

Popular Sovereignty and Recognition

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The idea of popular sovereignty requires both that there exist a people that can consent to the actions of government and that this people is sufficiently defined and demarcated so that actions taken in its name are considered legitimate. A frequent criticism of populist demagogues, for example, is that they claim to speak for the people when they in fact do not (Müller, 2016). However, underlying this complaint is the assumption that there are a people for which a leader can in fact speak. A key question for any state that claims to be governed by popular sovereignty must necessarily be “Who are the People?” This “boundary problem” of who is part of the political community is particularly problematic for democracies as any procedural mechanism devised for answering that question depends on knowing *a priori* the identity of the people.¹ Popular sovereignty rests on a paradox in that it claims to embody the will of a constituted people, yet the people cannot be constituted prior to the act of constituting.²

This chapter argues that any answer to the boundary problem is continually contested and renegotiated in a liberal democracy because any definition of the people in such a regime is endogenous to a specific political community that itself is not static either in terms of its membership or its political commitments. I argue that the problem that presents itself in the contracting moment is never solved but instead is continually present in political life. As Frank observes, “Both democratic history and democratic theory demonstrate that the people are a political claim, an act of political subjectification, not a pre-given, unified, or naturally bounded empirical entity.”³ As such the people are made and remade not just in their initial moment of becoming but whenever

¹ Dahl, *Polyarchy*; Whelan, “Democratic Theory and the Boundary Problem.”

² See Althusser, *Politics and History*; Ochoa Espejo, *The Time of Popular Sovereignty*.

³ Frank, *Constituent Moments*, 3.

they come together to exercise their will in their collective capacity, such as elections or through the crafting of legislation by their representatives. Further, I argue that the boundary problem is exacerbated by the need in a democracy for members of a political community to recognize and accept each other as members in the absence of a settled understanding of what qualifies a person as a full member of the community. As a result, liberal democracies renegotiate and redefine definitions of the people both formally, through laws governing citizenship, naturalization, and immigration, and informally, through redistributive policies and political rhetoric. This ongoing process of people-making presents opportunities both for creatively redefining political membership and for potentially justifying the reification of historical exclusions in the name of “We the People.” In this chapter, I examine this process of people-making by considering the claims for inclusion in “We the People” made by DREAMers and related efforts to remake definitions of “We the People” evidenced in the political rhetoric and policies of President Donald Trump. These two contemporary examples illustrate the ways that democratic majorities use both policy and political rhetoric to define the people and highlight the exclusionary nature of people-making through the democratic process.

Citizenship laws are one way to define who is and who is not part of “We the People.” But, as the case of the United States shows, citizenship should not be equated with meaningful political membership. Prior to the Nineteenth Amendment, women were considered citizens but exercised no political rights, including the right to vote, a power that might be considered a necessary condition of being part of a sovereign people. The constitutional guarantee of suffrage in the Nineteenth Amendment did not immediately translate into effective political power or even full membership in the community given to the operation of coverture laws and the subordinate economic position of women.⁴ A similar situation was faced by African Americans in the South prior to the Voting Rights Act of 1965. The example of these two groups shows that individuals who legally may be citizens are often excluded from full membership in the political community, reduced to second-class status, through the withholding of political and civil rights or the denial of social status. As political theorist Elizabeth Cohen writes, it may be more useful to think of citizenship as “a political status that is gradient rather than binary.”⁵ Citizens of a democratic polity have varying degrees of rights, privileges, and statuses. For example, children, individuals currently incarcerated, and former felons (in many states) are denied the right to vote although members of both groups may be citizens. Citizens who have been involuntarily committed to a mental hospital are ineligible to own a firearm although this right is constitutionally

⁴ Cott, *The Grounding of Modern Feminism*; Shklar, *American Citizenship*; Ritter, *The Constitution as Social Design*.

⁵ Cohen, “Dilemmas of Representation,” 2; see also Cohen, *Semi-Citizenship in Democratic Politics*.

guaranteed to others. And a single mother who utilizes the Women, Infant, and Children (WIC) nutrition program has both a very different public identity and a claim to state benefits that may be seen as less legitimate than the public identity of a retired male wage earner and the claim that he has to his Social Security benefits.⁶

