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AUTHORITARIANISM: A COMMENT

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AUTHORITARIANISM: A COMMENT

Richard Delgado*

INTRODUCTION

In a recent article,¹ Camilo Ortiz shows how vitriolic broadcasting, alarmist websites, burdensome state and local laws,² and many other manifestations of anti-immigrant sentiment can be seen as expressions of authoritarianism.³ He describes this personality type using classic texts by social scientists Erich Fromm⁴ and Theodor Adorno⁵ and legal scholar Lynne Henderson⁶ and shows how it explains the anti-immigrant impulse better than the most common alternative explanations—racism, nativism, and legalism.⁷

Scholars have struggled to understand the recent surge of anti-immigrant sentiment. A much-cited article by Rene Galindo and Jami Vigil, for example, notes that it has characteristics of both ordinary racism and nativism of the type that targeted earlier generations of immigrants from southern and eastern Europe.⁸ The contributors to a recent anthology edited by Juan Perea⁹ cite a host of explanations, including competition for jobs¹⁰ and anxiety over an unsettled economy,¹¹ but conclude that it nevertheless differs from both garden-variety racism and early twentieth-century nativism. Ortiz explains exactly how this difference arises.

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¹ Camilo M. Ortiz, *Latinos Nowhere in Sight: Erased by Racism, Nativism, the Black-White Binary, and Authoritarianism*, __RUTGERS RACE & L. REV. __ (2012) (hereinafter *Authoritarianism*).

² See Ortiz, *supra* note 1, at __; LATINOS AND THE LAW: CASES AND MATERIALS 477-80 (Richard Delgado, Juan Perea, and Jean Stefancic eds., 2007) (analyzing some of the new ordinances).

³ Ortiz also shows how authoritarianism combines with racism, nativism, and the black-white binary of race to produce violent acts like the murder of Juan Varela, Ortiz, *supra* note 1, at __. In this Comment, I focus on authoritarianism alone, for I consider it the most original and important aspect of Ortiz's contribution.

⁴ ERICH FROMM, *ESCAPE FROM FREEDOM* (paperback ed. 1969).

⁵ See THEODOR ADORNO ET AL., *THE AUTHORITARIAN PERSONALITY* (abridged ed., 1983). See also BRUNO BETTELHEIM AND MORRIS JANOWITZ, *SOCIAL CHANGE AND PREJUDICE* (1964); Brewster Smith, *The Authoritarian Personality*, 18 POL. PSYCHOL. 159 (1997) (all describing a personality type characterized by rigidity, a fixation on cleanliness, and a need for order); Donald P. Judges, *While Silence Speaks Louder than Words: Authoritarianism and the Feminist Antipornography Movement*, 1 PSYCH. PUB. POL'Y & L. 643 (1995).

⁶ Lynne Henderson, *Authoritarianism and the Rule of Law*, 66 IND. L.J. 379 (1991) (discussing the role of authoritarianism in the judiciary).

⁷ By legalism I mean the insistence that we "get control over our borders" because that is, after all, the law. For the view that the animus against immigrants is a product of racism, see *Blood on the Border: Anti-Immigrant Violence Looms*, INTELL. REP. (Southern Poverty Law Center), spring 2001. For the view that it is a function of nativism (an aversion to foreigners), see IMMIGRANTS OUT! THE NEW NATIVISM AND THE ANTI-IMMIGRANT IMPULSE IN THE UNITED STATES (Juan Perea ed., 1997); ROBIN DALE JACOBSON, *THE NEW NATIVISM: PROPOSITION 187 AND THE DEBATE OVER IMMIGRATION* (2008).

⁸ See Rene Galindo & Jami Vigil, *Are Anti-immigrant Statements Racist or Nativist? What Difference Does it Make?*, 4 LATINO STUD. 423 (2006).

⁹ See, e.g., IMMIGRANTS OUT!, *supra* note 7.

¹⁰ Viz, "Nothing personal, Jose—I just need your job." See Juan Perea, *Introduction*, in IMMIGRANTS OUT!, *supra* note 7, at 1, 1-5 (describing the role of competition for scarce jobs).

¹¹ See *id.* (describing how nativism intensifies during economic downturns).

My thesis is that authoritarianism not only plays an important role in the production of social attitudes and behavior toward immigrants, as Ortiz posits, it suggests steps that policymakers may take to counter them.¹²

Part I explains how the syndrome underlies much of the current reaction toward immigrants, particular ones from south of the U.S. border. Part II then shows how seeing it in these terms suggests measures by which society could limit some of its excesses. As the reader will see, Mr. Ortiz's interpretation constitutes a significant advance in our understanding of social attitudes toward immigration and immigrants and can pave the way toward more sensible policies in this troubled area.

