

More than a Line: Borders as Embodied Sites

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I declare that the work presented in this thesis is my own.

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Abstract

This thesis examines what borders do and how and where they are experienced. In particular, I am interested in how bodies come to be mobilized as sites of borders and border policing. The goal of this thesis is to contribute to a theory of the border that accounts for the ways bodies are regulated by borders, not only at the sites nominally recognized as "border," but throughout and beyond national space. How do borders become a means of regulating bodies and of structuring social relationships?

The thesis departs from the US-Mexico border, beginning with a historically grounded consideration of how this border has situated migrants moving from Mexico into the United States and how it has racialised and legislated belonging. To do this, I draw on materials within border studies that address this particular border, as well as chicano studies materials and analysis of racialisation in the US context. This moves into a broader discussion of the functions of borders, engaging with debates taking place within critical border studies and drawing on critical theory, race and postcolonial theory to articulate a theoretical treatment of the border that challenges the idea that a border can be limited to a single, specific geographic space. Two case studies further extend this argument. The first analyses a US racial profiling law, Arizona's SB1070, through a reading of the text of this document, responses to it, and the history of US immigration policy. The second examines human rights reports, one representing the US-Mexico border and the other the Mediterranean border space of Europe. Through analysis of the documents I look at the particular construction of the figure of the migrant.

I argue that instead of being site-limited, borders are enacted in relation to embodiment. This means borders have to be thought of both in relation to their enactment and to the bodies they police and control. The project challenges universalising accounts of borders and attends to the ways that borders differentially address different bodies, so that some bodies move freely both within and beyond national space, while the movement of others is restricted.

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Introduction

In one sense, this thesis began in 2006 on the back of a truck in the Chiapan jungle. I had left from the market in the city of Palenque that morning and was heading to Roberto Barrios, the Zapatista caracol (government centre) for the state's northern region. I wanted permission from the Zapatista governance to visit a smaller community in the area that had been displaced from, and then retaken, their land. To get to the caracol, I had to take local transport as far into the jungle as it could pass, then wade across the river, and walk into the village centre. By asking in the market in Palenque where the trucks used for public transportation were gathered, I found one heading in the direction I needed to go. I climbed into the back, where benches were fixed to accommodate passengers, and we set off.

I was not alone in the truck but I was the only visibly foreign passenger. My style of clothes, the colour of my hair and my skin tone, as well as my accent when speaking in Spanish, all marked me out as not from the local area. One of the men riding in the truck with me was curious about who I was and where I was from and asked me as much: "De dónde viene usted?" I told him, using the Mexican derogatory slang for the United States, that I was from "el gabacho." At this, he became excited. He told me he had lived in Chicago and spoke enthusiastically about it at length, conjuring for me a US city he had made his home and certainly knew much better than I did. Suddenly, in the hot jungle, on a rutted path that was barely a road winding through vegetation, Chicago was there with us. I had thought that in the Chiapan jungle we were far from the United States, but I was wrong.

In what ways do people carry places with them? In what ways is a stagnant or conventional notion of space and distance not actually up to the task of describing the relations between spaces that are lived by people? And in what ways do the movements of people between geographically distant spaces in fact bring those spaces into proximity? The cities of Palenque, Chiapas, in Mexico, and Chicago, Illinois, in the United States, are approximately 2,500 miles apart, and yet what struck me while traveling in the truck was that the two could exist in very close lived

proximity for someone who moved between them. This movement, however, was precisely a problem that was also present in the truck with us. Despite the fact that it was my fellow passenger who was the Chicago local, I was the one who could freely move between southern Mexico and the northern United States. My passport provided me with easy access to both national spaces; his, if he had one, did not. Instead, as I was well aware during my time in Mexico and ever since, my international movements were facilitated by the same system that prohibited his movements, and indeed the movements of most of the world's people.

This view of my own international mobility in relation to the immobility imposed by state structures on most people again came into sharp focus during the months I spent working in a migrant solidarity centre on the geographical border between the US and Mexico. During my time working in the centre, I frequently passed back and forth between the state of Arizona in the United States and the state of Sonora in Mexico. In fact, despite this passage requiring me not only to change state, but country, it did not require me to change city. The city of Nogales straddles the international border and is divided down the middle. My easy and frequent passage across this border felt particularly perverse to me because I spent my days in Mexico working and speaking with people for whom the denial of this passage had organised their experiences in violent ways. Some had attempted lengthy desert treks through the remote sections of land that connect the two countries; others had traveled by land across the length of Mexico from Central America, avoiding detection all along the way, because detection would almost surely lead to deportation, as well as other forms of violence; and others had been recently deported from their lives in the United States, often leaving not only friends but children and entire life-worlds behind, with no readily available way to return and certainly no legal way.

Sharing time and space with people who faced a very different experience of international divisions and international mobility than I did made me question the broader effects of these systems. In what ways do prohibitions against movement become structuring principles in life? If an inability to legally cross the border from Guatemala to Mexico, or from Mexico to the United States, changes the way one must travel across Mexico, and exist in Mexico, then to what extent can the border be said to be present only at specific locations? To what extent can it instead be said to

permeate political space? And if a prohibition against legally crossing the geographical US border changes the way that one travels, to what extent is the border present in the selection of travel options? Once arrived to the destination, to what extent can the border be said to be crossed and left behind? If deportation is a threat faced throughout daily life, then can the border in fact be said to be elsewhere, or is it instead a regulation that exists extensively, not only at the limits of national space, but throughout national space?

This thesis examines what borders do, how they are experienced and where, and how bodies come to be sites of borders and of border policing. The goal of this thesis is to contribute to the articulation of a theory of the border that moves beyond understanding borders as specific, fixed sites. In particular, I want to account for the ways bodies are fixed by the border, not only at the geographic sites nominally recognized as "border," but throughout the space of life. In this way, this project is interested in how borders become a way of regulating bodies and of structuring a relationship to social space more broadly.

Disciplinary locations

As a Cultural Studies thesis, the disciplinary boundaries of this project are blurry. As is perhaps fitting for a project that considers the work done by borders, I have had both the freedom and the task of making decisions about which materials will be included and which would be excluded. This is the work of bordering the field of studies for a project that considers the work of borders. My strategy has been to explore the way borders appear in different fields in different ways, and to engage with texts that have become influential in the wider field. In this way, I have tried to track prominent discussions of borders across different disciplines.

As it has developed, this thesis has drawn heavily on four separate, if sometimes overlapping, bodies of literature. First, as the thesis takes off from a consideration of the US-Mexico border, it draws on the literature that engages with this specific, situated border. It is through this material that I build both an historical and contemporary account of the ways this particular border is understood and describe the conditions and experiences of and at this border. The texts I use are historical studies and analysis of the borderlands region, many of which approach the

subject from the perspective of Chicana/o Studies. These materials are largely situated disciplinarily within the social sciences (anthropology, sociology, political science, in addition to history), but more literary and philosophical texts, such as Gloria Anzaldúa's *Borderlands/La Frontera*, also figure prominently in the thesis.

Second, I make reference in the thesis to work that forms part of the canon of what is sometimes called European critical and cultural theory. Critical and cultural theory tends to refer predominantly to work that engages with and/or contributes to European continental philosophy, and that is inflected with Marxism. Race and gender tend to be situated as related, but not core, concerns. As an example of this, *The Cambridge Companion to Critical Theory* (2004) contains thirteen essays. The essays cover the work of Marx, Adorno, Habermas and Freud and consider the topics of the state, poststructuralism and revolution. There is no mention made of either race or gender. *The Routledge Companion to Critical Theory* (2006) does slightly better. It contains eleven essays, one of which is dedicated to feminism, one to gender and queer theory, and one to race and postcolonialism. This type of inclusion is common within critical and cultural theory: race, gender, queer theory and postcolonialism are grouped together and assigned their own special section as afterthoughts or additions to a field that is constructed as having other core concerns. In my engagement with critical and cultural theory, I have worked particularly with theorists whose work sets out to theorise borders or the conditions of migrants, drawing predominantly on Agamben and Balibar and those whose work engages with these thinkers.

This theory is not, however, left on its own. Instead, it is put into dialogue with Chicana/o theorists, race theorists, postcolonial theorists, and feminist theorists. Bringing this material into dialogue with critical theory raises the question of embodiment in the thesis. Critical race theory changes the way the question of borders is asked, because it raises the question of whose body is presumed to be at the border when the question of the border is theorized. This turn in the thesis happens in relation to Anzaldúa's work as a Chicana theorist, and my readings of Fanon and Mbembe also respond to the uses of Agamben and Balibar in the field of Critical Border Studies.

Finally, this thesis has a relationship with the field of border studies broadly. Border studies is another interdisciplinary field, but much like the studies of the US-

Mexico border in particular, border studies broadly is strongly influenced by the social sciences (Wastl-Walter, 2011; Wilson and Donnan, 2012). It looks at what “happens at, across and because of the borders” in different international contexts (Wilson and Donnan, 2012, p.1). In particular, I focus on work within Critical Border Studies as a European branch of border studies that looks to political philosophy and critical theory as a way to think of borders not as lines, but as enacted practices. While a strong body of work applies critical and cultural theory to the borders of Europe, critical and cultural theory has not been used to the same extent to help think about the US-Mexico border. Placing this work in dialogue with the US-Mexico border is one of the goals of this thesis.

Critical Border Studies

Critical Border Studies (CBS) is a recent strand within border studies more broadly. In 2012, Nick Vaughan-Williams and Noel Parker, the founders of the CBS network, published a special issue of *Geopolitics*. The special issue explicitly set itself out as a reference point to understand the way the field is shaped. The authors write:

The ambition of this special section is to formalise Critical Border Studies (CBS) as a distinctive approach within the interdisciplinary border studies literature. We say ‘formalise’ rather than ‘introduce’ because we recognize that there is of course already a strong tradition of applying critical-theoretical insights within that literature. What the field continues to lack, however, is a substantive reference point for scholars working with such approaches to refer to and develop further, and so our hope is to provide such a marker and reinvigorate ongoing debates.” (Parker and Vaughan-Williams, 2012, p.727)

Given the declared intention of this special issue, it works as a good starting point for a description of the field of CBS.