If citizenship status is not sufficient to define the boundaries of the political community, then what is? This chapter argues that recognition is a crucial, yet often overlooked, component of popular sovereignty. People-making in a democratic state is an exercise of majority will. Any definition of who constitutes the people will be null operationally if members of a political community refuse to recognize certain groups of individuals as fellow members of the body politic, even if legally these individuals who are denied recognition are in fact citizens. If we take recognition seriously as an element of popular sovereignty, then citizenship status is insufficient to consider an individual part of the people, even if the laws that define citizenship are the result of the democratic process. In this respect, the idea of popular sovereignty relies on self-reflexivity. Popular sovereignty requires that the people recognize themselves as a people. I consider myself a part of a particular political community, for any number of reasons (e.g., citizenship status, taxpayer, law-abider, voter). To the extent that I recognize those qualities that I see as qualifying myself as part of the people in others, I will see them too as comprising part of the political community with me. These qualities may be defined in terms of ascriptive categories, performative acts, or adherence to ideological principles. For example, in his second inaugural address President Barack Obama describes “our celebration of initiative and enterprise, our insistence on hard work and personal responsibility” as “constants in our character.” Those individuals or groups who are not seen as sharing in these character traits are thus rhetorically excluded from membership in the American people. These exclusions gain greater force when they are “resonant,” coinciding with widely held views about a group (see Smith, Chapter 15, this volume) and when they are reinforced by policy.

The denial of recognition may force the withdrawal of individuals from the political life of the community. This isolation and diminished political activity that may result from a failure to be recognized is described in Martin Luther King’s “Letter from a Birmingham Jail” in his castigation of the “do nothingism” of many in the black community. He describes those who subscribe to this view as “a force of complacency, made up in part of Negroes who, as a result of long years of oppression, are so drained of self-respect and a sense of ‘somebodiness’ that they have adjusted to segregation.” Denied the recognition of their full humanity both through formal mechanisms, such as Jim Crow laws enforced by state agents, and informal mechanisms, such

⁶ Hancock, “Contemporary Welfare Reform”; Mettler, “The Stratification of Social Citizenship”; Orloff, “Gender and the Social Rights of Citizenship.”

as the prejudices and discriminatory practices of their white fellow citizens, these African Americans retreated from political life as far as possible. As such they operated in a liminal position neither inside nor outside of the political community. While the law had declared them citizens, granting them political rights and privileges, the refusal of their fellow citizens to recognize their status as members of the political community rendered their position more akin to that of noncitizens. This mass exclusion also rendered questionable southern states' claim of democratic rule. Popular sovereignty cannot be said to be in operation if only one part of the citizenry is recognized as part of the people.

We see this exclusionary impulse at work in democratic governance practices, most notably political rhetoric and policymaking. I identify these two areas as the main sites where messages about belongingness, political membership, and recognition are disseminated. Electoral politics relies on the identification and construction of various social groups. Politicians running for election identify individuals with similar interests or circumstances, label them as such, and compete for votes by either appealing to members of that group or excoriating members of that group to gain advantage with another group of potential voters.⁷ In other words, "We the People" are not simply an undifferentiated mass of individuals. Instead, we are organized into public identities, some of which are more salient than others and some of which have more political meaning than others and some of which are more enduring than others.⁸ Political rhetoric labels these groups – calling them into being through these labels – and gives them politically meaningful characteristics. During election season, various groups are constructed that are thought to be politically relevant to winning the upcoming contest and sometimes beyond to future election cycles. In 1996, "soccer moms" emerged; in 2004 it was "security moms."⁹ We speak in common political parlance of the Jewish vote, the working-class vote, the black vote, the married women's vote, and so on. This nomenclature not only denotes a shared interest among group members but also conveys a recognizable public identity. The heightened electoral attention they convey also privilege the interests of the group over that of other groups.

As Rogers Smith argues in this volume, presidential rhetoric creates stories of peoplehood. Political leaders, and would-be political leaders, frequently engage in the creation of public identities. Then-presidential candidate Hilary Clinton (in)famously divided those who were likely to vote for her opponent, Donald Trump, into two memorable camps: one half a "basket of deplorables" who are "racist, sexist, homophobic, xenophobic, Islamophobic" and the other half "those who feel that the government has let them down, the economy

⁷ Kam and Kinder, "Ethnocentrism as a Short-Term Force in the 2008 American Presidential Election"; Kinder and Dale-Riddle, *The End of Race?*

⁸ Hancock, "Contemporary Welfare Reform."

⁹ Carroll, "The Disempowerment of the Gender Gap"; Elder and Greene, "The Myth of 'Security Moms' and 'NASCAR Dads.'"

has let them down, nobody cares about them.” Mitt Romney described those who supported him as “makers” while supporters of his rival, President Barak Obama, were “takers”: “people who pay no income tax; who are dependent upon government, who believe that they are victims, who believe the government has a responsibility to care for them, who believe that they are entitled to health care, to food, to housing, to you-name-it.” Through the creation of these public identities, political leaders send signals about who matters for politics – whose interests, preferences, and concerns should be privileged in policymaking. The importance of the labeling of various groups in society goes beyond simple electoral gain. These group constructions can take on lives of their own, shaping public perceptions of these groups long after their origins have been forgotten. These constructions also shape policy directed at these groups, becoming embedded in the design of policy itself.

