

Deservingness: Challenging Coloniality in Education and Migration Scholarship

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Abstract

Rhetoric, policy, and debate about immigration and immigrants are saturated with the trope of deservingness. In nation/states built on stratification, deservingness acts as a discourse of racialization, narrating across racially minoritized groups to re-instantiate the benefits for the racially majoritized. In this theoretical essay, I draw from legal case law and educational research and policy to explore the trope of deservingness as a form of racialized legitimacy. I suggest that the ubiquity of deservingness demands a decolonial reckoning with the specifics of how it is deployed relative to differently racialized peoples in a settler society, how they are racially minoritized and majoritized, and fundamentally, how that creates connected yet distinct social locations, rights, and relationships to self, others, the state, and land. Looking within and across how deservingness is leveraged against groups enables deeper comprehension not just of deservingness but of the larger settler structure.

Introduction

Current social movements to recognize the material conditions and rights of vulnerablized migrants have, at turns, tempted and withdrawn from a frame of deservingness. Posters and campaigns declare that undocumented people deserve access to health care, freedom from unfair employment practices, and basic human rights. This is only intensified when undocumented youth are the focus. They are innocent and restricted due to the unfortunate consequences of someone else's actions. The associated tropes of innocence, youth, and non-criminality are all outcroppings of the frame of deservingness. While deservingness runs throughout the ways that undocumented youth are framed in the media, policy, and even much of social science research, deservingness is itself a centuries-old discursive frame to delineate humanness and worth. In the United States and its practices within and beyond, it acts as a dominant discourse to differentially racialize. Although figurative, it has always held strong material effects, sorting the worthy from the less than worthy. Deservingness is deployed differentially relative to different peoples in a settler society, formed on violent seizure and occupation of land. Rather than a single event, a settler society has an ongoing structure involving the conversion of land into property, the erasure of Indigeneity, and the relegation of some humans into labor and their bodies a form of property. Pursuant to this material structure, the figurative narrative of deservingness racially minoritizes and majoritizes peoples with distinct yet connected social locations, rights, and relationships to self, others, the state, and land. I open this essay for this special themed issue on migration and education with a discussion of the racialized laws restricting Black rights to lift up the trope of deservingness as a core and long-used tool of governmentality, the enactment of relationships to state in formal and informal practices.

In 1896, the United States Supreme Court ruled that Homer Plessy was not entitled to damages for being asked to move from a railway car designated for white Americans to one for Black Americans. The ruling of *Plessy v. Ferguson* (1896) is one of the watershed moments of legitimization of racism and white supremacy in the United States. Despite its shorthand moniker of 'separate but equal,' the case confirmed the cultural premise of white racial superiority by asserting that Plessy was not damaged by being kept out of a white-designated car but that whites would incur harm by mixing racial backgrounds in transportation. Although the decision of the case is widely known and taught, lesser discussed are the reasons that Plessy was tactically chosen to be the plaintiff in this case: his light skin and 7/8 composition of white racial descendance. The day after his arrest for riding in a white railway car, a New Orleans daily described Plessy as a "snuff-colored descendant of Ham" (Medley, 2003, p. 85). Plessy was chosen to be the man who sat in the white car because he could have passed as white, or more precisely, be seen to be deserving of white status. He held proximity to the metric of deservingness based on phenotype and therefore associated racialized rights. This was the basis of the plaintiff's case, which argued that deservingness materially impacted life experiences. When Plessy was cited for transgressing the legal codes of separation, his attorneys argued that this citation connected blackness with lower worth. The court infamously

ruled that separate could be equal. Despite the saliency of its findings, the court drew upon an uneven mixture of logic in the majority decision, both maintaining that the races could be separated without harm to any group and that there could be no claim of harm from a Black person made to sit in a white car; only the converse. It is, arguably, the first juridical assertion of colorblindness that materially functions to reseat whiteness as property.

The majority decision also connected to the ambiguous rationalization of race expressed in the Dred Scott case, which attempted to state a process by which beings that had only been known as chattel, slaves, could be transformed into subjects with due rights from the state. Justice Daniels, in the Dred Scott case, first connected former slaves' relationships to lands in Africa that were not recognized as legitimate nation-states in the United States and on that basis decreed that the transformation of chattel into personhood was mitigated. He wrote, "It is difficult to conceive by what magic the mere surcease or renunciation of an interest in a subject of property, by an individual possessing that interest, can alter the essential character of that property with respect to persons or communities unconnected with such renunciation (Dred Scott v. Sandford, 1857). The Dred Scott case addressed relationships to land and statehood that carried through racialized meanings in later case law, including Plessy v. Ferguson (1896), and that are also found in the discourse and policies impacting undocumented migrants.