I. THE AUTHORITARIAN PERSONALITY AND ITS RELATION TO ANTI-LATINO ACTIVISM

Social scientists have struggled to understand the intensity of recent reactions to immigration and immigrants, ranging from vituperative TV broadcasting,¹³ talk radio,¹⁴ an unprecedentedly high rate of deportations by a liberal administration,¹⁵ and proliferation of state and local laws that aim to make life as difficult as possible for the undocumented.¹⁶

A. Earlier Explanations

These reactions, as well as their intensity, defy explanation in conventional terms. One useful tool to explain hostility against outgroups has been the competition-aggression hypothesis of Gordon Allport which holds that racism and prejudice increase when society decides that such a group is endangering access to coveted resources.¹⁷ A second theory holds that racism is a cognitive error that arises when an individual incorrectly generalizes that members of another group are inferior, ignorant, or dirty.¹⁸ A third approach, associated with Derrick Bell, holds that it is a means of preserving psychic and material advantage, so that advances in civil rights tend to arrive only when the majority group finds it in its interest to permit them.¹⁹

¹² See Part II *infra* (describing measures to counter authoritarian violence and racism).

¹³ See, e.g., any segment of Lou Dobbs' program "Broken Borders."

¹⁴ See, e.g., practically any segment of the Rush Limbaugh Show discussing immigration

¹⁵ See Julia Preston, *U.S. to Review Cases Seeking Deportation*, N.Y. TIMES, Nov. 17, 2011 (noting that the Obama administration has deported nearly 400,000 each of the three latest years).

¹⁶ See, e.g., LATINOS AND THE LAW, *supra* note 2, at 477-80.

¹⁷ See GORDON ALLPORT, THE NATURE OF PREJUDICE 7, 206, 234-38 (25th anniv. ed., 1979) (describing this approach); Richard Delgado et al., *Fairness and Formality: Minimizing the Risk of Prejudice in Alternative Dispute Resolution*, 1985 WIS. L. REV. 1359, 1378-79 (describing theories of controlling racism, including the competition-aggression hypothesis).

¹⁸ *Fairness and Formality*, *supra* note 17, at 1380-82. See also Richard Delgado and Jean Stefancic, *Images of the Outsider in American Law and Culture: Can Free Expression Remedy Systemic Social Ills?*, 77 CORNELL L. REV. 1258, 1259-75 (1992) (describing stereotypes of various minority groups).

¹⁹ See Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980) (positing that this famous decision arrived as a result of a temporary alignment of white and black interests).

Each theory leads to slightly different understandings of prejudice as well as measures for countering it. A “social contact” theory holds that the most effective way to counter discriminatory attitudes is to arrange that people of different groups interact frequently with each other, such as in an integrated school or on a sports team. The formerly biased person will, through frequent contact, learn that members of other groups are much like his own, some bad, some good.²⁰

A second approach, called the confrontation theory, holds that most individuals in our society are ambivalent about members of other races. We realize that the values of the American Creed forbid discrimination, yet subconsciously believe that individuals of other races are inferior.²¹ The confrontation theory seeks to increase the occasions when people will react according to the higher, formal values and discourage ones when they act according to the lower values we exhibit on informal occasions when we believe no one is looking.²²

The current wave of anti-Latino discourse and action seems impervious to these approaches. Attempts at re-educating the public have made few inroads,²³ while sporadic efforts by the federal government to discourage anti-immigrant measures and vigilantism have merely increased the ardor of their backers.²⁴

By the same token, legality—the insistence that everyone obey the law, whether it makes sense or not—falls short as a theory for explaining the current wave of anti-immigrant sentiment. A few of the new immigrants break the law, but most are almost obsessively law-abiding. Indeed, recent studies show that regions that have witnessed significant influxes of immigrants show significant drops in the crime rate, while cities near the U.S. border with Mexico exhibit lower rates than ones further north.²⁵

Similarly, pointing out (to the self-professed legalist) that most undocumented immigrants are law-abiding, or (to the nativist) that they are hardworking and eager to assimilate will win few converts. The average white American may feel guilty about racism, particularly of the kind that whites have visited on blacks, and knows that slavery and Jim Crow laws were wrong. But as mentioned, neither the legalist nor the nativist feels serious compunction about visiting punishment on undocumented individuals

²⁰ See ALLPORT, *supra* note 17, at 261-81 (presenting a classic exposition of this view); *Fairness and Formality*, *supra* note 17, at 1385-87 (discussing this approach in connection with dispute resolution).