To make this case, I borrow insights from the literature on policy design in the field of public policy. Policy design approaches to public policy contend that policies contain messages about the deservingness of various groups within society. The social construction of target groups shapes the type of policy directed at that group.¹⁰ Policymakers construct target populations in either positive or negative terms, and the design of policy reflects this construction. Positively constructed groups (e.g., small business owners, the elderly) will reap benefits from policy whereas negatively constructed groups (e.g., criminals, welfare mothers) will be subject to policies that impose burdens on them. Social constructions of target groups are disseminated to the general public through media representations, which help lend legitimacy to policy. For example, negative media images of mothers on welfare as lazy, unwilling to work, and overly fertile helped justify the strict work requirements and family caps found in Temporary Aid to Needy Families.¹¹ These constructions also have a feedback effect through their operation in policy on the group they are constructing, thus contributing to their hegemony. Individuals in the target population receive messages that reinforce the policy construction through their experience with policy and related programs. This feedback can shape future political activity by individuals in the target group.¹²

Beyond justifying the distribution of benefits and burdens among groups in society, social constructions play a critical role in defining political membership and civic status both for those that are the target of policy and the broader public who are the audience for policy. These messages of belongingness are not simply confined to policy but become concrete through the implementation of policy by state agents. Every time a young black man is stopped and frisked

¹⁰ Ingram and Schneider, “Social Construction”; Schneider and Ingram, “Social Construction of Target Populations.”

¹¹ Hancock, “Contemporary Welfare Reform.”

¹² See, e.g., Campbell, *How Policies Make Citizens*; Mettler and Stonecash, “Government Program Usage and Political Voice”; Soss, “Lessons of Welfare.”

by a police officer, every time a Latina mother is asked to show proof of her and her children's citizenship status, they are being reminded by the state that they are not considered full members of the political community. Requiring a woman to sign a "Personal Responsibility Agreement" before she can receive much needed welfare benefits for herself and her children from the state sends the message that the political community does not view her as fully capable of governing herself and thus not worthy for inclusion in the people.

An example of contesting claims over who constitutes "We the People" can be found in the legislative struggle over the legal status of undocumented immigrants who entered the country as children. Known as "DREAMers," this group has seen their political fortunes wax and wane since 2001. Their struggle for inclusion in the political community illustrates the politically contested and politically determined identity of the people as well as how inclusion into the community is based on claims of recognition and deservingness. The political rhetoric of President Trump, on the other hand, presents a competing claim for who constitutes "We the People" and which groups should have a privileged position on the governmental agenda and in policymaking. Trump's resurrection of an old political identity reconfigured for a new political context finds expression in his description of "the Forgotten Man and Woman." Here, I explore these two case studies of people-making in order to illustrate the ways that democratic majorities use both policy and political rhetoric to define "We the People" in terms that are potentially exclusionary and contrary to liberal principles.

The youth undocumented immigrant movement emerged in the mid-2000s.¹³ It presented an opportunity to overcome the stalemate that had plagued the immigration debate by constructing a new category of recipients deserving of positive treatment. Known as DREAMers this group is comprised of young adults who have been brought across the United States' southern border illegally by their parents when they were children. The group gets their name from the Development, Relief, and Education for Alien Minors Act, a 2001 piece of legislation which, if passed into law, would regularize this group's immigration status. The original version of the DREAM Act signaled out for special legal consideration undocumented immigrants under the age of 21 who had lived in the country for at least five years, were enrolled in an institution of higher education, and were "a person of good moral character." Later versions of the DREAM Act included DREAMers who joined the US military. DREAMers would be free from threats of deportation and would be granted conditional permanent residence status. The Act would have helped approximately 1.8 million young undocumented immigrants regularize their immigration status and bring them fully into the social and economic life of the nation. The Obama administration championed the positive economic

¹³ Nicholls, *The DREAMers*.

benefits that the DREAM Act would have by allowing these youth to become responsible taxpaying adults. As Secretary of Education Arne Duncan stated, the Act will allow “these young people to live up to their fullest potential and contribute to the economic growth of our country.”¹⁴ Others argued for the Act on humanitarian grounds, highlighting the injustice of deporting from this country individuals who have lived here their entire lives and have never called any other country home.