The Plessy v. Ferguson and Dred Scott decisions were and remain key determinations of the strata of deservingness, with the Supreme Court ruling that stratification by races was a legitimate and necessary operation of the state. The inconsistencies in the court's majority opinion, although noted as "pernicious" at the time by dissenting Justice Harlan in the Plessy case, proved prescient for the ways that criteria of distinction, merit, and deservingness would come to manifest across seemingly colorblind policies that enact racist material effects. Reading across this case law lifts up questions relative to status, land, statelessness, stateworthiness, and the metrics by which these designations are racially distributed in a settler society in social fields external to the law.

Deservingness fundamentally conveys how the state confers and delimits legitimacy as well as how it asserts its own existence as arbiter of racialized rights. As evidenced through the Dred Scott and Plessy v. Ferguson (1896) cases symbolically, as well as many other examples in case law, deservingness also comes to figure strongly in how codes and practices of exclusion are experienced and challenged by migrant populations. Although there is a shared overlap of being subjected to the metrics of deservingness, I do not suggest that racialized racialization for Black and white residents of the United States can explain racialized statehood for migrant youth. To do so would barter in an equivocation that perpetuates the project of stratification. Rather, I suggest that the ubiquity of deservingness demands a reckoning with the specifics of how it is deployed relative to different peoples in a settler society, how they are racially minoritized and majoritized, and fundamentally, how that creates connected yet distinct social locations, rights, and relationships to self, others, the state and land. Ultimately, analyses of governmentality and its actualizations through deservingness will address some of those relations, but not all.

The fulcrum in understanding how deservingness creates differential social locations for a settler state, such as the United States is in how it validates and organizes forms of labor, and ownership relative to land as property. Property, labor, and ownership are fundamentally crucial concepts for understanding migrants' experiences in society because of the long-standing, unquenchable settler need to obtain property. A central project of property accumulation creates concordant locations for people as chattel, laborers, and property owners. These needs are imbricated and erased in a global political economy that uses human rights and market-based frames to justify and delimit migrants' possibilities. Research and theorization of migration and deservingness can both connect itself to other conditions of [un]deservingness and make more explicit undertheorized aspects of migration, including relationships to land. In this paper, I situate deservingness as part of the core logic of a settler state and then discuss the afforded locations for migrants and their education within context.

Deservingness: A Colonial Cut that Creates and Maintains White Statehood

Rhetoric, policy, and debate about immigration and immigrants is saturated with the theme of deservingness. In vitriol that casts migrants as unwanted and damaged/damaging, the primary messaging conduit is their lack of worth. Queue jumpers dropping anchor babies and plundering state's coffers. These stereotypes

function to delineate who deserves legitimized relationships with the state and who doesn't.

As Leo Chavez (2012) explores in his thorough analysis of the racialization and gendering enacted through contemporary anti-immigrant discourses, the Latino immigrant body is drawn with the patina of undeservingness to legitimate white Americans' alleged whole worth. Chavez (2012) pays particular attention to the gendered and racialized accusatory frames surrounding Latinas, fertility and reproduction:

In the final analysis, the discourse surrounding Latina fertility and reproduction is actually about more than reproduction. It is also about reinforcing a characterization of whites as the legitimate Americans who are being supplanted demographically by less-legitimate Latinos. For this reason, the empirical evidence examined here may be easily dismissed by those who prefer perpetuating a discourse that undermines Latino claims of citizenship. (p. xxx)

Conscription of female reproduction has always been both politically elusive and never not there in projects of nationalism and even in radical collectivities (Heng & Deven, 1995; Nelson, 2001). The ubiquity and contestation over female reproductive rights and tropes of bewitching, fertile women is testimony to this site of [un]worthiness, a context which supports understanding the deployment of it specifically in relation to Latin@ migrants. (See Figure 1.)

Figure 1. California road sign of (Latin@) immigrants crossing highway.