As the above quote suggests, one of the central features of CBS is that it applies, in the authors' own words, “theoretical and conceptual work” to the “diversity and complexity of contemporary bordering practices” (Parker and Vaughan-Williams, 2012, p.727). Overwhelmingly, what is understood by Parker and Vaughan-Williams as “theoretical and conceptual work” is political theory and continental philosophy, and even more specifically, work produced in this field predominately by white, male Europeans. In the special issue, and in a previous description of the field published by Parker and Vaughan-Williams, the following

theorists are cited: Latour (Strandsbjerg, 2012), Balibar (Bialasiewicz, 2012; Parker and Vaughan-Williams, 2009; Rumsford, 2012), Agamben (Parker and Vaughan-Williams, 2009; Salter, 2012), Schmitt (Minca and Vaughan-Williams, 2012; Parker and Vaughan-Williams, 2009), Sloterdijk (Bialasiewicz, 2012; Gielis and van Houtum, 2012), Derrida (Parker and Vaughan-Williams, 2009; Parker and Adler-Nissen, 2012), Deleuze (Gielis and van Houtum, 2012), and Heidegger (Gielis and van Houtum, 2012). In part the emphasis on these thinkers as the producers of work that is "theoretical and conceptual" is no doubt influenced by the disciplinary formation of the interdisciplinary field of CBS: it is housed in the politics and international studies department at the University of Warwick, and many of the authors who self-identify with this field are trained by and work in political science departments. The narrowing of what is meant by "theoretical and conceptual" work to work that is produced by or that engages with these thinkers is, however, a way of narrowing the field (and, interestingly, narrowing is something we might also think of as the function of a border). It also fetishizes a particular kind of theoretical work by explicitly naming this type of work as theoretical while, by implication, treating other work as not theoretical or conceptual.

A second distinctive feature of CBS is that it insists that borders are not only spatial locations, but are also social, political and economic expressions of belonging and exclusion. This means that CBS treats the border as a site of investigation and is interested in problematizing the idea of the border as line (Parker and Vaughan-Williams, 2009, 2012; Salter, 2012). Recognizing the limitations inherent in the metaphor of the border as line, as well as the inadequacy of conceptualizing borders only in terms of a single and static territorial location, involves a turn toward thinking borders in terms of practices that moderate, sustain and produce borders. In their first published brief description of the field of Critical Border Studies, Parker and Vaughan-Williams (2009) describe this intellectual shift in the following way:

Hence, rather than treating the concept of the border as a territorially fixed, static, line (as paradigmatically depicted by Mercator's map), we begin thinking of it in terms of a series of *practices*. This move entails a more political, sociological, and actor-oriented outlook on how divisions between entities *appear*, or are *produced* and *sustained*. The shift in focus also brings a sense of the dynamism of borders and bordering *practices*, for both are increasingly mobile – just as are the goods, services and people that they seek to control (p.586, original emphasis).

Considering the practices of bordering as essential to understanding borders and their functions also allows CBS to draw attention to the ways that borders are performed into being (Parker and Vaughan-Williams, 2012). Henk Van Houtum describes this as a shift toward considering the “human practices that constitute and represent differences in space” and goes on to say that this can be thought of as a shift toward understanding the border “as a verb in the sense of bordering” (2005, p.672). Others echo this analysis, arguing that it is necessary to look at the divisions that are produced by borders and to treat borders as active structures that rely on practices of bordering (Mignolo and Tlostanova, 2006; Parker and Vaughan-Williams, 2009, p.586). To think of the border as a verb is to think of it as something that must be done in order to come into being, and that does not exist as a noun without this active, processual, *doing* of the border. Borders become not spaces marked on a map, or onto territory, but instead actions that must be performed by human beings in relation to one another. Borders can be made to exist, and must be made in order to exist.

The shift toward thinking about how human practices construct borders, and about the processes that enact borders, marks a shift in the conception of borders that also makes it necessary to give attention to things that may once have been taken for granted. This includes not only the question of *where* borders are, but also *what* they are and what they do. As Parker and Vaughan-Williams write in their piece articulating new agendas in critical border studies, *Lines in the Sand*, “the most immediate task for an approach to border studies that is to remain critically awake is to extrapolate new border concepts, logics, and imaginaries that capture the changing perspective on what borders are supposed to be and where they may be supposed to lie” (2009, p.583). This points to the need CBS articulates not to take for granted the concept of the border, but instead to ask what sort of concept it is. What sort of logic does a border both follow and impose? And what imaginaries shape bordered societies – or what bordered imaginaries shape society? Within CBS, this is treated as the question of what is a border. It is a question that is not assumed to have a single ontological answer, but instead one that cannot be answered without asking what borders do.

Etiénne Balibar is an often-cited theorist within CBS and within theory-inflected border studies more broadly (which may or may not identify itself as

belonging to the CBS project). He tackles the question of what borders do in his essay, "What is a Border?" (2002). His answer begins with a caution: the question is absurd; a border has no essence. He explains that a border is different in each instance and in every experience of border-crossing, that to cross one border is not the same as to cross another, and that to cross with one passport is not the same as to cross with another. For Balibar this singularity of the border, its differential existence, makes it nearly impossible to define the border, since what definition would be capable of holding together these differences? To this caution, Balibar adds another: a border is the thing that defines. It marks the limit of a territory; it defines the interior and exterior of a nation-state and in doing this it inscribes identity. Yet, any act of definition necessarily involves the tracing of a boundary and therefore the construction of a border. The definition of the border forms a recursive loop. To construct a border is to define, and to define is to construct a border. For this reason, any theorist seeking to pin a definition to the border is at risk of going round and round in circles, identifying borders by constructing still more borders. However, to think of a border as that which defines is, of course, already to give a sort of definition, and to enter into the recursive cycle of borders. Therefore, the caution reads as at least partly disingenuous.

Despite these contradictions, Balibar's caution can be summed up in the following way: To ask what a border is marks a problem because the borders of different nation-states are different at different moments of history and in relation to different people, so that a universalizing ontology of borders per se is impossible. It is also a problem because to answer the question would necessarily construct a border. In this way, to answer the question is to reduce the complexity of the experiences of borders and would also participate in constructing borders (Balibar, 2002, p.76). Instead of working from a definition, Balibar advocates looking at what borders do and at what particular borders do at particular historical moments.

Balibar maps this out through reference to what he calls the "equivocal character" of borders (Balibar, 2002, p.78). The word equivocal gives not only the sense of a border as not being quite what it appears or claims to be, but also the sense of multiple voices and multiple meanings – of more than one possible existence of a border. This equivocal character of the border is both a border's multiplicity and its duplicity. Even as a border might appear as a simple, singular phenomenon, this is an

illusion. A border is not what it seems, and it is not to be trusted. The word equivocal also contains within it the idea of divergent voices ("equi – vocal"). If a border deceives, it does so through the presence of many voices and many experiences, all singular and all different. We are deceived when we betray the equality of these voices and experiences and listen only to one. A border has many identities and many realities and for this reason requires a complex treatment.

Balibar does two things that are important for my discussion in shifting his theory of borders from ontology to function, complexity and equivocality, both of which focus on what borders do and how they are experienced. First, he shifts his discussion toward borders as sites of administrative control – or, rather, sites of administrative control as borders. The selective controls that filter populations and control the movement of people are the function of the border. Once, Balibar writes, these controls were concentrated along a geographic line that marked the territorial limit of the nation-state. Now, these sites of administrative control have been dispersed throughout social space. Therefore, “some borders are no longer situated at the borders at all, in the geographico-politico-administrative sense of the term. They are in fact *elsewhere*, wherever selective controls are to be found” (Balibar, 2002, p.84, original emphasis). In another formulation of the same idea, he writes that borders become dislocated if not ubiquitous as they are “replicated by other ‘checkpoints’ within the territories of the European states” (Balibar, 2004, p.203).

A shift toward treating the border as present in the site where selective controls are enacted provides an incredibly dynamic and flexible view of the border. If borders exist where they are enacted, then they can not only be in many different spaces, mapped and unmapped, but they can also move, appear and disappear. Inevitably, this also means that as these practices of control take place throughout national space, the border also moves from a liminal geographic space to something that is enacted and experienced throughout national space. While there are the obvious infrastructures of control (airport border control, for example, is often explicitly labelled as the border, despite being located internally within the nation), it also allows for a consideration of the less obvious sites where the border materializes. Borders can in fact become ubiquitous when they are thought of in relation to the enactment of control.

An example of borders appearing through their enactment can be found in the work of geopolitical theorist of borders and migration, William Walters. Walters analyses the carrier sanctions administered by the United Kingdom's government that make carriers liable for any undocumented persons they may transport to the UK, even if these people are stowaways and the carrier was unaware of their presence on the vehicle. Due to these liability laws, carriers seeking to avoid fines for transporting undocumented passengers have instituted measures to deter and police would-be migrants. In particular, trucks entering the UK from the EU increasingly have been constructed to be firmly shut and locked, by design all but impenetrable to would-be stowaways. The defensive construction of the trucks is accompanied by a mandatory regular inspection of the carriage area by the driver. Walters argues that these sanctions move the border to the very surface of the trucks crossing international boundaries and that the border moves with these trucks. "Once applied to road haulage," he writes, "the entire road transportation system becomes a kind of networked border. The border transforms into a mobile, non-contiguous zone materializing at the very surface of the truck and every place it stops" (Walters, 2006, p.195). In this way, for Walters, the border comes into being (materialises) not only when the driver stops the truck and inspects it, but also in the very materiality of the truck that is designed to thwart the migrant. There is a border wherever there is a measure taken to prevent migration, and it is a border that can appear and disappear through the performance of specific practices.

The second important contribution Balibar makes to border thinking is to describe borders as polysemic. By this, he means that borders do not have the same meaning for everyone, and indeed this differential meaning is essential to the function of the border. He writes, "borders never exist in the same way for individuals belonging to different social groups" (Balibar, 2002, p. 79). Instead, the border is designed to give different people (those from different social classes) different experiences of the law and of freedom. Border law enables some to pass national frontiers, while denying others; it upholds the freedom of circulation of some, while depriving others of this same freedom. Following from these differential experiences, Balibar writes that the function of the border is "actively to differentiate between individuals in terms of social class" (Balibar, 2002, p.82). That is, the fundamental function of the border is to distinguish between people and to produce

differential social placements and experiences. Balibar offers a phenomenological description of his point. He writes that for the rich person from the rich country, the border becomes a symbolic reaffirmation of a surplus of rights, while for a poor person from a poor country the border is a solid barrier, one which is confronted as an obstacle and which repeatedly emerges as it marks the limits of life. For this latter figure, the border becomes *omnipresent*, indeed becomes the place where the migrant resides.

Therefore, for Balibar, the role of the border is fundamentally to differentiate people from one another. That is, borders must be understood not only as enacting distinction, but as actively administering and producing difference. Their function is not only to separate the rich from the poor, the internationally mobile from the nationally confined, but to construct and enact the categories used to distinguish one person from the next, and then to grant passage and mobility and all of their attendant privileges to some, while denying them to others. In short, as Balibar writes, borders become “instruments of differentiation” in “the service of an international class differentiation” (Balibar, 2002, p.82). This differentiation is always in the service of capital, and indeed the distinction for Balibar is between those who circulate capital and those who are circulated by capital.