Part of the political appeal of the DREAMers was found in their ability to distinguish themselves from and present themselves as more deserving of citizenship than other groups of undocumented immigrants. Their deservingness rested both on their blamelessness for their lack of status as well as their widespread portrayal as “model” immigrants. Unlike their parents, they were not tainted with the “original sin” of illegal entry into United States since they had no choice in the matter. As Senator Orrin Hatch, Republican from Utah and one of the original cosponsors of the Act, described them, DREAMers are children “who have been brought to the United States through no volition of their own.”¹⁵ Their lack of moral culpability draws a clear boundary between DREAMers and their criminalized parents who did engage knowingly in illegal behavior and sets the political fortunes of these two groups somewhat at odds with each other and with other groups of undocumented immigrants who cannot claim the same positive characteristics that the DREAMers possess.¹⁶ This boundary work is clearly seen in Senator Patrick Leahy’s observation that “the DREAM Act recognizes that children should not be penalized for the actions of their parents.”¹⁷ To use the language of policy design, DREAMers attempted to shift their social construction from the deviant category reserved for lawbreakers to the dependent (or possibly even advantaged) category. To do this, activists focused on the most “deserving” group of recipients.

DREAMers justified their claim for inclusion by highlighting aspects of their identity that they share with those who are considered citizens. Their claim is that American citizenship is under-inclusive in that it fails to include those within its terms who possess key characteristics of citizenship. As Keyes writes, DREAMers highlighted “the disjuncture between American citizenship as a formal legal status (something DREAMers clearly lack) and citizenship as American identity (something DREAMers have in abundance).”¹⁸ DREAMers are “model” immigrants who have already fully assimilated to life in the United States and, in many cases, they are presented as extraordinary rather than simply ordinary.¹⁹ In 2007 testimony before Congress one

¹⁴ Miranda, “Get the Facts on the DREAM Act.”

¹⁵ 107th Cong. Rec. S8580, 2001.

¹⁶ Sirriyeh, “Felons are also our family.”

¹⁷ Congressional Record, 153 (2007), part 20, Senate, p. 28095.

¹⁸ Keyes, “Defining American.”

¹⁹ Odio, “Latinx Populations and Jus Nexi Claims.”

witness sought to erase any distinction between native born Americans and their DREAMer counterparts: “While living in the U.S. and being educated in our school system, these children become ‘Americanized’. They repeat the Pledge of Allegiance ... root for their favorite baseball and football teams, and ponder their future.”²⁰ Senators in favor of the Act, echoed this argument. According to Hatch, DREAMers “have been raised here just like their U.S. citizen classmates. They view themselves as Americans, and are loyal to our country.” Senator Harry Reid stressed that many “don’t even remember their home countries ... or speak the language of their home countries. They’re just as loyal and devoted to their country as any American.” These claims illustrate the role of self-reflexivity in people-making. We are being asked to recognize the similarities between aspects of our identity and those of the DREAMers, a group that appears part of “We the People” in every way except legally. It is this claim of equivalence on which DREAMers base their demand for inclusion. They force those of us who are part of “We the People” to question what difference that legality makes. As President Obama put it, DREAMers “are Americans in their heart, in their minds, in every single way but one: on paper.”²¹ *TIME* magazine ran a cover story on DREAMers in 2012 with the headline “We are Americans*” and “*Just Not Legally.” The absence of legal status reduced here to an asterisk or footnote – nonessential information to understanding the identity of this group.

This focus on their distinctiveness from their “illegal” parents and the abundance of narratives that present DREAMers not simply as model immigrants but as extraordinary immigrants raises questions of deservingness and undeservingness. DREAMers are “deserving” immigrants whereas others who may have entered this country illegally are “undeserving” in this narrative. The deservingness of the DREAMers is evident in the design of the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013. While the findings of the bill state that ours is “a Nation founded, build and sustained by immigration” they also note that “in order to qualify for the honor and privilege of eventual citizenship, our laws must be followed.” This piece of legislation would have created two pathways to citizenship: one for DREAMers who are not responsible for entering this country illegally and one for other immigrants who have entered the country illegally. Under the law, those who had entered the country illegally (and were not DREAMers) before 2012 would be eligible for registered provisional immigrant status (RPI) if they pay all past due federal income taxes, pay the application fee and fine of up to \$2,000 for being in the country illegally, and pass a background check and interview. Immigrants with RPI status would be ineligible for federal means-tested benefits such as Medicaid, food stamps, and subsidies under the Affordable Care Act.

²⁰ U.S. House, “Testimony on the Future of Undocumented Immigration Students.”

²¹ Obama, “Remarks on Immigration Reform.”