Chavez' (2012) analysis of media texts depicting Latina migrants and his findings connect to a long-standing field of scholarship of whiteness as property, first established by legal scholar Cheryl Harris. In her landmark analysis, Harris (1993) describes the various ways in which property has been legally conceptualized, codified, and protected for land-owning whites. She provides examples that enacted the overt dehumanizing reduction of Indigenous peoples as savage and of black bodies as slave chattel, as well as the ways in which more subtle interactions create and display social locations of more and less entitled. For example, she describes her grandmother's experience of what critical race theorists have termed racist microaggressions (Pierce, Carew, Pierce-Gonzales, & Wills, 1977) during her years of gaining higher wage employment through her ability to pass for white:

Her voice would remain subdued, as if to contain the still-remembered tension. On rare occasions, she would wince, recalling some particularly racist comment made in her presence because of her presumed shared group affiliation. Whatever retort might have been called for had been suppressed long before it reached her lips, for the price of her family's well-being was her silence. Accepting the risk of self-annihilation was the only way to survive. (p.1215)

Though there are many differences between inciting racialized and gendered reactions to immigrants from the Global South objectifying comments uttered in the air of upper middle class homes, these acts are fundamentally similar because they operate from a mutually constitutive logic of stratified rights and exclusion. Harris (1993) uses historical, legal, and sociological analysis to illuminate the ways that property rights and white legal identities have been defined and how these rights function to protect whites' status at the top of the social order. Harris' (1993) article has become a classic of critical race theory because it provides a coherent yet complex analysis of the sources of codified territoriality and the social relationships borne of stratified property rights protected for whites and inaccessible to people of color. It is relevant here to illuminate the intertwined and interlocking sets of advantage (Roithmayr, 2004) that durably work across shifting identity and social categories in the law.

In the case of *Plessy v. Ferguson* (1896), the coupling of race plus privilege, explained more thoroughly by Harris in her 1993 analysis, is leveraged to maintain racial privilege despite the ability for a person to 'pass' as white. In fact, the existence and practices of 'passing' are a salient reflection of the ways that whiteness is a construct that is produced and sometimes can be approximated but not with full access. Whiteness is created as an exclusionary status. This exclusionary status is, in part, established through the appearance of biological rationales, even in contradictory ways. The same blood calculation that is used to demark black peoples as nonwhite through the mere presence of a single drop (one drop rule) exists alongside blood quantum laws that successively reduce Indigenous peoples' proportion of Indigeneity over time if they reproduce with nonnative peoples. These practices work together in a settler society to simultaneously erase Indigeneity and create chattel property through anti-blackness. A single drop of nonwhite blood carries through a history of Black peoples' fungibility into settler property (King, 2013) and Native peoples' erasure, each manifestation working, despite direct contradiction of logic, to facilitate the accumulation of property, of earth converted into land, for settler ownership. These relationships to the state exist to organize labor, work, property, land, and wealth.

In settler societies, worth is distributed unevenly through owning land as property, laboring that land, or being an aspect of property. Relative populations are organized accordingly and, yet, connectedly through this architecture. Latino migrants, particularly undocumented migrants, are located relative to anti-Blackness and the erasure of Indigeneity through racializing discourses that meter deservingness. The relationship of person to state is the foundational purpose of the trope of deservingness, who deserves to be included under the state, and who, as a necessary dialectic difference (Derrida, 1978), must be stateless. In other words, the definition of stateworthiness is made apparent through the delineation of statelessness. As Lisa Marie Cacho (2012) theorizes, statelessness is purposefully facilitated and created within frames of liberal humanism, guaranteeing that some are entitled to racialized statehood because others are not. Cacho (2012) explores the ways that some bodies are criminalized, made to be holders of essence of criminal, such that they are ineligible from statehood by their very existence.

The ascendancy and exclusion from legitimacy under the state operates through myriad contexts

and practices, durably yet impermanently gelling together governmentality. Rather than a specific state or governmental institution, governmentality is the cross-sector disciplining practices that literally govern, control and mediate, what can be done. Foucault is most referenced for theorization on governmentality, the collection of sweeping and minute practices that gather together, discipline, and make available kinds of being and personhood. However, Foucault's work can only reach so far here, as his work cannot speak to the centrality of the constructs of race and gender in these tropes of worth, merit, and deservingness (for an extensive discussion on Foucault's shortcomings with race, see Weheliye, 2014). Further, Foucault's work speaks to relationships with the state, but not to land, which is pivotal to the creation and maintenance of stratification of being within coloniality. This is evidenced in the Dred Scott decision, which linked the claim of lesser humanity of Black peoples to assertions of statelessness in the African continent, as well as the policing of created criminality of crossing also created nation state borders. For analytic redress on the constructs of race and gender, so central to understanding the created [un]deservingness of Black and brown peoples as core projects of coloniality, the works of Denise Ferreira da Silva (2007). The intellectual work of Dorothy Roberts, Hortense Spillers, and Sylvia Wynter speak much more robustly than does the work of Foucault, and more broadly, critical theorists whose theoretical fulcrum is subject to state relations. Rather, theorists of coloniality and the global construction of race address the enactment of the constructs of race and gender such that they are not reduced to inherently present biological realities but rather always already becoming necessary productions of coloniality.