What Balibar contributes to a discussion of borders is a clearly articulated rationale for a shift away from thinking in terms of stable sites, as well as a defence of the beginning of an articulation of what borders do that draws attention to this *doing*. He locates the implementation of the border as the site of the border: it exists where it is done. As a consequence, borders as operations of power become visible as different for different people (different people are done differently by the border), as implicated in instituting and producing difference, and as not situated at stable and delimited sites. Balibar encourages a shift toward thinking of borders in terms of existing where they are done, and as most importantly about practices and encounters with these practices. In this thesis, I will build on Balibar’s theory, exploring the ways that borders are done, and done differently, for different people. In this way, I will privilege the experience of the border, and focus on how this experience is fundamentally different for different individuals.

The Place of Europe

Critical Border Studies is housed in British and European institutional spaces, and largely focuses on thinking about the borders of (and within) Britain and Europe. As Parker and Vaughan-Williams describe it in the special issue, CBS came out of workshops held in Cornwall, England and Copenhagen, Denmark, and is funded by the British Academy (Parker and Vaughan-Williams, 2012, p.727). This presentation is repeated on the CBS website, which is hosted by the University of Warwick's Politics and International Studies department. The European origins of CBS and its strong ties with British institutions is further evidenced by the work that appears in the special issue of *Geopolitics*, not only in terms of institutional location, but also in terms of which borders are studied. Again, working as a self-declared point of reference for the emerging field, the majority of the articles considered in the special issue work from European border examples. Of the eight original articles included in the issue, three discuss borders in a theoretical and abstract way, four consider borders in the UK and Europe, and only one discusses a non-European space.¹

As both a symptom and a result of this, the challenge to the metaphor of the border as line within CBS has particularly taken place in reference to borders in Europe. In general, it has been scholarship focused on the European Union which has tended toward reconsidering the spatiality of borders, and which has been more comfortable moving away from a straightforward idea of border geography as marking an inside and an outside of national space (Coleman, 2012). This movement away from thinking of borders as lines has a particular, historically located origin within Europe. It is the integration of the Schengen zone that has drawn scholarly attention to the location of borders in the European Union and to the ways that borders function both within and beyond the geographical space supposedly demarcated by the border as a fixed line (Andrijasevic, 2010; Balibar, 2002; Karakayali and Rigo, 2010; Rigo, 2005; Walters, 2002). The Schengen Convention removed fixed sites of internal border policing between European member countries while maintaining a high level of policing and control at the external boundaries of the region. The removal of formal border sites between member nations has not, however, meant that borders within Schengen are gone. Instead, these internal European borders between member states were reformed by Schengen. Instead of

¹ One article included in the issue discusses the border between Pakistan and Kashmir.

existing as traditional stable checkpoints at the territorial limits of European nation-states, they have been displaced and dispersed. For example, border checks within the Schengen zone are now carried out at random. Anywhere within the Schengen space, border officials may request documentation. This most commonly happens on transport, and those traveling by bus across European space are more likely to be stopped and checked than those traveling by train. Walters describes this as “a more diffuse, networked, control apparatus that is no longer territorially fixed and delimited” that exists internally (Walters, 2002, p.573).

The internal dislocation of border practices has been mirrored by an external dislocation of border practices sometimes described as the "externalization" of the EU border (Karakayali and Rigo, 2010). It is not only that a fortified border has been instituted around the outer edges of Europe under Schengen. Instead, barrier to entry and the administration of border filtering has been pushed still further afield. In particular, when referring to the externalization of the borders of Europe, scholars have in mind readmission agreements with third countries, safe third-country rules and agreements with third countries for the return of migrants, and transit-processing centres located outside of the EU (Andrijasevic, 2010, p.153; Karakayali and Rigo, 2010, p.124; Walters, 2002, p.563). In this way, practices of European border policing are instituted in spaces that are geographically removed from Europe.

The shift in border practices within the European Schengen area that has led to more diffuse internal policing and the externalization of border controls has led some scholars to discuss Europe's border(s) in terms of "deterritorialization" (Anderson, 2000; Andrijasevic, 2010; Bigo and Guild, 2003; Rigo, 2005; Walters, 2002). The deterritorialization of borders refers to the ways that borders increasingly and in a variety of ways operate at both sites that are geographically external to the nations that are represented by them, and within the internal space marked by the border. Seeing the European border as one that has been "deterritorialized" is a way to look at the dislocation of controls once enacted at national border posts and now exercised in a spatially disaggregated way and via a variety of means. These means specifically include the functions that have been externalized to third countries, as well as other policing measures that are carried out internally, such as identity controls carried out by police and carrier liability legislation that makes transportation companies accountable for the people they transport (Anderson, 2000;

Andrijasevic, 2010). In addition to pointing to both international and external practices of bordering, speaking in terms of a deterritorialized border instead of an externalized border has the advantage of not repeating the presumption of a neat inside/outside division between EU and non-EU space (Andrijasevic, 2010, p.155).²

Borders emerge from this discussion in a new form and are captured via new metaphors. Instead of being linear structures firmly located at the edges of territory, the borders of Europe are described as "mobile and dispersed" (Rumford, 2006, p.159), "discontinuous and porous" (Andrijasevic, 2010, p.155), "networked" (Walters, 2006, p.195), "ephemeral and/or palpable" (Vaughan-Williams and Parker, 2009, p.583), and biopolitical (Walters, 2002; Vaughan-Williams, 2009). What these accounts have in common is that they shift from considering the border in its most obvious space – where it is firmly, structurally instituted at the limits of a national territory – toward thinking of the border as the site where the control function of the border is performed.

Challenging the US-Mexico border as line

The challenge to the border as a line has been less well-developed in relation to borders outside of Europe and only sparsely discussed in relation to the border that separates the United States from Mexico.³ The overwhelming visibility of the long and heavily defended geographical border between the United States and Mexico has perhaps not invited analysis that looks beyond this spatiality. It is impossible to discount the importance of this space as a specific space, and there is a strong and well-developed body of work that considers the importance of the particular geography that territorially separates one nation from the next and the effects of the border in this space on migration (Andreas, 2009; De Genova, 2013; Doty, 2011; Dunn, 2005, 2009; Nevins, 2002). Much of the work that engages with the US-Mexico border finds its disciplinary home in social-science driven disciplines and as a result, tends to focus on the history of the region, the government policies

² Andrijasevic (2010) points out that to speak unproblematically of detention and processing centres in "safe third countries" as external to EU space relies on a presumption of a neat separation between EU territory and the external borders of the space. This reproduces an inside/outside dichotomy that she sees it as productive to challenge through a discussion of borders as delocalized.

³ Matthew Coleman has done some work to make this link, looking both to theories of biopolitics, following Agamben and Foucault, and to the particular histories of internal immigration policing practices in the United States (2007, 2009).

regulating migration and control of the border, and detailed accounts of the experiences of migrants who have moved from south of the US-Mexico border (which does not necessarily mean from Mexico) to the United States. Work that draws on critical theory and philosophy to theorize the border as is found within CBS in Europe is much less common, with a few notable exceptions (c.f De Genova, 2010; Doty, 2011; Coleman, 2009).

Work that complicates the theory of the US-Mexico border as a line is not however entirely absent. When it appears, it tends to take a slightly different form in the United States and to have a different disciplinary background. One field where this challenge has been taken up is within Communication Studies. In this field, there is a discussion of rhetorics of the border. This work tends to draw on the same philosophical canon of CBS, in this case calling it postmodern theory (DeChaine, 2009, p.44). In this subfield, there is a readiness to consider the border as an effect of rhetoric and as constitutive of border(ed) identities. For instance, DeChaine writes of the “truth function” of the border and explains there is a need to focus on the “constructedness and on the ambivalent identities of border(ed) subjects” (2009, p.45). This draws attention to borders as constructs that shape understandings and values in the human world and also as products of human activities.

There is a strong sense in this field, following Stuart Hall, that discourse matters (Ono, 2012, p.20). Ono and Sloop, for example, argue that discourse can figuratively shift borders so that borders are moved and redefined through the ways they are discussed (Ono and Sloop, 2002). In a later piece of work, Ono (2012) goes on to argue that discourse is intrinsic to the meaning of the border. In this piece, he focuses on the figural border which he describes as “the border *not at the border*, or, rather, the *border that travels*” (2012, p.20, original emphasis). The insistence on describing the figural border as opposed to the border *at* the border points to the way the field leaves untouched the distinction between the physical US-Mexico border (i.e “real”) and the figural border that is an effect of discourse and social practices and which is mobile. Therefore what Communication Studies potentially leaves intact within its critical consideration of immigration discourse is the naturalization of the metaphor of the border as a line. What I am arguing is that the physical border, and the conception of a border as a line, is as much a metaphor as the social processes of bordering are real.

The second way of thinking beyond the US-Mexico border as a line is found in the work of Gloria Anzaldúa.⁴ Her book of poetry and prose, *Borderlands/La Frontera: The New Mestiza* (1987), an important text in Chicana feminism, challenges the border as a simple divide. For Anzaldúa, “the US-Mexican border *es una herida abierta* where the Third World grates against the first and bleeds” (p.3). This observation, in describing the border as an open wound and as a site of injury and division, points at the US-Mexico border as something that is *constructed*. In other words, the border is something that is done by human intervention that causes damage as it cleaves spaces – and people – apart. The imagery of wounding also alludes to the body. As the poem this line appears within continues, what is divided by the border moves from being the land and the physical space of the continent to Anzaldúa’s own body. She writes of the divide as a “1,950 mile-long open wound/ dividing a *pueblo*, a culture,/ running down the length of my body,/ staking rods in my flesh,/ splits me splits me/ *me raja me raja*.” The repetition of the phrase “splits me,” first in English and then in Spanish signals the irreconcilable doubling performed by the border as it rips single subjects into halves. In her description of the border as something that violates her body, Anzaldúa points to the importance of the body in the divisions performed by the border, as well as the violence of this constructed operation of distinction. In her work, the US-Mexico border not only runs through geographical space and across land, but is enacted upon bodies and has effects for these bodies. It marks and inscribes bodies as an act of differentiation carried out amongst people.