RPI status would be good for six years and could be renewed for another six years if the immigrant has proof that she has been regularly employed without a gap of more than 60 days between employment periods. She would also need to prove that she has income or resources as least 100 percent of the federal poverty level. Immigrants with RPI status would be eligible to apply for Lawful Permanent Residence but only after ten years in RPI status. They would essentially be forced to “the back of the line”; they would only be eligible for this status change once immigration visas from those who had followed the lawful process had been approved. As President Obama described the process, the bill would require “going to the back of the line behind everyone who’s playing by the rules and trying to come here legally.” After three years of maintaining permanent resident status, an immigrant would be eligible to apply for US citizenship. Immigrants with criminal felony convictions and three or more misdemeanor offenses (excluding minor traffic offenses) would be ineligible for RPI status. The process for those who qualify under the DREAM Act, however, would be different. DREAMers were eligible to have their status adjusted from RPI to lawful permanent resident after only five years. This accelerated path to a green card is only available if the applicant entered the United States before she turned sixteen, has earned a high-school diploma or GED, has completed at least two years of college or four years of military service, and has passed a background check. As soon as they achieve lawful permanent resident status, DREAMers are eligible to apply for US citizenship. Unlike their parents, DREAMers do not have to go to the back of the line.

The Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 never became law. Despite strong support in the Senate, including a bipartisan group of eight Senators (the Gang of Eight) who drafted the bill and fought to get it to the floor, the Republican-led House of Representatives never took up the Senate’s bill. Many hard-liners on immigration in the Republican caucus demanded the expulsion of those here unlawfully and stricter border security measures first before they would consider a bill with any type of status legalization. The bill was portrayed by right-wing talk show hosts and Tea Party activists as “amnesty” for those who had entered the country illegally. Conservative provocateur Ann Coulter declared the bill “the end of America” in a column that raised the fear of “20 million newly legalized illegal aliens” on welfare benefits giving birth to children who would automatically become citizens under the Fourteenth Amendment and eventually Democrat voters.²² Rush Limbaugh warned that the bill “effectively wipes out the Republican Party” and that stricter border control measures and the ten-year waiting period would be eliminated by future Congresses. We’re going to hear from democratic politicians, he argues, about how “unfair having to wait 10 years is And of course others will readily agree because this will sound like it’s compassion and love, sensitivity and all these wonderful

²² Coulter, “If Rubio’s Amnesty Is So Great, Why Is He Lying?”

chickified things that our culture's become, and, voila, there won't be a ten-year waiting period."²³

In this atmosphere of renewed attention to what constitutes American identity billionaire businessman Donald Trump's candidacy flourished. Prior to his entrance into politics, Trump had come to symbolize the excesses of the American way of life and, in particular, its economic system. That Trump would seek to redefine the nation's conception of "We the People" should, in retrospect, not come as a surprise. After all, Trump's claim to political relevance before his run for presidency rested on questioning the claims of the nation's first black president to be part of "We the People," stating that there was "a real possibility" that Obama was not born in the country.²⁴ As a candidate, Trump made immigration the defining feature of his campaign. He announced his run for office by memorably labeling immigrants from Mexico as "people that have lots of problems. And they're bringing those problems with us [sic]. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people."²⁵ And he claimed that his political success was in part due to his willingness to talk about an issue – immigration – that the American people were concerned about but that politicians had ignored.

While DREAMers presented themselves as emblematic of the American Dream, Trump's campaign rhetoric portrayed Latino immigrants as a threat to the way of life of white Americans.²⁶ In a campaign speech, Trump criticized the immigration system for serving the interests of "wealthy donors, political activists and powerful, powerful politicians" rather than the interests of the American people. "When politicians talk about immigration reform," Trump stated, "they usually mean the following: amnesty, open borders, lower wages. Immigration reform should mean something else entirely. It should mean improvements to our laws and policies to make life better for American citizens." Rather than focus on the hardships faced by those who must live in the shadows because of their undocumented status, Trump argued that the real immigration debate should be over the impact of immigration on the working class. He stated, "We have to listen to the concerns that working people, our forgotten working people, have over the record pace of immigration and its impact on their jobs, wages, housing, schools, tax bills and general living conditions." Trump starkly presents the economic harm that "illegal immigrants" cause working-class citizens. "Most illegal immigrants are lower skilled workers with less education, who compete directly against vulnerable American workers, and that these illegal workers draw much more out from the system than they can ever possibly pay back."²⁷ The message here is clear;

²³ Limbaugh, "We've Been Played on Immigration."

²⁴ Gustini, "The Today Show Gives Donald Trump a Birther Platform."

²⁵ Trump, "Donald Trump Announces His Presidential Candidacy."

²⁶ Vidal, "Immigration Politics in the 2016 Election."