Coloniality, first through the church and then through the state, produced designations of being, differentially overrepresented and valued, as a way to produce and validate knowledge projects that validated and normalized strata between beings and land (Wynter, 2003). Coloniality is different from colonialism defined as the relationship of more powerful to less powerful nation/states. As Maldonado-Torres (2007) defines it "coloniality, instead, refers to long-standing patterns of power that emerged as a result of colonialism, but that define culture, labor, intersubjective relations, and knowledge production well beyond the strict limits of colonial administrations" (p. 243). In Wynter's (2003) extensive and transdisciplinary examination of coloniality and its concomitant overrepresentations of some beings and devaluing of others, she centrally asks what knowledge production projects are for, what are their functions.

Coloniality creates and structures the nation-state, subjects under the state, and relations to the land. Migrants from the Global South, including Latin America, develop pre-migration knowledge and associations with 'developed' nations through ideological and material systems (Grosfoguel, 2003). Extractive colonial practices relative to the land and to people is a fundamental component of the push and pull of vulnerablized peoples across nation-state borders. Coloniality, though, is not a static set of relationships; it shifts and is manifested variously within and across contexts. The United States, along with other nation/state entities, is a settler state. Its creation and maintained identity involves settlers coming from other lands and engaging in intertwined projects of erasure of Indigeneity and anti-Blackness to preserve property rights for whites. Related to Harris' discussion of whiteness as property, theorization of settler colonialism (Wolfe, 2006) articulates the intertwined projects of conversion of seized land into property, erasure of Indigenous peoples, and the importing and dehumanization of people into chattel who can work but never own land. This form of colonialism can be understood as connected to other versions of coloniality but not as commensurate and interchangeable. Coloniality relies on globally resonant tropes of valid and invalid versions of being, but settler colonialism leverages those distinctions of worth to secure property rights for some based on the erasure of rights of others.

Through the analytics of coloniality and settler colonialism, the state's operations to legitimate forms of knowledge and beingness through governmentality are rendered more transparent. Deservingness is debated, policy-ed, and policed through governmentality, networked for the larger project of maintaining colonial sets of relationships. This analysis of govermentality through its purpose is a different stance than what Foucault's work offers, which is an analysis of the disciplining done by the state. Analysis of disciplining is critically important, but does not necessarily speak to how the webbing of governmentality itself is acting on behalf of a project that reaches beyond the state with designations for lesser beings, higher beings, and land. While deservingness animates the racialized logics used to confer status, as evidenced in the Plessy v. Ferguson (1896) court case, a frame of coloniality puts in relief how those projects function collectively to create and police disparate locations. Deservingness operates out of an architecture of stratified worth.

These designations of worth and relative amounts of value work not only to create and re-instantiate race

but also do so in ways that criminalize and render populations ineligible for rights under the state. For example, in her extensive analysis of the creation and attenuation of some peoples as illegal and therefore bodily ineligible, Lisa Marie Cacho (2012) analyzes commentary in the media on New Orleans following Hurricane Katrina. Paying particular attention to the ways that African Americans were called, “refugees,” Cacho (2012) theorizes this as a move that criminalized as well as alienated and distanced. Journalists tapped into what they believed to be true of Third World peoples (and worth) to “apprehend what they were witnessing, to make sense of a post-Katrina New Orleans for themselves and their audiences” (p. 14). Although being undocumented is not a crime, it means to be embodied by criminality, not merely stereotyped as criminal, although that also happens, but to be understood as enacting illegality by virtue of one’s existence. This imbuing of liminality in some bodies works in tandem with the ongoing project to devalue and bracket the humanity of Black peoples. As Cacho (2012) writes, “Both undocumented immigrants and unemployed, impoverished citizens are legally ineligible for personhood because they cannot invoke the laws that address unlivable wages or unfair hiring practices” (p. 22).