The book is written simultaneously in English and Spanish, and while sometimes the languages repeat the same idea, often there is no translation offered. This means that the reader must be fluent in both languages to fully engage with the book. It has the effect of both capturing and affirming a Chicana experience in which neither standard English nor standard Spanish alone is adequate. Linguistics and their bordering effects matter to Anzaldúa. In a chapter entitled “How to Tame a Wild Tongue” she writes of being taught to speak English without a Mexican accent - “*Qué vale toda tu education si todavía hablas inglés con un ‘accent,’*” she writes in her mother’s voice (1987, p.54); of being taught to be silent as a young girl –

⁴ Those working within communication studies also cite Gloria Anzaldúa as a source for the idea of a rhetorical border (DeChaine, 2009).

“*Muchachitas bien criadas*, well-bred girls don’t answer back (1987, p.54); and of the first time she heard the word “nosotras,” a feminine version of the word “we”- “I had not known the word existed. Chicanos use *nosotros* whether we’re male or female” (1987, p.54). Writing in her Chicana tongue, neither English nor Spanish alone, becomes a way to reclaim a language that is her own, but that is treated as inferior. This is another example of the borderlands living of which Anzaldúa writes. As I mentioned above, for Anzaldúa this placement at the borderlands has to do with who she is, and not where she is. She writes “Nosostros los Chicanos straddle the borderlands” (1987, p.62). This straddling is about existing between two spaces that are falsely divided from one another: it is an experience of the border that cannot be left behind.

It is also significant that the identity that Anzaldúa points at as a Chicano identity is one that is racialised. If asked how she identifies, Anzaldúa writes that she might answer “‘*soy mexicana*’ and at others will say ‘*soy Chicana*’ o ‘*soy tejana*.’ But I identified as ‘*Raza*’ before I ever identified as ‘*mexicana*’ or ‘*Chicana*’” (1987, p.62). What this makes visible is the way that for Anzaldúa borders are linked to, as Avtar Brah has written, “psychological, sexual, spiritual, cultural, class and racialised boundaries (1996, p.198). What I want to pull out in this thesis are particularly the effects of these racialised boundaries, and what they can tell us about what borders do, how they function, where they are experienced and by whom. Anzaldúa’s work points toward the necessity of thinking of both embodiment and experience when answering the question of what borders do. In this way, she offers something new to the work on borders that has largely presumed that a theory of the border does not need to address whose body crosses which border, and how things like racialisation address that body.

The Border is not a line

In the conventional geographic understanding, the borders of nation-states are conceived of as lines that mark the end of one nation’s territorial sovereignty and the beginning of another’s. “Imagined as a continuous linear structure,” writes Andrijasevic, “borders are seen as enclosing a political territory and demarcating a

sovereign state's external edges" (2010, p.153). In other words, borders have conventionally been understood as physical lines of separation between distinct territorial and national spaces (Newman, 2006; Salter, 2012; Van Houtum, 2005). In this understanding, the border is strongly spatial. It exists at a precise point in the physical world. It is possible to stand on one side of this border or the other. It is also possible to mark a geographic point that is the border and the points on either side that are not the border.

This understanding of borders has its limitations. Not least of these is that a line is no place at all. A line has no depth, no space of its own. It is the meeting point of two spaces. All space that can be occupied belongs either to the first space or to the second and none to the line. In other words, in the understanding of a border as a line, the border is – necessarily - not itself a space. Instead a border is a marker of where one space ends and the next begins. In this way, this definition of the border becomes contradictory: to conceive of the border as a geographically located line both involves conceiving of the border in a strongly spatialized way and yet also as something that has no space and occupies no space.

The conception of the border as a nonspace, as well as the contradictions of this conception, appears linguistically in English in terms of how it is possible to speak of the location of borders in relation to people and objects. To put this another way: the nonspace of the border as line is mirrored in the way that the border is spoken of. For instance, usually in English it is possible to speak of being in spaces. I might say that I am in the library, that my friend is in the café across the street, and that both of us are in the city of London and simultaneously in the United Kingdom. Similarly, objects can be described as being in spaces: my book is in my office; I left my passport in France. However, while it is possible to speak of being in one country or the next, and I might say that I am in France or that I am in Germany, it is not possible to be *in* the border. Instead, were I on a train travelling from France to Germany, I would go from being in Germany to being in France without ever having been *in* the border. The impossibility of being in the border points to the border's absence of space.

Nevertheless, the border is not entirely linguistically without space. Often, borders are spoken of in relation to motion: one can cross over the border, go through

the border, fly over it or tunnel under it. However, both "at" and "on" are prepositions that designate locations, and they are the prepositions that are commonly used in English to describe physical location in relation to a border: "I am at the border" and "They live on the border" are both possible phrases. If a line is not in fact a space, and so there is no space of the border, this leaves the question of how it is possible to be "at" or "on" the border. What does it mean to say that one is "at the border" of a nation-state or that something is located "on the border?" How does the border appear in these linguistic constructions, and what assumptions about spatiality and about borders are revealed in these ways of speaking? Where is this place that is described as "the border," and how is it possible to occupy space that is "at" this place or to be "on" it?

To answer these questions, I want to think about the particular usage of each preposition. Generally, I would describe myself as "at" the border if I am just about to cross it. Lining up in France to enter the channel tunnel, I might describe myself as "at" the border. Having arrived to England and exiting the tunnel, however, I would instead say that I have just arrived to England. I would no longer be at the border, but instead already past the border. I have gone *through* the border. In other words, to be at the border represents being before the border and also intending to cross it. This implies both mobility and a directionality of this mobility. Being "at" the border means to be before the border, so that I am "at" the border while in national space (i.e. I am in France and at the border). This placement is related to an activity of border crossing and not to a particular location. For instance, even "at" this border, it is possible to imagine that the agent working at border control is far more likely to describe herself as "at work" than "at the border," given that she is likely to have no intention of crossing. Similarly, if I have passed from England into France, I am in a similar location to someone going in the other direction, but unlike them I am not "at" the border any longer. Being "at" the border is more strongly tied to motion and the perspective of the speaker than it is to the location occupied by that speaker.

If to be at the border implies mobility, to be "on" the border, on the other hand, implies duration. I sometimes say that I grew up on the border. By this, I mean that I grew up in the United States roughly 30 miles from Canada. I was "on" this border whether or not I planned to cross the border into Canada. My awareness of

this border, however, and so my use in making reference to it in describing my home, is no doubt influenced by the fact that I did move across this border and into Canada as soon as I was old enough to do so. I am not sure that those with whom I shared my childhood in Vermont would necessarily understand themselves as having grown up "on" the border in the same way that I do. Similarly it seems unlikely that as a child I understood myself as living "on" the border as the border was largely out of view. It is only retrospectively, having moved across the border, that I see my childhood home in close proximity both to the border and to Québec. In this way, a particular perspective is still involved in the experience of being "on" the border. To describe myself as on the border, I need to have an awareness of the border in question. Therefore, similar to the previous example, to be on the border is strongly tied to the perspective of the speaker.

These ways of speaking reveal several things about borders and the ways that borders are understood when speaking in English. First, they show that the border assumes a spatiality that the metaphor of the line does not provide. The border comes into being as a space that extends into national space. It is not a space outside of national space because it could not be. In these cases, there is no space outside of and no space between these national spaces. Instead the border, if it has any spatiality (and it is surely experienced in space) must exist in national space. The border's breadth is ill-defined, but the border is also not without breadth.⁵ Instead the border is experienced in France, in England, in the United States and in Québec in these examples. It is located near to the border as line, but how near and where exactly is a matter of perspective. This points to the second insight offered by the examples: the border exists in the space where it is experienced. Not all people will have an experience of the border while occupying the same, or very similar, geographic locations. This is because the experience of the border is related to perspective, to motion and to the ways the border will be or has been encountered. One is "at" the border only when the intention is to cross it and "on" the border only when aware of the border's proximity. And sometimes I am on the border when the person beside me is not.

Linking the location of the border to the location where the border is

⁵ A line is considered "length without breadth," a definition of the line attributed to Euclid within geometry, but also used by Aristotle and therefore attributable to Plato (Proclus, p.79).

experienced marks an important shift away from the metaphor of the line. While this may seem an abstract point, this shift is actually abundantly represented both linguistically in English and in popular conceptions of the border. While the metaphor of the line remains strong when speaking of the border, it has also become commonplace to speak of the border as in existence at the official port of entry to a country. In other words, in common usage the border is treated as existing where passports are reviewed. In this way, international airports contain borders. When flying from one country to the next, a border is never encountered in the sky, which is to say the border is not encountered or crossed in the moment that the body moves from the national space of one country to that of the next in a solidly geographic way. Instead, the border is located either in the airport of departure or more commonly in the airport of arrival. In this way, the border exists not only at the territorial edges of a nation-state, but also in the world's major cities: the border is in Rome, Singapore, Mexico City, New York.

Understanding these airport spaces as the border means understanding the border not as a line and not as a territorial limit. Instead it means understanding the border as a point of entry and perhaps even more importantly as a point of control. The border is in the airport, and when I use the airport as the official point of entry to move from one national space to the next, this is where I encounter it and cross it. However, though this clearly relocates the border through national space and identifies it with a practice of control, it leaves many questions too. What, or where, is the border in this scenario? Is the border the desk of the border control agent who inspects my passport, the agent herself, or the stamp she either places or doesn't place in my passport to allow or deny entry? Or is the border something else entirely, something that is enacted in the space of the airport through the function of controlling access to nation space, but not in fact this space itself? After all, the border in the airport can move. It can be relocated to another airport or to another wing of the same airport. When this happens, would it be necessary to say that the border had substantively moved, or would this movement be unimportant to the border, because in fact the spatial location of these border practices is not as important as the fact that they exist and that they work to limit and structure entry and access to national space?

Structure of the thesis

In this thesis, I develop a theory of the border and of bordering particularly in relation to the US-Mexico border. I look at the ways that this border comes into being and is experienced not only at the territorial divide between US territory and Mexican national space, but throughout and beyond national space. I pay attention in particular to the relation of this border to different bodies, how it situates and interacts with these bodies, and how this changes relationships to national space.

I begin the thesis (Chapter One) with a description of the methodological choices I have made in constructing this project. I discuss the politics of methodological choices in the context of a project that is about migration and the politics of belonging. In particular, I look at power differentials involved in the research relationship and think about how it may be possible to conduct research across different experiences of the border without exploiting people or making them vulnerable through the research process. Based on these ethical and political concerns, I give an account of why I chose the border as an object of study, and why I chose to use documents as a means to study borders. I situate the particular border I work with in a more in-depth way – the US Mexico border – and also clarify its relationship to European border within the context of the thesis.