²⁷ Trump, "Immigration Speech."

any gains, whether economically or politically, that undocumented immigrants may make come directly at the expense of working-class citizens.

In addition, in Trump's view, undocumented immigrants pose a threat to the lives of these very same citizens. Trump was notorious for campaigning with his "angel moms," a group of women (and sometimes men) who had family members who had been killed by undocumented immigrants.²⁸ Trump starkly presented the existential threat that undocumented immigrants pose to citizens: "Countless American who have died in recent years would be alive today if not for the open border policies of this administration."²⁹ Later in this same speech, he recounted the deaths of five Americans killed by an undocumented immigrant – a 90-old-man "brutally beaten and left to bleed to death," a female Air Force veteran raped and beaten with a hammer, a convenience store clerk shot to death – and at the end of his speech invited eleven more family members on stage to present stories about the deaths of their loved ones at the hands of undocumented immigrants. It is hardworking American citizens that are the victims of the US immigration system, in Trump's account, not those who were brought across the border as children or came searching for a better life for themselves and their families. "The media and my opponent discuss one thing and only one thing," Trump declared, "the needs of people living here illegally. In many cases, by the way, they're treated better than our vets ... There is only one core issue in the immigration debate, and that issue is the well-being of the American people."³⁰ While the rhetoric surrounding the DREAMers emphasized their commonalities with American citizens, Trump's rhetoric presents the interests of these two groups as diametrically opposed.

Trump's rhetoric clearly rejects the claim that immigrants – whether here legally or not – could ever be part of the "We the (American) People." While the DREAMers' rhetoric functioned to separate them from other less-deserving groups of immigrants, Trump's immigration rhetoric performs a different type of boundary work. Namely, erasing the distinctions between different immigrant groups – DREAMers, those who have overstayed their visas, Syrian refugees, unaccompanied minors from Central America – and lumping them together and labeling them as a threat to the United States. One of Trump's most repeated campaign tropes – "the Snake" – denies the possibility that immigrants can be assimilated and become part of "We the People." On the campaign trail, Trump would frequently tell the story of a wounded snake that a "tender-hearted" woman takes into her home, cares for and nurses back to health, only to have it kill her. When she asks it why it treated her in such an ungrateful manner, the snake replies: "Oh shut up, silly woman, said the reptile with a grin. You knew damn well I was a snake before you took me

²⁸ Golshan, "Trump Keeps Highlighting 'Angel Moms.'"

²⁹ Trump, "Immigration Speech."

³⁰ Trump, "Immigration Speech."

in.”³¹ While Trump first introduced this story in reference to the debate over whether or not the United States should open its doors to Syrian refugees, later in his campaign – and during his presidency – he described the snake story as a cautionary tale about immigration more generally. In his 2018 speech at the Conservative Political Action Conference he prefaced the snake story by saying: “So this is called – this is called the snake. And think of it in terms of immigration and you may love it or you may say isn’t that terrible?”³² The lesson to be drawn from this story is that immigrants – no matter where they are from or why they have come to the United States – cannot be trusted and if allowed to stay in the country will destroy it from within. The danger that they pose to the prosperity and safety of the American people is too great to ever allow them to be part of “We the People.”

Trump’s rhetoric excludes immigrants from “We the People” while at the same time presenting a contrasting claim for who rightfully constitutes the people; namely, “the Forgotten Man and Woman.” This political identity harkens back (whether intentionally or not) to an older rhetoric of class politics found in the works of William Sumner Graham and, more recently, the “silent majority” described in the speeches of President Richard Nixon.³³ This group symbolizes for Trump those who have been shut out of the economic and political successes experienced by other groups during Obama’s presidency. They have been forgotten by the economic and political elites of this country, although not by Trump. By describing them as “forgotten,” Trump contends that those in power have been paying attention to the wrong kinds of people. They have been both forgotten and ignored. Trump’s rise to power, in his view, signals the privileging of this group in politics and policymaking. As he states in his inaugural address: “The forgotten men and women of our country will be forgotten no longer. Everyone is listening to you now. You came by the tens of millions to become part of a historic movement the likes of which the world has never seen before.”³⁴ For those who were not part of the “tens of millions” who voted for Trump, their place in the new political moment is less clear. Rather than an expansive view of American identity, this speech conflates the people who have asserted their popular sovereignty with Trump voters.

By proposing to give voice to this new group, Trump is engaged in the process of people-making. To do this, though, it is necessary to describe the boundaries of this group who will comprise the people. For Trump, their identity is solidly working class. He described his coalition of supporters during a speech in Erie, Pennsylvania: “That’s why the steel workers are with me, that’s why the miners are with me, that’s why the working people, electricians, the

³¹ Klein, “The Snake.”