Together, Wynter’s (2003) work that excavates the knowledge for projects of coloniality and Cacho’s (2012) work that offers uncompromising analyses of ineligibility, foreground necessary questions of how deservingness is enacted in the framing and treatment of migrant populations. The challenge of the ubiquity of the colonial trope of deservingness is to ascertain its specific locations and impacts. In determining these specifics, though, it is important to keep both specificity and global connections in mind. One of the affordances of considering coloniality in relation to migrants is that it allows for more robust theorization of movement, place, and the global. As Massey points out, “the global isn’t just made up there; it is made in places and there is hardly a place on the planet that in some ways isn’t party to the making” (as quoted by Tuck & McKenzie, 2014, p. 412). Relatedly, Denise Ferreira da Silva (2007) points out that raciality is inevitably a part of the modern project of state, that it, in fact, psychically and materially produces modern global space (e.g., the darker nations and the Global South), and it does so through proxies that can organize racially without uttering race.

Situating frames of migrant youth, those who do not hold legal authorization to be in a country, within coloniality and subsumed projects of whiteness as property begs the question of what a settler state wants and does not want from undocumented youth. Specifically related to undocumented Latin@ youth, what does a settler state imagine for these youth and for itself, and from that, what does it allow and what is held at bay. In the next section, I turn to one specific instance of a racial proxy, language in education, to map the colonial logics running through it. More specifically, I analyze what kind of knowledge-for project (Wynter, 2003) is materialized for undocumented Latin@ youth in formal education. I turn to this example not because of any sort of inherent prevalence it has a site of coloniality but rather as a necessary and insufficient point of analysis.

Coordinates: Latin@ Youth, Language and Racialized Statehood

Formal education in the United States has long been a site of settler logics (Calderon, 2014; Patel, 2014), with settler grammars enlivening curriculum, pedagogy and assessment. Education as a social field, specifically within the United States, is one of the many societal institutions grappling with the significant presence of migrant, children of migrant, and within those demographics, undocumented Latin@ children and youth in its classrooms. Although *Plyler v. Doe* (1982) guaranteed all undocumented children access to a free and appropriate public education, this de jure guarantee has resulted in de facto striations of praxis. The grappling has to do with the ways that this population, with its various and varied racialized experiences of being, migration, and schooling, present a paradoxical challenge to the field of education.

On the one hand, undocumented Latin@ youth enliven the nation’s imaginary that elevates education as the pathway to social mobility and improvement, part of the logic expressed in the majority opinion of *Plyler v. Doe* (1982). This imaginative specter sits neatly with the majoritarian narratives that the nation was built by immigrants, both through labor and ideals of entrepreneurship. The immigrant nation narrative invisibilizes the settler structure that continues to seek the erasure of Indigeneity and the reduction of Black bodies, initially into chattel labor to quite literally build the nation’s most celebrated homes of formal education (Wilder, 2013), and more currently, into unhireable, criminalized segments of the society. The romantic idea of the nation being built by immigrants blurs the material ongoing structures that displace and exploit Indigenous and Black life.

And, on the other hand, undocumented Latin@ youth, pose fresh challenges to the whitestream

(Grande, 2004) educational projects in the United States. Through both their racial presence in classrooms and their status of being barred from any kind of civic acknowledgement, undocumented Latin@ youth push the contradiction of education being both the promissory place of mobility and the premier site of social reproduction in the United States. Without any kind of acknowledgement of the settler structure of the society, the field of education situates migrant youth, primarily through language, in distal locations to dominant social positioning. Migrant youth are most typically named English Language Learners, and in that one nominal move, they are located, racialized, relative to a recentered dominant culture that is white, monolingual, and holders of the status-conferring standardized academic English.

In this paradox of being part of the American fabric of social mobility through education and through their racialized subalternity, the life experiences and complex personhoods of undocumented Latin@ youth are winnowed and collapsed into their English language fluency. With race being the primary organizing tool for transnational dislocation and movement across nation-states and borders (Katz, 2004), language is furthered as a logic that carries out the work of racial organization without naming race (Bonilla-Silva, 2006). Language fluency has come to act as a proxy for race, becoming a conduit to minoritize and majoritize, with relative positions for more knowledgeable (re: more worthy) and less knowledgeable (re: less deserving). Research, policy, and practice is focused on accelerating the pace of English language learning for migrant youth, particularly Latin@ youth. The tacit premise is that through their acquisition of the dominant code of power, migrant youth, purportedly even undocumented racially minoritized youth, will be able to access the nation's pathways to social mobility and well-being. This tacit premise, though, itself is in paradoxical and contradictory relation to policies and practices that speak more strongly of white settler anxieties that seek to discipline subalterns' practices and delimit the very possibilities of those practices.