The second chapter of the thesis looks in historical detail at the particular located border I work with. The US-Mexico border has been transformed over the years, moving from an explicitly colonial space to a relatively unregulated zone, to today's heavily militarized and controlled division. In this chapter, I develop an understanding of the ways the US-Mexico border has been historically formed and what relations have been negotiated across and through it over time. Importantly, in this section I look at the disjuncture between what it has been *claimed* the border does, and what it has done. As I show, the US-Mexico border has historically relied on and reinforced racial notions of belonging. It has been used economically as a means to discipline and exploit labour, and it has been used politically to manipulate and enact the appearance of power. Therefore, instead of separating the US from Mexico, I situate the border between the two nations as negotiating a relationship that brokers unequal relations and stages power relations.

From this particular and historicized account of the US-Mexico border, I turn to

more general theories of borders and their functions in the third chapter. This component of the project is about moving from the specific instances of the historical and the located to a more general theoretical consideration of what borders do and how they are understood. Just as history is one way of thinking the border, theory is another (which is not to imply that history is not informed by theory, or that theory is ahistorical). In this phase of the research, I no longer limit my discussion to a specific border. Instead I looked at discussions of borders and bordering across a range of world spaces. European literature and discussions in particular, given my institutional location in the UK, are prominent. This theoretical chapter of the thesis moves toward developing a theory of power as the distribution of vulnerability across a social body. I am interested in the relation of borders to power, and in particular in the ways the border operates as a racialised distribution of vulnerability across a population.

From here, I move into examinations of specific contemporary moments and textual instances of the border. I structure these as case studies of the contemporary that allow for a discussion of the border and that make the border appear in different ways. Chapter Four takes an in-depth look at Arizona's racial profiling law, SB1070, as an example of recent state-level attrition through enforcement immigration legislation in the United States. I first detail the ways SB1070 relies upon and engages in racial profiling, then situate this in relation to other policies that regulate immigration policing in the United States. I argue that the law is exceptional neither in devolving the power to police migration to local officers, nor in relying on racial profiling as a means to police migration status in the United States. Under the law, the border and its mechanisms of control are triggered by a person's appearance, behaviours and/or language. In this way bodies become the sites where borders are enacted, wherever those bodies are. This does not constitute racial profiling alone. Instead, I argue that the law is an attempt to place the border, as regulator of belonging, on the body. Bodies themselves are treated as borders, through the coding of the body so that it can be read as evidence of not/belonging. Power is enacted in relation to the individual body, regulating the national social body through acts of violence and exclusion that do not perfectly cohere with legally granted (or withheld) permissions to be in a particular space.

If borders institute and rely upon systems of bodily knowledge that structure the

way we interact with each other and with the world around us, then legislation and legal governance is not the only site of the production of this knowledge. The fifth and final substantive chapter turns from an examination of legal documents and the ways that laws structure the experience of the border on the body within national space to an examination of human rights reports. I work through two human rights reports written about the situations faced by undocumented migrants in the US-Mexico desert and in crossing the Mediterranean space between Africa and Europe. Despite the reports' being written as attempts to contest the violence experienced by migrants in these situations, I argue that they fail at this. Instead, I show the ways that they on the one hand conform to accounts of migration that both stereotype and victimize those who move between national spaces of disparate wealth, and on the other hand (no doubt unintentionally) reproduce and revalidate a presumption that those who occupy Euro-American spaces are more capable actors than the migrants who make clandestine and dangerous journeys toward these spaces. I argue that this amounts to another location and deployment of the border in that this structure of differentiation, and the privileging of one position at the expense of another, is one of the essential functions of both the US border with Mexico and the borders of Europe.

Chapter 1

A Question of Politics: Methods

All knowledge is political because of its intentions, effects, and the fact that it is produced in the interests of particular groups. (Skeggs, 1995, p.12)

During my time spent in Mexico, and particularly in Chiapas, I repeatedly encountered a particular frustration that those who were local to the area articulated. This was the frustration that countless people had taken their years, and in some cases months, of experience in the region and turned it into a degree, often with a prestigious title attached. For some people, namely those with access to university education in the global north, a limited exposure to the people and places of Chiapas could be transformed, through a little bit of writing, into a research degree. The research degrees obtained in this way, and the prestige attached to them, were not available in the same way to those who were from the area and who knew the politics and situations in much deeper, and more personal and complex ways. The frustration pointed at the ways that class and race privilege were involved not only in the ability of the person who would proceed to graduate school in a university of the global north to be present in Chiapas, but also in the ways that a limited exposure or engagement with the region and those who were local to it could be used to reaffirm this privilege.

It also pointed to the way that the residents of Chiapas became objects of research, about whom it was interesting to write and to know, while those with access to the universities of northern North America and Europe were the ones positioned to know things and to produce knowledge. As Linda Tuhiwai Smith writes in her introduction to *Decolonizing Methodology*, “It galls us [colonized, indigenous peoples] that Western researchers and intellectuals can assume to know all that it is possible to know of us, on the basis of their brief encounter with some of us” (Smith, 2012, p.1). This relationship positions the Western researcher as the one who knows, no doubt disproportionately a *he* who knows. Those who are known, on

the other hand, are treated as less (than) human. They are knowable. Their inner lives are not treated as complex and opaque to observers, but instead are assumed to be immediately and transparently available. Their thoughts and knowledge and views are not valued, or even consulted necessarily, but instead are subjected to the interpretations, thoughts and understanding of the researcher. This is part of what Gayatri Spivak (1988) has described as epistemic violence – the erasure of non-Western ways of viewing the world and the domination of Western views of the world. This colonial relationship of knowledge can be reproduced, and was often reproduced in Chiapas, by treating the local population as strange Others about whom it was interesting to write. Based on very limited engagements with local people and the local area, work was produced that assumed full knowledge, while in fact being able to represent only a particular relationship of a particular outsider and her own limited understanding. That this sort of limited perspective is passed off as authoritative, objective knowledge is oppressive.

When I entered graduate school in England, the frustration that had been articulated by friends and colleagues in Chiapas about the politics of research and of knowledge worked as a starting point for the construction of my project and my methodological considerations. I was acutely aware that the question of who studies whom is a question of politics. While I was clear that I would not use my thesis as a place to write an account of Zapatismo or to turn Zapatismo or those with whom I had lived and worked into objects of study, I was also worried about how a project looking at migration might inherit problems that were the same or similar. How could I construct a project that would consider the experiences of migrants and the dynamics of migration without reproducing an exploitative dynamic that treated migrants as objects of knowledge?

One of the first decisions I had to make in the formation of this project was how to approach migration. Who, or what, would be studied? This question necessarily also involved the question of my political relation to the project, as well as the political aims of the project. If I chose to approach the project by researching the experiences of migrants, how would I understand who was a migrant and who was not; what would my goals be in assembling these experiences; and for whom would I be cataloguing and in the service of what? If I did not choose to approach the subject in this way, what were the alternatives and what were their politics?

Power dynamics: coercion, imposition, exploitation

Directly prior to beginning the PhD, I had a chance to work through some of the difficulties and delicacies in conducting research with migrants. In 2009 I worked with a social justice organisation based in the US to research and document border patrol's treatment of migrants and the conditions in which migrants were held in short-term custody prior to deportation. The goal of the project was to hold the US government accountable for these conditions and to demand better treatment for migrants. I worked first in a migrant aid station in Naco, Sonora and then, for a longer time, at one in Nogales, Sonora. These stations were resource centres for migrants, providing food, minimal medical and legal support, and shelter. Most migrants had recently been deported from the United States and therefore had been in the country without legal permission. Many intended to attempt to enter the United States without legal permission again. My job, in addition to helping with the general day-to-day functioning of the stations, was to conduct interviews about experiences in border patrol custody and migration detention centres in the U.S.

Under the guidelines set out by the Economic and Social Research Council of the United Kingdom, irregular migration would be considered a sensitive topic. Sensitive topics are those that address the “participants' illegal or political behaviour, their experience of violence, their abuse or exploitation ... or their gender or ethnic status” (ESRC, p.8). In the case of irregular migration, all of these elements are likely to be involved. Irregular migrants would also be considered a vulnerable group by the Research Council, as they are “individuals in a dependent or unequal relationship” (ESRC, p.8). Therefore, as Düvell, Triandafyllidou and Vollmer write in their paper considering ethical issues in irregular migration research, “By the very nature of its subject, research into irregular migration inevitably deals with sensitive issues” (2008, p.8).

While I worked as a researcher in 2009 for the social justice organisation, I was very aware of a number of potential risks in that particular research project. First, the interviews I conducted took place in a *comedor*, or food hall, where migrants came for breakfast and lunch. My job was first to prepare and serve the food, then to request interviews. This created a dynamic where I was concerned people would not feel free to say no and instead might feel that agreeing to the interview was the price of the food they had been given. Obtaining consent is the bedrock of research ethics

frameworks and a minimum standard. Coercion in informed consent can be understood as intentionally influencing another person through use of a credible threat. Both parties recognize or believe that the threatening party holds the power to enact this threat and that the threat would cause harm to the threatened person (Faden and Beauchamp, 1986, p.261). In this case, the problem was not actual coercion – there was in fact no threat of withholding food. However, there was a problem with the potential for perceived coercion. The potential problem with obtaining consent without perceived coercion in this case pointed to the difficulty of conducting research across unequal social positions: those whom I interviewed were in need of access to the basics for human survival (food, shelter, etc.), and I was momentarily in a position to facilitate access to these things. The power differential that allowed me to appear in the situation as a researcher and that caused those with whom I spoke to appear in the situation as the migrant to be interviewed – that is, the relationship that our research encounter was organised around – meant that our positions were so unequal as to make obtaining consent in a meaningful way a delicate thing. As Yasmin Gunaratnam has pointed out, “the formal 'work' of an interviewer is to elicit 'data', and the form of the interview can often produce and reproduce complicated and contradictory inequalities in power” (2003, p.174). In this case, I was very aware of a power dynamic potentially repeatedly through first dispensing food, then soliciting information.

The second problem that arose in the research had to do with the structure of the questionnaire I was asked to follow in the interview. The organisation I worked with was interested in a narrow series of questions about the standards of short-term custody centres where people are held prior to deportation. People's experiences are broader and more complex than this. This meant that the questions sometimes missed the larger point. For example, asking a mother just deported from her life in the US, her children left behind, whether the hamburger she had been given for dinner was up to standard felt almost perverse. Her distress was not about a single meal: the violation was her deportation, not the low quality of her hamburger. The narrowness of the questionnaire shows how a research goal can be imposed on those who are researched, and how this goal can be out of touch with their needs and experiences.