³² Trump, “Remarks at the Conservative Political Action Conference.”

³³ Plotica, “The Return of the ‘Forgotten Man.’”

³⁴ Trump, “The Inaugural Address.”

plumbers, the sheetrockers, the concrete guys and gals, they're all – they're with us.”³⁵ As Goodley and Lawthorn note, “Trump’s forgotten citizen is one ready and able to work.”³⁶ But their jobs are not those that require a college degree, they are jobs that require physical brawn over intellectual quickness; the very jobs that Trump promises to bring back to the United States rather than those in the technology or knowledge industries. Those workers, in contrast, are not part of the people that count for the Trump administration. The forgotten man and woman are those that have been left behind by globalization and international trade deals. They have seen their jobs sent overseas and factories in their hometowns closed. In his nomination speech to the Republican National Convention, Trump stated: “I have visited the laid-off factory workers, and the communities crushed by our horrible and unfair trade deals. These are the forgotten men and women of our country. People who work hard but no longer have a voice.”³⁷ This group has not shared in the wealth that the rest of the country has supposedly enjoyed and it is not their fault that they have been left behind while others have jumped ahead. A major component of Trump’s construction of “the forgotten man and woman” is their blamelessness for their condition and the destigmatization of their downward mobility. It is not the fault of the “forgotten woman” that she did not retool her skills or acquire additional education in order to compete in the new economy. It is instead the fault of the political elites that sold out her job in the name of free trade. Trump’s promise to this group is that he will return them to economic prosperity by bringing back their jobs. He promised in a campaign speech in Dimondale, Michigan, that under the Trump administration “millions of workers on the sidelines will be returned to the workforce.”³⁸ As he declared when he announced his run for president: “I will be the greatest jobs president that God ever created. I tell you that. I will bring back our jobs from China, Mexico, and other places. I will bring back jobs and our money.”³⁹

More than just bring back their jobs, however, Trump proposed to restore the dignity of the working class and grant them a privileged position in politics. As Lamont and her coauthors explain, many white working-class voters found Trump’s rhetoric appealing because it “fed a desire to reassert what they view as their rightful place in the national pecking order.”⁴⁰ Many working-class people believe that their contributions to the success of the nation have gone unrecognized and their values and way of life have been looked down on by coastal elites.⁴¹ They are working hard and playing by the rules but not getting

³⁵ Trump, “Remarks at Erie Insurance Arena.”

³⁶ Goodley and Lawthorn, “Critical Disability Studies, Brexit, and Trump.”

³⁷ Trump, “2016 RNC Draft Speech Transcript.”

³⁸ Trump, “Donald Trump Remarks in Dimondale, Michigan.”

³⁹ Trump, “Donald Trump Announces His Presidential Candidacy.”

⁴⁰ Lamont, Park, and Ayala-Hurtado, “Trump’s Electoral Speeches.”

⁴¹ Cramer, *Politics of Resentment*; Williams, *White Working Class*.

ahead, while others who do not exhibit similar characteristics of hard work and law abidingness are getting special advantages from the government.⁴² Trump, however, positioned the working class at the center of political attention. While past administrations proposed policies that benefited immigrants, big business, and political elites, Trump claimed that his policies would serve the American worker first and foremost. At a signing ceremony for his “Buy American and Hire American” executive order, Trump redefined his message of “America First” to mean “America’s Workers First.” “For too long,” he stated, “we’ve watched as our factories have been closed and our jobs have been sent to other faraway lands But this election, the American people voted to end the theft of American prosperity. They voted to bring back their jobs – and to bring back their dreams into our country With this action, we are sending a powerful signal to the world: We’re going to defend our workers, protect our jobs, and finally put America first.”⁴³ He used similar language in support of a newly negotiated trade deal with Mexico and Canada: “We’re proudly defending our most important national resource: the American worker. That’s what it is. It’s pretty amazing how the American worker has just really – there’s nobody like our American worker.” In addition, to framing many of his policy initiatives in terms of their effects on the working class, Trump also accorded this group a privileged position in policy, singling them out as an advantaged group. Time and again, he presents his policy decisions as being guided by his concern for the working class. According to Trump: “We’ve powered our economic turnaround by following two fundamental rules: If it hurts American workers, we don’t do it. It’s very simple. And if it helps American workers, we definitely do it and we do it quickly. It’s very simple.”⁴⁴ To employ Lamont’s idea of “recognition gaps,” Trump’s rhetoric aims to help a low-status group in society gain recognition and worth vis-à-vis other groups.⁴⁵ But even more than raising the status of the working class, his rhetoric has positioned this group as the *sine qua non* of the political community.