As an exaggerated example of the contradictory praxis that emanates from majoritarian stories of social mobility and white settler anxiety that seeks to maintain whiteness as property, three states, California, Arizona and Massachusetts have outlawed bilingual education as a pedagogical practice. All three states have sizeable Latin@ populations, with Central American immigrants being particularly prominent demographically in California and Arizona. In a less overt but much more deleteriously impactful manner, the Elementary and Secondary Education Act of 2002 required English Language Learners to take standardized tests in English within three years of entering the country, a timeline that sits in direct contradiction to overwhelming research about the time required to become fluent in learned academic codes (Cummins, 2000). The time crunch forced many bilingual schools to restructure its programs to prioritize English over home and heritage-language instruction and maintenance. These policies have only intensified in subsequent years of federally mandated and competitive funding based on English language achievement scores.

Because language here acts as proxy as race, it's important to not only focus on the policies and research that address the Other, the English Language Learner (Patel Stevens, 2009). Race is a global organizing force because it works at behest of whiteness, therefore, it is important to address the ways that language policies, such as the outlawing of bilingual programs, and the praxis of who ascends to positions of language researchers enlivens white settler logics and reseats whiteness as property. Flores and Rosa (2015) draw attention to the hierarchies at play, even with additive approaches to language learning, in the production of "racialized speaking subjects who are constructed as linguistically deviant even when engaging in linguistic practices positioned as normative or innovative when produced by privileged white subjects" (p. x). Flores and Rosa's (2015) analysis compels consideration of the "listening subject" (Inouye, 2006) who is overrepresented. The listening subject being overrepresented is in keeping with Wynter's (2003) analysis of the function of over-representation: to name and index others, in this instance to be the one to remediate ubiquitous linguistic features like accents. The overrepresentation of the listening subject is intertwined with vested material interest in being able to resolve the unresolvable created problem of certain accents or linguistic practices. It is unresolvable because it is not inherently a problem. Whiteness renders entirely similar linguistic practices, such as blending of codes or misplacing accented emphases, as normal, inoculating these practices from remediation and overrepresenting other codes, and therefore certain listening subjects as overrepresented.

Continuing from Flores and Rosa's (2015) work, the majoritized listening subject, as well as the minoritized utterers of deficit codes, migrant youth, are based on racialized, classed social positioning that literally shape what is heard and what is unheard. Race and education scholars have long noted the enduring demographic

mismatch between a largely white, [upper] middle class and female teaching profession versus an increasingly racially minoritized school-going population, of which migrant youth account for sizeable proportions. The sophistication of white settler colonial logics in education acknowledges that monolingual native speakers of standardized academic English may need redress to be 'culturally responsive teachers' but seeks that cultural touch-up by putting these populations in contact with 'at-risk' populations. Novice and minimally trained teachers learn about the subaltern through experimentation-like contact (Heilig & Jez, 2010). The tacit idea is that through contact (Pratt, 1991) and good intentions, the monolingual white subject will be able to hear better. What stays steadfast within that opportunistic project, though, is the reality of social locations, the material invested need for racially minoritized others, and servile to that order, the geopolitical privileging of standardized academic English as a proxy for whiteness and more broadly, humanness.

Finally, it is important to note that, particularly in relation to undocumented youth, as opposed to those who hold legal governmental status, such concentrations of educational energy also dislocate knowledge of the material realities facing minoritized and criminalized subjects of the state. Learning to become illegal, as sociologist and immigration scholar Roberto Gonzales has written is a, if not *the* salient, social location of undocumented youth, rendered particularly acute during secondary school years. And yet the overwhelming majority of educational attention on migrants remains on their language fluency and purported impacts on educational achievement. This focus delimits both the available personhood for undocumented youth in research and policy and also cauterizes the ability of the dominant culture subject to disinvest from their vantage place. Put another way, could the listening subject, even with an ability to hear past an accent, be able to hear and see the criminalized bodies' foreclosed chances of being a legitimate being under the state? As I have suggested elsewhere (Patel Stevens, 2009), the winnowing of migrant youth, particularly racially minoritized and criminalized youth, into English Language Learners, refreshes the implicit settler logics of education as social reproduction. It does this by, in essence, drawing a curtain between linguistic fluency and the material conditions that meter out social death (Cacho, 2012) regardless of linguistic performance.