Third, I was concerned with the politics of writing up the experiences people had shared with me. While I obtained consent for the interviews, and participants

understood that the experiences they shared would be included in a report that would be used to campaign for political change and improved custody standards, using the interview material as part of this campaign felt both exposing and opportunistic. It could potentially have been, in some cases, a situation of having taken advantage of someone's desire to talk about distressing experiences so as to forward a research project. It felt that there was too much potential for coercion in the collection of the personal stories and something cynical in the recirculation of them. Like the previous problem, this was a problem of the researcher remaining in control of the project and using the materials to suit her own purposes as she determined them, which might or might not match the needs of the person who was researched and whose very personal experiences were put on display.

Finally, given that clandestinity and the need for protected clandestinity was so much a part of the experience these migrants were facing, there seemed to be a problem with a research project that sought (much like the State) to document and make more visible the experiences and trajectories of migrants. If the stories migrants offered to me while I spoke with them sometimes veered toward specifics about how journeys were made and how detection was avoided, a documentation of these aspects of the stories basically offered up exactly the sorts of specifics that would be useful to border patrol in forwarding border defence projects. This produces risks for migrants exactly because some of the information generated through research on irregular migrants may be relevant to enforcement agencies (Duvell, Triandafyllidou, and Vollmer, 2008, p.8). Were information generated by the research to be used by enforcement agencies, the research would have then caused the participant harm.

The possibility of this harm again points to the vulnerability of irregular migrants as research subjects (James and Platzner, 1999). It also points to the problem of governmentality that migration research can trigger. As Jonathan Inda describes in *Targeting Immigration*, "illegal immigration" is made an object of government through mentalities and "intellectual machineries [...that...] have rendered it thinkable, calculable, and manageable" (2006, p.7). Projects that contribute to making migration thinkable, calculable and manageable therefore can contribute to the governmentality of migration, even if this is not their aim. For me, the question was if I were to include information in my reports that could be appropriated to the

task of enforcement, what would it mean to participate in making information publicly available that could be used in discriminatory ways and to harm an at-risk population? What was the purpose of writing down or publishing this information?

The things I learned through having conversations with migrants shaped the way I think about the border. For me, conducting these interviews was an invaluable experience of learning from the experiences of others. It did not, however, leave me with clarity about how to begin my PhD thesis. If anything, it left me with a number of methodological uncertainties and a set of concerns about the potentially exploitative, coercive and objectifying aspects of conducting research with migrants. Though it was clear that an engagement with migrants could be an incredibly rich exchange, it was less clear how this exchange could happen across unequal power relations.

Borders as object of study

What could I choose as my object of study that would not objectify people? Given my previous research experience, I was concerned with the potential for opportunistic, coercive or exploitative treatment of migrants in my PhD research. In particular, I was concerned with the risks that a research project might pose to irregular migrants in terms of their legal vulnerability; with the power differential that would exist between myself and the migrants with whom I worked if I were to study them; and the possibility that the project might produce knowledge that would contribute to producing migration as an object of governmentality (De Genova, Mezzadra, Pickles, 2014, p.9). I did not want to tally and categorise migrants in the same way that governments do and was not interested in cataloguing where migrants came from, how they moved, or what they did day-to-day. I also did not want to make migration appear as a problem, or as something weird or strange, and so implicitly naturalize the normalcy of staying in place.

Politically and ethically sensitive researchers have responded to the potential problems in researching migration in a number of ways.⁶ I decided to respond to the ethical and political problems posed by research in the field of migration by shifting

⁶ For some examples, see discussions of militant research (Militant Research Handbook, 2013; Garelli and Tazzioli, 2013) and participatory research (Truman and Humphries, 2000, p.5).

the focus of the research. I chose the border as a structure and institution as my object of study. If a goal of the project was to understand the ways that access to national space was regulated and exclusion meted out, then directing critical analytic attention at the structure of the border made sense as a practical redirection. Looking at the border as a structure or institution meant directing critical and analytical scrutiny at the mechanisms that enact the border. This includes investigating how decisions are made, produced, and policed about those who are considered to belong in a country and who is legally excluded – and so illegalised – and in what differing ways at distinct historical moments. The border is better able to bear being an object of study than migrants in a number of ways. The border is not vulnerable to either exploitation or deportation. Interrogating the border does not necessarily entail making an individual's personal experiences of violation and loss public material. And there are no dangers to the border in being made hyper visible, other than dangers that are politically useful to introduce. Making the work of borders more visible can contribute to a project of making the borders more controversial and objectionable.

The shift in focus, from directing attention in a research project on migration at migrants as a research object to considering the border as an institution, is one that could be described as a decision to "study up," and to put the culture of power and affluence in a position to be scrutinized, rather than the culture of poverty or lesser power (Nader, 1972, p.289). This sort of choice redirects questions, so that it is no longer migration that appears as an odd activity that needs to be explained (the question "why do people migrate?" for example, could fall within this approach), but instead the question becomes one that interrogates why this is made to appear odd: for example, "why are people prohibited from migrating," or "who is prohibited from migrating and in what instances?" In Laura Nader's (1972) description of studying up she is clear that while this sort of perspective is a necessary part of research, it does not mean that other kinds of research focus are not also necessary. In other words, the need to "study up" does not remove the need to also study in other ways.

Chris Shore and Susan Wright (1997) also work through this methodological question, challenging the binary nature of assuming that one might study up or down, and instead suggest that it may be more apt to speak of "studying through." This approach investigates "the ways in which power creates webs and relations between

actors, institutions and discourses across time and space” (Shore and Wright, 1997, p.14). It is this study of power that interests me in my approach to the border as precisely an operation of power.

As I worked through questions of how to approach migration and borders as a structure and an operation of power in a research project, I was acutely aware that I am a migrant too. I am a non-citizen in the country where I reside, dependent on temporary and restricted authorization to remain in England legally. By focusing on borders and their inscription of different people in different roles, part of what came into focus for me were the ways that the mobility of some is described as migrancy, and the mobility of others is not. This raises the question of what boundaries exist, or are presumed to exist, around the category of migrant that exclude me from it in one sense (common usage), even as I belong within it in another (technical usage)? What is indirectly evoked by the term *migrant* that the term itself did not own up to? What ideas of race and class exclude someone holding a passport from a powerful country and racialised as white from being thought of as a migrant? It is even less likely that I be considered an “illegal migrant,” though I am surely capable of becoming illegal. I could overstay my current visa; I could violate the terms of my admission to the country by, for example, working more than the approved number of hours; or I could enter another country as a tourist and yet remain in the country, living and working there without legal permission to do so. This points toward the way the understanding of who is migrant and who is not is heavily influenced by a politics of race and nation, in the sense of the relationships that different national spaces have to one another and how these spaces are understood. In this way, a question of methodology immediately pointed toward a particular construction that migration politics enact.

While choosing to study the border as an operation of power was an ethical choice, it also has its own structural challenges. An important drawback of choosing to study structures of border power is that this power can be reified through a study that exclusively seeks to describe it. By this I mean that in deciding to study the way that the border functions as an operation of power, and by excluding any focus on migrant practices or experiences, I effectively make only power visible. This can make power appear monolithic and uncontested. For instance, instead of looking at the complex ways that those affected might navigate and subvert acts of bordering

directed against them, in choosing to describe only the way that immigration legislation functions to enact borders this type of material cannot appear. Instead, what appears is an account of the racist structure of immigration policy and the way that it is distributed throughout (primarily US) national space. While the problem of constructing migrants in terms of passivity is a core concern in the final chapter of the thesis, in a way this problem is reproduced through the exclusive focus on mechanisms of bordering in the rest of the thesis.

Case studies

In taking up discussions of borders, the next important question is the question of whether to approach borders as a concept in a theoretical and abstract way or to approach borders through a detailed engagement with the specifics of a particular border. While there is no doubt that many world borders share common features, it is also the case that each border in the world is situated, has its own particular and local histories, and negotiates a unique set of relationships between those who come into contact with the border, wherever it may be. (The question of where a border is, and of the relationship negotiated by the border, will be taken up later in this thesis). Given this particularity, it is difficult to speak of borders at the level of the general and abstract without risking that the particularities of a border disappear. In other words, theories that attempt to work on the level of borders *generally* risk not only abstracting a general principle from a specific example, but obscuring the different ways that different borders function in their located particularities. I have made the choice to address borders specifically while gesturing toward more general principles.

I approach borders through the use of case studies, looking at one border in order to better understand borders generally and also looking at specific instances of a particular border in order to better understand that border generally. Lauren Berlant discusses the particularities and contradictions of the case study method and its relation to Cultural Studies in a helpful way in her article “On the Case.” In the article, Berlant points to the ways that to work with case studies is to fold the singular into the general. By this she means that there is an assumption in case study methodology that looking in-depth at one case can provide insight into the general.

This is an observation that is presented as a principle of case studies in much of the literature that describes the methodology (Gerling, 2007). Expanding on this idea, Berlant points out that the case occupies an odd position because it “is always normative but also always a perturbation in the normative” (2007, p.670). An event becomes a case when, in her words, “it represents a situation in which people are compelled to take its history, seek out precedent, write its narratives, adjudicate claims about it, make a judgment, and file it somewhere” (2007, p.670).

While the term "the case" is not always well-defined in the methodological literature (Ragin, 1992), what Berlant’s observation draws attention to is the way that an event becomes a case when it stands out from the norm or is identified as being exceptional and therefore deserving of attention and interpretation. The contradiction is that, despite having drawn attention exactly because it stands out from the norm, the claim for the case becomes that it is possible to generalize from this case and to learn something about the general condition through it. These reflections on the case study method raise the question of whether a given object of knowledge can support the general claim that is made about it, both because the singular is taken to stand for the general and because the singular event has been selected precisely because it stands out from the general. I will discuss this problem in relation to my own case selection and the effects it may have on the extent to which my research findings can be generalized.

In this thesis, case studies work on at least two levels. First, in that the thesis engages with borders, there is the choice of which borders will receive detailed attention. I work with the US-Mexico border as a particular case study that is approached in an in-depth way. The goal with the selection of this case is not exactly to make the specific case stand for the general. Instead there is a slightly more nuanced or complex structure between this particular case and the idea of a border as a general institution. My goal is to use the specifics of this case to point toward or open up questions about borders more generally, but not to assume or prove that borders in general are one way or another or even that they can be spoken of in the general sense. At different moments in the thesis, I place the US-Mexico border in relation to the borders of Europe in order to make suggestions about continuities and differences between the two spaces.