²¹ *Fairness and Formality*, *supra* note 17, at 1383-84.

²² *Id.* at 1387-91 (discussing the theory and its role in controlling discrimination). For a classic study of the American Creed and the resulting dilemma it generates with respect to race, see GUNNAR MYRDAL, *THE AMERICAN DILEMMA* (1962); ALLPORT, *supra* note 17, at 337-38 (same).

²³ For example, Robert Sampson (Harvard) shows that immigration tends to reduce crime in regions experiencing substantial settlement. See Robert Sampson, *Open Doors Don't Invite Criminals*, N.Y. TIMES, March 11, 2006. Yet few citizens appear to have absorbed this information, while the press plays up sensational crimes by immigrants as though they demonstrate an innate tendency to offend.

²⁴ For example, the Justice Department has forcefully challenged local measures targeting immigrants. This has not, to date, dampened the enthusiasm of anti-immigrant forces for such laws. See *Robert Barnes, Supreme Court to Hear Challenge to Arizona's Immigration Law*, WASH. POST, Dec. 12, 2011.

²⁵ See, e.g., Jack Gillum, *How USA Today Analyzed Border Crime Trends*, USA TODAY, July 18, 2011.

simply trying to provide for themselves and their families.²⁶ The legalist merely points out that they are trespassing. The others (nativists and racists) insist that they are sources of crime, dirt, and disorder, and fill jobs that ought to go to real Americans.

By the same token, pointing out that most immigrants are eager to learn English and exhibit a strong work ethic²⁷ has done little to dampen the tide of criticism leveled at them. Thus, today's anti-immigrant proponents seem different from those of former times and resistant to evidence that the recent arrivals are law-abiding and highly motivated to assimilate and fit in.

Since most conventional explanations seem inadequate, it behooves us to examine the possibility that authoritarianism may lie behind many of today's anti-immigrant responses. This, in turn, requires a closer look at this personality syndrome.

B. Anti-Immigrant Sentiment and the Authoritarian Personality

Mr. Ortiz's model, based on the psychology of authoritarianism, offers a better understanding of the anti-immigrant impulse than do most previous theories.²⁸

For example, the authoritarian likes to be in charge—or, if not, wants everyone to conform to the commands of those who are.²⁹ Ranking high on the “f” scale (associated with psychological fascism), they dislike dirt, weakness, disorder, and too much freedom and spontaneity.³⁰ Conventional in tastes, behavior, and clothing, they tend to gravitate toward professions such as accounting or police work that reward this personality type. Few of them are artists, actors, playwrights, or musicians, for example.³¹

How does psychological authoritarianism shape responses to immigrants and immigration? Mr. Ortiz describes a number of features, including a sense of righteous indignation (“What are they doing here?”),³² a felt need to restore order and

²⁶ See Ortiz, *supra* note 1, at ___n.7 (citing a television commentator who declared that “every single illegal immigrant is guilty of a crime, every single one.” This assertion is incorrect. Being in the U.S. without official authorization is not a crime but a relatively minor administrative offense. Human smuggling and entering with forged documents may be crimes, but mere unauthorized presence—overstays, for example—is not).

²⁷ See, e.g., Juan Perea, *Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English*, 77 MINN. L. REV. 269, 335-49 (1992) (noting that most immigrants are highly motivated to learn English).

²⁸ To wit, racism, nineteenth-century nativism, and legalism. See text and notes 8, 18-27 *supra*.

²⁹ See, e.g., ADORNO, *supra* note 5 (discussing a personality type characterized by rigidity, intolerance of ambiguity, and a need for power in personal relationships); ALLPORT, *supra* note 17, at 215-16, 400-03, 408 (describing a broad range of traits); Henderson, *supra* note 6, at 381-82, 386-87 (same).

³⁰ Judges, *supra* note 5, at 654; Henderson, *supra* note 6, at 393; AUTHORITARIAN PERSONALITY, *supra* note 5, at 118, 199 (describing a panoply of traits associated with authoritarianism).

³¹ Henderson, *supra* note 6, at 379-82 (describing conventionality and conformism); ALLPORT, *supra* note 17, at 400-03 (describing rigidity and inability to change one's mental set in the face of new information).