Connecting but Not Resolving Deservingness across Undeserving Populations

In 1979, James Baldwin addressed language, learning, and larger projects of whiteness as property:

The brutal truth is that the bulk of white people in American never had any interest in educating black people, except as this could serve white purposes. It is not the black child's language that is in question, it is not his language that is despised: It is his experience. A child cannot be taught by anyone who despises him, and a child cannot afford to be fooled. A child cannot be taught by anyone whose demand, essentially, is that the child repudiate his experience, and all that gives him sustenance, and enter a limbo in which he will no longer be black, and in which he knows that he can never become white. Black people have lost too many black children that way (para. 11).

Racialization and racialized deservingness are not new projects in American education. Yet the modern project of identity and its self-to-state categories provides insufficient language to address the specific, connected, and yet distinct manifestations of coloniality (Grande, 2004). These categories and attempts to speak within and across them of differential social locations (Crenshaw, 1991) often languishes in simplistic tropes of oppression Olympics, an ironic re-instantiation of jostling for vertical positioning.

Coloniality, as Wynter (2003) articulates, is fundamentally about creating vertical strata. The 'for' of knowledge-for projects is hierarchy through established, measured, validated, yet idiosyncratic strata. This logic of hierarchy, a colonial logic, cannot account for multidimensional dynamics. It cannot account for, as exhibited by its contradictions, the ways that race has to be defined differently for different populations to cumulatively privilege whiteness as property. It cannot account for the dredging of vulnerabilized populations across nation-state borders, a horizontal displacement of people to land that reconfigures space while simultaneously refreshing land as an object to be owned. Settler colonial logics rely on, quite literally on top of, a muted set of connected inconsistencies that function in the aggregate to reserve deservingness through the creation of the undeserving.

The ways that undocumented Latin@ youth are known, unknown, and delimited in various social spaces

begs specific and linked attention to the ways that deservingness is installed for colonial purposes. It requires us to keep close the coordinates borne of a project of coloniality without collapsing material differences. Herein lies the imperative to locate but not equivocate (Tuck & Yang, 2012) the distinct social locations created by coloniality. The history of miseducation of Black children and youth has something to teach education that is prescribed for Latin@ immigrant youth, particularly undocumented youth, but it is not a blanket overlay of dispossession and redress. Deficit perspectives that elevate whiteness as property are imbued at once but differently for specific and heterogeneous populations.

To resist coloniality, then, requires precision to vertical and horizontal workings of oppression. I have drawn from case law and practices effecting migrant Latino and Black populations not to equivocate those experiences in any form. Rather, I assert that a confrontation of coloniality, with its goal of metering out deservingness, necessitates being specific about how it works differently and cumulatively across populations. How are groups and categories created along horizontal, incommensurable planes? How does their incommensurability speak to the larger project of coloniality? Questions such as these will not necessarily dismantle coloniality but they are the questions that need to be taken up in the name of decolonization. Disparate questions that address that dispossession of differently colonized populations are necessary but incomplete. The project of coloniality works in the specific and aggregate; so must decolonization.

Lastly, a largely untapped area of theoretical and praxis impact that migration studies can offer is connecting the global construction of race, with concomitant associations with deservingness, to land and spatiality. Coloniality, as theorized by Wynter (2003), labels some land as 'untamed,' so that the people residing there can be named as savages and removed in the quest of higher being. Similarly, when the disenfranchised nation-states in the Global South are vilified as incapable of self-government, these narratives are echoes of denigrating land and its inhabitants, all necessary justification for the larger project of holding dominion over others. While it may not seem apparent in the immediate, criminalizing large swaths of the globe criminalizes all those associated with it and, even within the socially progressive social fields like education, casts them as lesser, in need, remedial. For the time being, all students, regardless of documentation status, are entitled to a free and public education in the United States. The letter of that law has within it an impulse to push back against the epistemologies that lower some lands and people as savage, indelibly marking them with an ineligibility. Although most educators would not see this K-12 access point as interrupting colonial logics, perhaps one of the best ways that liberatory education for undocumented children and youth can be answerable to these populations is to be less obedient about staying within its disciplinary borders.

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