The second level at which the case study functions as a methodological approach in this thesis is in the selection of events and materials to examine as cases of the border. To speak or write of borders even at the level of a bordered relationship between one nation-state and the next, and all of the people this effects and includes, is already a large and complex field of relations. For this reason, after having provided an overview of the historical relationships of the US-Mexico border and a theoretical discussion of the work of borders and bordering, I turn to specific examples and instances of bordering: namely, to the state-level immigration legislation passed in Arizona in 2010 and to two human rights reports, one describing the US-Mexico border and one describing migration relations between Libya and Italy.

A Situated border: the US-Mexico border

In this thesis, the border that separates the United States from Mexico functions as the core case study. The space of the geographical divide that marks this border on the land is one of the world's most prominent international divides. It spans roughly 2,000 miles; it is heavily funded and militarized, making it a spectacular installation; and it is a space where, as Gloria Anzaldúa has written, "the first world grates against the third and bleeds" (1987, p.3). It is, in other words, a border that segregates an economically robust and powerful nation-state from a nation-state that is less wealthy and powerful. This border also appears within the thesis as a core case study for a more personal reason: it is the border that first caught my attention and drew me to think about questions of migration and bordering.

To write of the US-Mexico border is to write of a very particular relationship. In this thesis, the border that appears is the border that the US maintains with Mexico. The histories that appear are histories of the ways the US has managed its relationship to migration from Mexico and its control of the geographic divide between the two countries. This is a fundamentally different account of the border that divides the US from Mexico than would appear if I were to write of the border from the perspective of Mexico. That is, while in a simplistic way it is possible to say that there is only one border shared by the US and Mexico, I want to point out the important differences that exist between writing from the perspective of Mexico's administration of the border, versus the administration of the border by the US. As is

made manifest by walking across this physical border, it is a fundamentally different thing to pass from the US into Mexico, and so be subject to the controls and administrative protocols of the Mexican government, than it is to pass from Mexico into the United States and so to be subjected to the controls and administrative protocols of the US government. (Who does the crossing also matters quite a bit, a point that will also appear again in this thesis.)

A potential danger in writing of the US-Mexico border, in part because it is hyper-visible, is that a discussion of the ways this border enacts a racist or draconian project of segregation may allow the racist and draconian projects of other borders to disappear. In other words, a treatment of the US-Mexico border as exceptional could potentially have the effect of making other borders in the world appear milder and friendlier. Because I have largely written this thesis while living between the United Kingdom and Germany, the problem of making other borders disappear has been particularly apparent to me. An indictment of conditions in the United States should not clear Europe from responsibility for its own borders, but should instead be used to make more visible similarly violent conditions in European spaces. It is impossible (for me, at least) to write of the exclusionary projects under way in the US without noticing the similarities with European projects of exclusion. To speak only of Britain, one example from many possible examples is the "Go-home" vans. In the summer of 2013 the UK government placed advertisements on the side of vans in London that said "In the UK Illegally? Go home or face arrest." These "Go-home vans," as they came to be called, also raise questions about the racist and classist ways that immigration and bordering are enacted in this national space.

Far from excusing other spaces, I have sought wherever possible to use the US-Mexico border to situate the other borders I live between. As Avtar Brah writes, "Each border embodies a unique narrative, even while it resonates with common themes with other borders" (1996, p.198). In attending to these common themes, the borders of Europe and of Britain therefore enter this thesis too, though in peripheral form. This thesis is not a study of the border of Europe, nor a comparative study of the US-Mexico and European borders. However, at moments I bring these borders up in order to suggest relations they might have with the US-Mexico border. This happens explicitly in Chapter Five when I discuss a human rights report detailing abuses of migrants at a European border in relation with a human rights report about

migration in the United States. At other moments, there are openings for future projects that could trace and test the ways that the specificities of the US might find resonance in European space and practices. This is the case in Chapter Four, where the focus is on US state-level immigration policy, but resonances with European migration policing policy are immediately apparent, if not fully explored. It also happens through theory: one way that Europe appears in this thesis is through a theoretical reversal. I have taken theory written in Europe and specifically about European borders and used it to think about the space of the US-Mexico border, exploring the ways that this theory, with its different origins, might in fact work to explain some of the dynamics of bordering in the US.

Case and document selection

My research was further focused through a choice of how to approach the particular border I was working with: I chose two particular incidents to analyse in detail that allow me to develop a consideration of the border and of bordering. The first of these is a piece of Arizona legislation, SB1070. In April 2010, the US state of Arizona passed a state level immigration law known as the “Support our Law Enforcement and Safe Neighborhoods Act,” or SB1070. This law was the first of a number of recent state-level immigration laws proposed and sometimes passed in the United States that have instituted an "attrition through enforcement" style of immigration policing. These laws extend immigration policing throughout the space of daily life and increase the number and sites of immigration checks.

In part, I decided to work with Arizona’s SB1070 because the law has received so much attention and inspired such a robust response. Its passage was immediately controversial, both in the US and internationally. This was interesting to me precisely because, as I show, while the law was treated as exceptional (exceptionally racist, exceptionally xenophobic, exceptionally relying on "reasonable suspicion"), it is not particularly exceptional. This is not to detract from the xenophobia or racism that is central to the law, but instead to point to the continuities with previous policy, and to problematise this wider history. In this way, I chose SB1070 as a case study because it was marked out as exceptional, and yet – I argue – is not. While I potentially repeat the exceptionalising move in relation to SB1070 exactly by focusing on this marked case, I approach SB1070 as another incident in a general moment of immigration policing in the United States.

The relation of this case to exceptionality picks up Berlant's discussion of the case study in an interesting way. Arizona's SB1070 stands out as the first of the state-level attrition through enforcement bills. Exactly as she describes, I have decided to work with it because it has received exceptional attention. Also as she describes, part of the way I choose to work with it is by looking to see what its history is, and what precedent there is for the law. What I find in this history is that there is ample precedent and that in fact the case fits very well with the general tendency in immigration policing in the United States. In this way, the finding is that the exceptional case is not exceptional and so fits quite neatly with the general. Arizona's SB1070 stands in not only as representative of attrition through enforcement state legislation more broadly, but also as a piece of legislation indicative of the current moment in US immigration policy and an approach to the regulation of migration.

I treat Arizona's SB1070 as a piece of text that constructs certain ideas of national belonging, as a policy document that has effects on daily life and as a cultural intervention that circulates and has effects at the level of lived experience and the level of discursive and political understanding of what it means to belong in national space. In order to analyze Arizona's SB 1070, I select a range of documents. Many of these are legal documents, including the text of the law itself. In addition to a reading of the text of the law, I also look at responses to the law, and the legal challenges filed against it. This includes a legal challenge from a Tucson-based police officer, one filed by the American Civil Liberties Union (ACLU), and the United States government Department of Justice lawsuit that was successful in partially blockading the law and its implementation. I also consider public discussions of the legislation, such as statements made in support by prominent public figures (Arizona's governor, Janet Brewer and the law's author, Kris Kobach), and the protests that took place against the law, both in Arizona and across the United States. In considering these documents, I am interested not only in the legal efficacy of the documents, but also in the ways that discourse and representation are involved in constructing and reconstructing borders and bordered relationships. Looking at these documents and discussions allows me to consider each of these texts as a site of public negotiation, not only over the laws, but over the politics of migration. Through these texts and discussions, the border is produced.

Attention to the ways ideas of belonging circulate through these texts is situated in relation to other documents, practices and laws. I look at other state-level attrition through enforcement legislation designed on the model of Arizona's SB1070, as well as other laws governing immigration that predate Arizona's SB1070 and attrition through enforcement legislation more widely. Considering these documents allows me to make the case that the major effects of SB1070 are not without precedent in US immigration law and practice, but instead follow trends that have been unfolding since at least the 1980s, and in the case of a racialized/racist identification of belonging and the use of visual queues in immigration policing have always been part of immigration policing in the United States.⁷

The second case study that appears is an in-depth analysis of two human rights documents that give an account of the politics of migration. I turn from legal documents to human rights documents because I am interested in the ways that the latter also participate in constructing and reproducing borders and border logics. As pieces of text, Arizona's SB1070, and legislation that governs migration more generally, is explicitly involved in a project of excluding and policing migrants. The human rights reports I have chosen, on the other hand, self-describe as documents that seek to intervene in the violence of exclusion. However, my interest in these documents has to do with the ways that they, despite other intentions, may also participate in divisive logics that recirculate and reproduce borders.

The first human rights report I selected is *Humanitarian Crisis: Migrant Deaths at the US-Mexico Border*. I chose this document for a number of reasons. The first is that the starting point of analysis is explicitly political. Instead of treating the experiences of violence and the deaths that take place at the US-Mexico border as unfortunate side effects of border policy, the report explicitly links these deaths to US policy. In other words, the US government is situated as directly responsible for the violence that unfolds along the border as an effect of its legislation. In choosing to look at a political discussion of the border, I was interested in considering how an indictment of border policy and border violence could still rely upon and recirculate divisive ways of situating and conceiving of people. By this I mean that I wanted to

⁷ There is no European comparison explicitly made in this chapter: I have not selected a single European law to follow around and analyse in the same way that I have chosen and stayed with SB 1070. It would, however, be more than possible to find European examples that function in similar ways to Arizona's SB 1070 in terms of legislating a racialised idea of belonging, policed throughout the space of daily life. This is something a future project could take up.

pay attention to the ways the reports depicted migrants, in order to think about how these migrants were situated in relation to national space. Second, the report was published in 2009 and remains the most recent major report on the violence at the US-Mexico border. It is considered in the field to be a “landmark report.”⁸ Third, it represents the work and views of important organisations working on the border. It is a joint publication of the ACLU of San Diego and Imperial Counties and Mexico's National Commission of Human Rights (Comisión Nacional de Derechos Humanos, CNDH), both major rights-based organisations. It also details the work done by a number of the most active organisations that work in the border region with migrants.

In order to put this report and discussion in relation to the borders of Europe, I chose a second human rights report. Because the report from the US-Mexico border discusses the border as the violent space of geographical division, I chose a report from Europe that focused on a similar space. *Pushed Back, Pushed Around: Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers* details the conditions faced by migrants in the Mediterranean as they attempt to move between Libya and the Italian island of Lampedusa. Therefore, each of the reports speaks to the conditions of migrants at two of the world's most spectacular divisions and by extension to the representational practices around these spaces. The border between Mexico and the US and the space of the Mediterranean that separates Europe from Africa are both sites of major south to north migration. In both cases, the boundaries divide regions of economic prosperity from regions that are markedly less prosperous. In looking at human rights reports from both of these regions, I am interested in the ways the two reports converge and in asking what particular forms representations of violence take in migration across the border zones that divide these regions.