³² See ALLPORT, *supra* note 17, at 199, 400-03; ADORNO, *supra* note 5, at 118 (noting repulsion over traits thought to be associated with blacks, Jews, foreigners, and other outgroups). An authoritarian's indignation can easily fasten on inappropriate objects. Juan Varela, for example, was a citizen, not an immigrant. His

predictability,³³ and even a readiness to inflict interpersonal violence.³⁴ He also shows how authoritarianism predisposes individuals to cluster in groups behind a strong leader, such as a border vigilante who promises to address the threat.³⁵ He notes how readily authoritarians rationalize imposing discipline on groups they regard as weak and inferior, particularly if they are guilty of some infraction.³⁶

He could have listed other traits, as well. For example, authoritarians like cleanliness and bright lines.³⁷ Hence, anti-immigrant rhetoric often emphasizes dirt, penetration and invasion, as though a foreign body were getting inside society's collective skin. Recall, for example, the frequent references to sneaking inside the border, setting up housekeeping inside our society, and "taking over" that one finds sprinkled in anti-immigrant literature and websites."³⁸

As mentioned, authoritarians also dislike dirt. And since popular stereotypes have long associated Mexicans with deficiencies of personal hygiene,³⁹ the accusation strikes a chord with many authoritarians. When respected figures such as Peter Brimelow⁴⁰ or Samuel Huntington⁴¹ charge that recent immigrants—who are, in reality a young, healthy vigorous group with an incidence of disease lower than that of U.S. citizens at large—are introducing diseases into the United States, the accusation will strike a person of this disposition as inherently plausible.

Authoritarians also dislike sexuality, since they associate it with freedom and loss of control.⁴² This connection can easily attach itself to Latinos, since they are often young and attractive, with higher reproductive rates than the average American.⁴³ The association gains force from the cultural stereotype of the Latin lover.⁴⁴

aggressor probably saw him as foreign-looking and thus not entitled to live in his neighborhood. See Ortiz, *supra* note 1, at ___ (describing Varela and his murderer).

³³ Smith, *supra* note 5, at 160; BETTELHEIM AND JANOWITZ, *supra* note 5 (describing a personality type characterized by mental rigidity and intolerance of ambiguity); ALLPORT, *supra* note 17, at 215-16; Henderson, *supra* note 6, at 381-82, 386-87 (same).

³⁴ Ortiz, *supra* note 1, at ___ (describing a murder seemingly fueled by authoritarian rage). See also Henderson, *supra* note 6, at 395 (commenting on the authoritarian personality's willingness to inflict pain).

³⁵ Ortiz, *supra* note 1, at ___. See also Henderson, *supra* note 6, at 379-82, 390-91, 394.

³⁶ See Henderson, *supra* note 6, at 393-95; Judges, *supra* note 5, at 659

³⁷ See, e.g., ADORNO, *supra* note 5, at 118; ALLPORT, *supra* note 17, at 199.

³⁸ See, e.g., Kevin Johnson, OPENING THE FLOODGATES: WHY AMERICA NEEDS TO RETHINK ITS BORDERS AND IMMIGRATION LAWS (2007).

³⁹ See, e.g., Richard Delgado, *Rodrigo's Corrido: Race, Postcolonial Theory, and U.S. Civil Rights*, 60 VAND. L. REV. 1690, 1727 (2007) (discussing popular association of Latinos, especially Mexicans, with dirt and poor hygiene).

⁴⁰ See, e.g., Peter Brimelow, ALIEN NATION: COMMON SENSE ABOUT AMERICA'S IMMIGRATION DISASTER (1995).

⁴¹ See Samuel Huntington, WHO ARE WE? THE CHALLENGES TO AMERICA'S IDENTITY (2004).

⁴² See, e.g., ADORNO, *supra* note 5; Judges, *supra* note 5, at 655; Henderson, *supra* note 6, at 388-89 (noting that authoritarians dislike too much freedom).

⁴³ See, e.g., Delgado, *Corrido*, *supra* note 39, at 1734.

⁴⁴ See *Images*, *supra* note 18, at 1273-75; *Corrido*, *supra* note 39, at 1734.

Most of all, authoritarians dislike crime and disorder, indeed anything that smacks of defiance toward legitimate authority.⁴⁵ Most of the new immigrants are, in fact, law-abiding, pious, Catholic, and eager not to come to the attention of the authorities; consequently, their rates of offending are very low.⁴⁶ Many of them, as well, are from small villages in Mexico or Guatemala that are socially cohesive and where everyone knows everyone else and an individual who takes advantage, steals, or cheats another suffers immediate marginalization.⁴⁷ Still, the cultural stereotype of the Mexican desperado lives on in media depictions,⁴⁸ from whence it finds a footing in the minds of authoritarians who then react in predictable ways when they see a brown-skinned newcomer in work clothes conversing in Spanish with another on a sidewalk or street corner, convinced that they must be up to no good.