These two case studies illustrate the process of democratic people-making through policy and political rhetoric. They also highlight the dangers of democratic people-making. Namely, democratic majorities and their leaders cannot be counted on to define “We the People” in accordance with liberal principles. One might argue that the commitment to liberalism found in the United States restrains the majority’s ability simply to define the people according to its will. Our liberal principles of equality, inclusion, and respect for individual rights help prevent the exclusions that majoritarian people-making based on ascriptive characteristics, prejudices, and other such factors might lead to.⁴⁶

⁴² Hochschild, *Strangers in Their Own Land*.

⁴³ Trump, “Remarks on Buy American, Hire American Executive Order.”

⁴⁴ Trump, “Remarks on Supporting the Passage of the U.S.-Mexico-Canada Agreement.”

⁴⁵ Lamont, “Addressing Recognition Gaps.”

⁴⁶ Smith, *Stories of Peoplehood*.

While any definition of the people is necessarily exclusionary, in that defining who is part of a political community also requires specifying who is outside of the community, liberalism helps cast the net as wide as possible. Liberalism's impulse is to confer rights on all autonomous individuals and in the process abstract "from diverse identities to create the homogenizing identity of the citizen" free from all the markers of membership in a particular group or political identity.⁴⁷ We see this impulse in the text of the Fourteenth Amendment, which defines all those born in the United States as citizens, a very wide net indeed. Past exclusion in the United States based on ascriptive characteristics of race, ethnicity, and gender are often taken as violations of liberalism's principles, a relic of the "bad old days," when we failed as a nation to live up to our ideals.

However, as others have noted, liberalism's appearance of universality and inclusion is not what it seems.⁴⁸ Liberal theory proposes seemingly minimal qualifications for being a member of the political community. Individuals in the state of nature join together with each other to remove themselves from "inconveniences of the state of nature."⁴⁹ The requirements for those consenting to this contract are found in human nature itself; individuals must be equal, free, and rational. However, while these minimum requirements appear universal and non-exclusionary, they assume anthropological capacities that might not be recognized to obtain universally. As Mehta explains: "What is concealed behind the endorsement of these universal capacities are the specific cultural and psychological conditions woven in as preconditions for the actualization of these capacities."⁵⁰ It is not sufficient for an individual to meet the minimum qualifications necessary for entry into the social contract. Others who are parties to the contract must also see her as meeting these qualifications. There is an element of recognition that is required for political membership even in a liberal state.

But what exactly must be recognized by others in order to be included in a liberal political community? What are the key characteristics or public virtues necessary to be considered part of "We the People"? The universal reach of liberalism derives from the capacities that it defines as common to all human beings. Even theories of liberalism that are neither grounded in a fixed concept of human nature nor rely on a pre-political state of nature define the subject of liberalism in a universalizing manner. Namely, these deontological versions of liberalism presume an autonomous choice-making individual able to determine his or her way of life. By prioritizing rights over a conception of the good, liberalism leaves it up to individuals to pursue their own version of the good life. In this way, liberalism helps guarantee maximum liberty, for each individual supposedly knows best what is in his or her interest. Inclusion in a liberal

⁴⁷ Young, *Justice and the Politics of Difference*, 97.

⁴⁸ Mehta, "Liberal Strategies of Exclusion"; Pateman, *The Disorder of Women*.

⁴⁹ Locke, *Second Treatise of Government* [1980], 48.

⁵⁰ Mehta, "Liberal Strategies of Exclusion," 430.

political community is contingent on being able to determine one's life course free of the dictates of others. While liberal theorists argue that all human beings share this capacity qua human beings, certain groups have been denied the recognition that they are in fact capable of self-rule. This ability to rule oneself is frequently conflated with the ability to participate in the economic marketplace, with those groups who cannot do so subjected to the second-class status that comes from protective legislation and welfare handouts.⁵¹ The case studies above illustrate this. When undocumented immigrant youth are portrayed as future productive workers and taxpayers, their claims for inclusion in "We the People" are more readily accepted. When they are portrayed as just another immigrant group draining resources from the public treasury and threatening the economic fortunes of American-born workers, their political fortunes wane. As Trump's acting director of US Citizenship and Immigration Services described the type of immigrants who would be considered favorable candidates for citizenship: "Give me your tired and your poor – who can stand on their own two feet and who will not become a public charge."⁵²

⁵¹ Smith, *Welfare Reform and Sexual Regulation*; Soss, Fording, and Schram, *Disciplining the Poor*.

⁵² Forgery, "Trump Immigration Official Offers Rewrite Statue of Liberty Poem."