation (a record that includes about 1.1 million deportations, more than under any president since the 1950s), Dreamers in 2011 began calling on the president to issue an executive order to stop deportations and allow undocumented youth the opportunity to obtain work permits, driver's licenses, and other forms of documentation. This increasingly confrontational approach can be seen in a Dreamers Adrift video uploaded to YouTube on Oct. 1, 2011, in which activists take turns facing the camera, aggressively confronting the president, stating:

Obama, the immigrant community is under attack.

You have shown no leadership in taking a strong, bold stand in the protection of our civil liberties and rights as immigrants in this country.

What happened to your promise of immigration reform?

Were you just pandering to the Latino vote, or was that real talk?

You claim you want the DREAM Act to pass through a democratic process.

But that has been an excuse for you to stand on the sidelines while a million undocumented folks are criminalized and deported under your administration.

Presidents in the past have signed executive orders that have positively affected society as a whole, so why can't you do the same for Dreamers?

As Dreamers, we have a duty to confront you and your administration regarding your lack of leadership.

Our demand is clear: You have the power to grant administrative relief to all DREAM Act-eligible youth through an executive order. Do it.¹⁴⁸

Accusing Obama of showing "no leadership . . . in the protection of our civil liberties," Dreamers accuse the president of standing on the sidelines while millions of undocumented are criminalized and deported. Claiming it is their "duty" to confront the president, Dreamers state that "Presidents in the past have signed executive orders" and demand that Obama "grant administrative relief to all DREAM Act-eligible youth." In early June, Veronica Gomez and Javier Hernandez, undocumented immigrant activists with the National Immigrant Youth Alliance, occupied the president's Denver campaign office, staging a six-day hunger strike while camped inside the Obama for America offices.¹⁴⁹ The action effectively closed the campaign's office to visitors and volunteers. Following the Denver action, DREAM put out statements saying that unless Obama took major action, mass protests would continue until the November election. On June 15, 2012, Obama announced DACA (Deferred Action for Childhood Arrivals), a program allowing immigrants under 30 years old who arrived as children to apply for deportation deferrals and remain in the country legally. For those undocumented youth who qualify, the passage of DACA provides

¹⁴⁸ See www.youtube.com/watch?v=ycK_j3MHGtA&feature=relmfu - President Obama: Administrative Relief NOW!! (2011)

¹⁴⁹ Hing 2012. See: http://colorlines.com/archives/2012/06/dreamers_planned_obama_campaign_office_sit-ins_force_deportation_standoff.html

work authorizations as well as meaningful (though temporary) relief from the daily threat of deportation.

This dual-practice of protest and participation — a practice that accuses the government while demanding accountability — articulates a queer orientation to sovereignty that insists that a truly coalitional and transformational politics must acknowledge that identities are invested with varying degrees of normative power. Taking seriously “one’s relation to power” rather than privileging “some homogenized identity” allows us to better understand what it meant for ACT UP and undocumented organizers to engage the state in order to save their own lives.

As noted in my earlier discussion of Reddy, Cacho, and Ferguson, this approach to sovereignty is often “out of line” with a particular radical tendency see claims to sovereignty and the state in fundamentally negative terms. More specifically, some scholars of queer migrant politics have criticized the undocumented-youth movement for expressing the desire for visibility and representation made evident by Salgado’s art. Belkis Gonzáles, for example, states that “[b]oth visually and textually, the posters represent the UndocuQueers as autonomous liberal subjects.”¹⁵⁰ She continues:

What is occluded by these representations of UndocuQueers as individualist liberal subjects are critiques of structural inequalities; the discourse of personal freedom and authenticity cannot account for systemic disparities in treatment before the law and exclusion from economic security.¹⁵¹

Similarly, Melissa White describes Salgado’s UndocuQueer project as utilizing “a bright and vibrant palette of colors through which he renders cartoon-like portraits of self declared undocuqueers. The festive colors make these portraits immediately non-threatening, positively representing undocuqueer identities and political subjectivities as resolutely cheerful, optimistic, brave and insistent.”¹⁵² While acknowledging that these portraits open “promising space” for “new political subjectivities,” ultimately, White argues that queer migrant organizing should “move toward a queer ‘no borders’ imaginary that pushes the horizon for queer politics beyond both national and representational frameworks.”¹⁵³ For White, such a future requires moving “beyond a politics of recognition, visibility, and representation toward a more thoroughgoing critique of how

¹⁵⁰ Belkis Gonzáles, *Getting Papers: The Terms of Legalizing Intimacies, Labors, and Kinship*, pp. 230-31.

¹⁵¹ *Ibid.*, p. 231.

¹⁵² Melissa Autumn White, “Documenting the Undocumented: Toward a Queer Politics of No Borders,” *Sexualities* 2014, Vol. 17, No. 8, p. 987.

¹⁵³ *Ibid.*, p. 979.

the control and regulation of mobility and identity function as a central technologies of capitalist sovereignty.”¹⁵⁴

Given that problematic and exclusionary logics are endemic to every movement, criticizing the limitations of the organizational and artistic strategies employed by undocumented activists is certainly a valid exercise. Nevertheless, such readings of Salgado’s UndocuQueer project seems to miss Chávez’s point that the desire for autonomy, visibility, and representation has distinctive logics when emerging through a queer migrant imaginary that is deeply racialized and classed.¹⁵⁵ Such critiques reflect the somewhat limited project of policing the borders of radical resistance by ferreting out the traces of liberal subjectivity and the desire for sovereignty made visible by the efforts of the undocumented to articulate new visions of membership and belonging. What such an approach misses is what Douglas Crimp characterizes as the need to “wage a war of representation.” Moreover, such critiques appear to overlook Rodríguez’s insight that one can take up sovereignty in ways that speak back to colonial and oppressive forms of rule. Put somewhat differently, citizenship itself can emerge as a fraught desire whose power is both forceful and unpredictable. Rodríguez calls for us to engage with the “pleasures *and* harms” that our perverse desires instantiate. Rather than echoing accounts of state power as politically suspect and invariably oppressive, ACT UP and undocumented activists put forward a less static and totalizing account of state power. In this way, both movements “make things queer” by offering an approach to sovereignty that “disturbs the order of things.”¹⁵⁶

¹⁵⁴ Ibid.

¹⁵⁵ Chavez, *Queer Migration Politics*, p. 6.

¹⁵⁶ Ahmed, *Queer Phenomenology*, p. 161.