This feature also explains subtle differences between the current wave of hatred against Latinos and the familiar kind based on racism alone. A prominent feature of current attitudes is contempt—the newcomers are despicable and low.⁴⁹ With racism one often sees hatred and rejection, but usually not the rolled eyes, curled lips, and confidently hurled epithets (“those damned wetbacks are always doing X”) delivered with a kind of certitude one rarely sees elsewhere. The authoritarian rejects brown-skinned newcomers not so much because they are brown,⁵⁰ but because they offend the established order of things.

II. RESPONDING TO AUTHORITARIANISM: HOW SEEING THE ANTI-IMMIGRANT IMPULSE IN THESE TERMS HELPS FRAME RESPONSES

If a model based on the psychology of authoritarianism helps explain the anti-immigrant mindset, what does it suggest about ways to counter that mindset and behavior associated with it?

A. Traditional Responses that are Unlikely to Succeed with Anti-Immigrant Activity Stemming from Authoritarianism

1. *Social Contact*

As mentioned, one traditional approach to reducing racism and prejudice is the social-contact theory.⁵¹ Based on the idea that racism is a cognitive error—the racist individual incorrectly believes that members of groups other than his own are untrustworthy and

⁴⁵ See ADORNO, *supra* note 5; ALLPORT, *supra* note 17, at 216; Henderson, *supra* note 6, at 386-87.

⁴⁶ E.g., Sampson, *supra* note 23 (discussing the low crime rate of recent immigrants).

⁴⁷ See RODOLFO ACUNA, CORRIDORS OF MIGRATION (2008) (explaining how immigrant traditions and paths established themselves in small sending villages).

⁴⁸ See *Images*, *supra* note 18, at 1273-75.

⁴⁹ After all, we defeated them in a war. They are a whipped people, losers, contemptible. They didn't fight hard, so we won fair and square. To the victor belong the spoils. See, e.g., LATINOS AND THE LAW, *supra* note 2, at 8-30 (describing the War with Mexico, the Treaty of Guadalupe Hidalgo that ended it, and the widespread approval they enjoyed with the American public).

⁵⁰ See *Images*, *supra* note 18, at 1273-75.

⁵¹ See text and notes 19-20 *supra*.

immoral—it arranges for social settings in which the two groups will experience extensive contact, such as team sports, the military, or school.⁵²

Anti-immigrant sentiment, however, seems impervious to social contact. Indeed, the nativist often heightens resistance to immigrant settlements the closer they come to his or her neighborhood and the greater their numbers.⁵³ A strategy that often helps mitigate ordinary racial antipathy turns out not to be helpful with anti-immigrant resistance and sentiment. And the reason is that the two attitudes—racism and anti-immigrant authoritarianism—are subtly different.⁵⁴

2. *Confrontation theory*

A second major approach to abetting racism, the confrontation theory,⁵⁵ has not proven successful with anti-immigrant sentiment either. Based on the premise of ambivalence, the theory holds that putting in place social rules and practices that will punish expressions of deviant racial behavior will gradually cause it to wither away.⁵⁶ This approach, too, has made little headway with anti-immigrant forces. Believing themselves justly entitled to think and behave as they do, these individuals consider that they are merely enforcing what those in charge want—or should want—them to do, namely oppress and expel foreigners and foreign influences.⁵⁷ For example, when the federal government was slow to enforce compliance with immigration mandates, some state and local authorities leaped into the breach with statutes and programs aimed at the same objectives.⁵⁸ Because the authoritarian is not ambivalent in such matters, one cannot appeal to higher values, such as equality, fairness, and the American Creed. If one points out that America is a nation of immigrants, the authoritarian is apt to respond that those earlier immigrants (like his grandmother) were *authorized*, unlike today's. One cannot confront someone who is certain that they are in the right.

B. New Approaches

If trying to address anti-immigrant sentiment and action through older approaches is unpromising, what avenues offer better prospects?

1. *Interest convergence*

Although Derrick Bell and other critical race theorists deploy interest convergence mainly as an interpretive tool to understand the past,⁵⁹ a few commentators have urged

⁵² *Id.*

⁵³ The anti-immigrant with an authoritarian streak is apt to respond that “they are taking over.”

⁵⁴ See text and notes 17-45 *supra*, explaining some of these differences.

⁵⁵ See text and notes 21-22 *supra*, explaining this theory.

⁵⁶ *Id.*

⁵⁷ “If the federal government, thousands of miles away, only knew what conditions are like down here near the border . . .”

⁵⁸ See text and notes 7, 24 *supra*, describing some of these state and local measures.

⁵⁹ See *Interest Convergence*, *supra* note 19 (using the concept to explain a single important decision); Derrick Bell, *RACE, RACISM, AND AMERICAN LAW* 3-52 (6th ed. 2008) (using it to explain the full sweep of African American history).

that it might be possible to marshal it in support of reform.⁶⁰ If racism exhibits a material dimension, conferring advantages on the group able to get away with it, pointing out to perpetrators that their interests no longer lie in behaving as they have done might well give them pause. If interest convergence explains many of the past twists and turns of racial fortune for groups such as blacks or Latinos, might not calling to the attention of white elites that anti-minority policies that once brought them gains are now producing, instead, the opposite persuade them to change course?

With authoritarian-minded anti-immigrant groups, interest convergence is unlikely to carry much weight if presented as a direct appeal to individual economic self-interest. (“Do you have any idea what a price the farmers in your state will have to pay if we enact that anti-immigrant ordinance your group is proposing?”). But the argument may carry weight with a state’s Chamber of Commerce or representatives of the construction and hospitality industries, which in turn may wield influence with authoritarians at large. The approach would, thus, enlist intermediate figures whom the authoritarian trusts to intercede on behalf of immigrants.

2. *Appeals to higher authority.* Authoritarians are exquisitely attuned to the commands of legitimate authority.⁶¹ This is why the U.S. military was able to desegregate so rapidly.⁶² The same may happen with the current wave of anti-Latino sentiment. Repeated, clear demands from on high to soften their resistance to immigrants and immigration will eventually command the attention of individuals with a strong authoritarian streak and persuade them to fall in line. Pointing out that the new workers, most of whom are unskilled and speak little English, will need supervisors and crew chiefs may enable anti-immigrant activists to see themselves as future leaders of a new pack. Like the teacher who gives an obstreperous pupil a job as hall monitor, a pro-immigrant administration may find that authoritarian-based resistance melts away quickly when reframed as a question of new authority relations.

CONCLUSION

Advocating for a more humane immigration policy, then, is not so much about framing arguments more ingeniously within the existing framework. Rather, it entails changing that framework so that those who are open-minded may begin to see things differently. The authoritarian personality wishes to impose power/knowledge on others who see the immigrants in ways that differ from his.⁶³ Immigrants are bad, dirty, sneaky, and above all, illegal because he (the authoritarian) says so and because the law, he thinks, does as well. A prime impulse of the authoritarian—the imposition of pain and punishment on

⁶⁰ See, e.g., Richard Delgado, *Crossroads and Blind Alleys: A Critical Examination of Recent Writing about Race*, 82 TEX. L. REV. 121, 137 (2003) (suggesting this possibility).

⁶¹ See text and notes 42-45 *supra*.

⁶² See, e.g., *Fairness and Formality*, *supra* note 17, at 1384-96 (noting how highly formal organizations are often able to control discrimination more effectively than ones that operate on the basis of subjective criteria); Charles C. Moskos, *Success Story: Blacks in the Military*, HARPER’S MO., May, 1986; *Corrido*, *supra* note 39, at 1727 (same).

⁶³ See MICHEL FOUCAULT, *POWER/KNOWLEDGE* (1980) (1972).

those who are out of line—should give all reasonable citizens pause. By inflicting pain through detention, interrogation, family separation, and other terrors, the authoritarian gains psychic fulfillment. The victims may suffer, but they brought it on themselves, the authoritarian reasons, and the punishment hurts us as much as it hurts them.⁶⁴ A compassionate society should firmly reject premises like these. They have little to do with social ordering and shut down conversation about labor needs, crime rates, welfare costs, and other things that matter.

Seeing anti-immigrant sentiment in the way Mr. Ortiz has proposed, then, enables us to understand it better than any of the competing models. It also suggests avenues that may temper some of its excesses and enable society to approach undocumented immigration in a fairer, more balanced fashion.

⁶⁴ See MICHEL FOUCAULT, *DISCIPLINE AND PUNISH: THE BIRTH OF THE PRISON* (1995).