Pushed Back, Pushed Around was published by Human Rights Watch, a prominent and important rights-based organisation, much like the ACLU and the CNDH. It was copyrighted in 2009, making it a contemporary of *Humanitarian Crisis*. Both reports demonstrate the representational activities of major human rights organisations at the end of 2009 and can be treated as a slice of representational practice in human rights prevalent in the contemporary moment. And finally, like the

⁸ The report is available here: <http://afgj.org/death-as-deterrence-the-desert-as-a-weapon>

first report, *Pushed Back, Pushed Around* takes the position that the violence it describes and the hardships faced by migrants are an effect of state policy. The report states its own purpose as being to hold the Italian government and the European Union responsible for the “harm that befalls” migrants (p.5).

Excluded Cases

I considered a number of other possible case selections that I eventually excluded from this project. A number of these alternate case selections were included in early drafts and versions of the project. At one point, the chapter focusing on Arizona’s SB1070 included a substantive section on a similar piece of legislation passed in Alabama, known as HB56. This material sought to further situate the Arizona law in its context amongst a number of state level pieces of attrition through enforcement legislation. In the final version, this material appears briefly in order to situate Arizona’s SB1070, but not as an independent study of Alabama’s HB56. At an even earlier point, I also intended to include a reading of examples of similar European legislation in a paired chapter. This was intended as a way to develop the point that immigration policing on the basis of racialised suspicion is commonplace and an important means through which borders are implemented. This material has been excluded due to a desire to focus the research in a sustained way on a context that can be read deeply. The reading I offer of Arizona’s SB1070 is in dialogue with the history offered in Chapter Two.

Another case I considered reading was the US Dream Act. This is a piece of legislation that has proved difficult to pass. The question of why it has proved so difficult to pass is an interesting one, especially given the essentially conservative and exploitative nature of the legislation. The Dream Act proposes to legalise some of the undocumented children raised in the US, but only those who complete a 4-year college degree in the country or who complete military service. In this way, it pre-selects either those who are understood, through the privilege of higher education, as being unlikely to place an “economic burden” on the country, or those who risk their lives in military service to the country. In both cases, those without status are assessed in an instrumentalised way. The only way they are granted status, even after a lifetime of living in the country, is through proving that they are in some way useful to the US. Again, in an impulse to draw connections between immigration

practice in the US and practices in European space, I wanted to pair this with a discussion of the UK's introduction of the points based immigration system in 2008. This change in immigration policy in the UK formalized an instrumentalised logic in the determination of access to legal status for migrants. It ranks and codes migrants into tiers, assessing those who are most desirable on the basis of, almost exclusively, access to finance. Again, the logic is that in order to be admitted to the country migrants must show that they are valuable. I ultimately chose to exclude the readings of these policies because I felt the arguments they suggested moved in different directions than the arguments suggested by the materials I have included. I would still be interested, however, in following these comparisons in another project, and in pursuing the ways that they might develop or challenge the arguments made here.

Finally, the selection of the human rights documents was originally accompanied by a lengthy reading and discussion of photographic practices through reference to the occupation of Palestine. The US-Mexico border wall and the wall which surrounds Palestine are sometimes compared, most notably in Wendy Brown's *Walled States, Waning Sovereignty* (2010). My interest in the material was grounded in a reading of photograph practices as potential sites of resistance and alternative forms of citizenship. It included an extended engagement with Ariella Azoulay's work on citizenship through photography. This material was largely theoretical, and was ultimately excluded because of the limited space for a discussion of Palestine and a desire to focus the materials on what could be responsibly developed. The concern has guided the sustained focus on the specifics of the US-Mexico border.

Working with documents

Documents can be approached as cultural texts or as Riles puts it in her book *Documents: Artifacts of Modern Knowledge* (2006), as "receptacles of (politically or culturally) meaningful knowledge to be 'read' by the theorist/observer" (p.12). Reading and analysing documents can therefore be a way to analyse political and cultural knowledge. In my approach to the documents I have selected, I am interested particularly in how they discuss and present national belonging and migrant groups. How is who belongs and who does not constructed in these texts? What sort of knowledge is circulated within and produced by these documents?

Documents belong to the world and to the human agents that produce them. As Lindsay Prior writes in *Using Documents in Social Research* (2003), “Documents are essentially social products. They are constructed in accordance with rules, they express a structure, they are nestled within a specific discourse, and their presence in the world depends on collective, organized action” (p.12-13). Prior's observation takes that of Riles further, in that Prior points to the way that documents contain not only their explicit content, but also traces of the presumptions, ways of thinking, and organisational structures that produce them. In this way, the social knowledge that is captured in a document is not only the knowledge that the human agent might have intended to express in producing the document, but also evidence of the implicit and taken-for-granted forms of social knowledge that may inform and structure them. It is this relationship to the social world that generated them that makes documents useful, as they can be treated as windows onto this world. In the documents that I analyse, what is communicated that is unintended is at least as interesting as the intended communication. I pay particular attention to this in my analysis of the human rights documents that purportedly argue for migrants to be more fairly treated, but I argue that also recirculate exclusionary and divisive logics that distinguish migrants from citizens.

Documents are not, however, merely receptacles of knowledge. They do not simply contain and represent a society. Instead, documents have “constitutive effects.” They not only describe the societies that use them, but participate in producing these societies and the subjects who comprise them (Foucault, 1991; Reed, 2006; Riles, 2006). Attending to documents can be a way to track the struggles over meaning in a society. I treat the documents I have chosen as sites of struggle. For example, the piece of legislation that is Arizona's SB1070 is intended to reshape immigration law in the state of Arizona and so is unambiguously engaged in producing the social. The other documents that I look at in constructing an understanding of Arizona's SB1070 are also involved in this struggle. They are documents that seek to do things: lawsuits that draw attention to the legislation of SB1070 and nominally seek to block its implementation, statements of protest and approbation.

This points to the way that these documents not only work as iterations of particular formations of, or struggles over, national belonging. They also engage with

one another, sometimes repeating and sometimes contesting formulations of the nation and/or of who belongs within national space and what sorts of practices are legitimate. These are documents that talk, and they talk to each other as much as they talk to a general public. This means that documents are not just passive objects operated by human agents. They are social actors that can enter systems of action in their own right (Prior, p.20). In the case of some documents, this agency is very clear. For example, a document like a passport has effect simply through its presence or absence. In signifying legal national belonging, it brings that belonging into being: there is no way to know a person's nationality outside of the document that verifies it (Torpey, 2000). Lawsuits and pieces of legislation also have the capacity to function not merely as expressions of human intention, but to trigger effects of their own. Part of my argument is that through the act of representation, documents that do not have this sort of direct function of doing or bringing into being, also do things and bring things into being: things like relationships, social understandings and political orientations.

Analytic practices and the ethics of working with textual data

I have so far presented the choice to study the border as a structure and the choice to methodologically work with textual documents as a step away from the risky ethical practices I described in the opening of this chapter. This is, however, too simple of an account. In this final section, I will consider the implications of studying policy, not people, and the ways that practices of textual analysis are also ethically risky. I will particularly focus on the ways that making the choice to work with documents structured what the project was able to make visible and what it obscured; how I constructed my research archive and the implications of this; and how I analysed the documents I chose.

Documented appearances

Grounding this research project in readings of textual documents raises the question of what sort of knowledge these methods are predisposed toward. How does an engagement with documents as a methodological practice structure the research outcomes? As Celia Lury and Nina Wakeford (2012) have pointed out, the instruments of social research structure what that research finds. In this way, research

objects and research methods are mutually constitutive. The device of method is not merely a tool. Methods can be a way of configuring what comes next. They are capable of both addressing a problem and changing that same problem, and their effect cannot be secured in advance.

As an example of the way that method can alter and produce what research pursues, Les Back writes of the tape recorder as a material object (2012). In his article "Tape Recorder," Back reflects on the way that a tape recorder structures the sorts of knowledge or information that he comes across as a sociologist. The presence of a tape recorder effects and alters what people say. As an example of a possible effect, he explains that it might cause an otherwise talkative person to be more cautious or silent in what they say, fearing the power of being recorded or of being isolated as a single person. In this way, the tape recorder is not a neutral device, used only to record what happens, but has a role in determining what happens and what is available for recording. Once recorded, Back goes on to note that interviews must then be interpreted and reported. This is not a transparent one to one process that merely reflects what has been said in an unmediated way, and Back says that to claim this is the case would be a slight of hand. Transcription and interpretation have their own role to play in generating the knowledge of the research project.

The point made by Back is not that what research discovers is untrue, but that the process of doing research and searching for particular kinds of meanings structures what emerges. As Skeggs notes (2008), our research practices don't simply capture the world, but generate the conditions of possibility that frame research. The relation between research practice, research findings and researcher could also be thought of as "relational," which Mariam Motamedi Fraser (2012) describes as an understanding that these elements of research are constituted in relation to one another. Understanding the relationality of research means understanding that the research problem is distributed across these relations as a whole, and is not the object of just one element or another.

What these reflections on the importance of method point toward is the way that in choosing research methods for this project, what the project can discover has been shaped, and the conditions of possibility for the research framed. This structures the research problem that emerges and what is made visible. For example, in the

construction of this project I have explicitly excluded migrant voices. While this is an intentional research practice choice due to concerns around vulnerability, policing and exploitation, it also has its own set of complications and limitations. Chief amongst these is that by focusing on documents involved in constructing (and to some extent contesting) the border, only what has already been written down and recorded can come into view. By choosing not to include migrant accounts out of fear of exploitation these voices are, as a result, absent from the project. In their absence, there are some things that can never appear. This risks reproducing the privilege of those accounts that are already privileged by allowing only these accounts to appear within the space of the thesis.

At times, restricting my engagement with the question of bordering to readings of textual materials has been a challenge because of what this method directs research toward and away from. I felt this challenge most acutely in conducting the research on Arizona's SB1070. In designing this research, I was looking to critically address and track the ways that the law relied on a racialised and racist understanding of legal belonging in the US. However, contemporary pieces of legislation rarely state in a direct and straightforward way that they intend to police on the basis of race. In fact, in the case of SB1070, there is an interested explicit refusal of this narrative around the legislation. Therefore, in trying to track the way that "reasonable suspicion," as it is termed in the law, equates to "racist suspicion" I was trying to track the gap between what was recorded in the official text and official account and what this meant in terms of enactment and for those targeted by the legislation.

Having conducted interviews with migrants recently deported from Arizona prior to beginning my PhD research, I knew that the most controversial element of SB1070 – the stipulation that police officers could inquire after migration status on the basis of "reasonable suspicion" – was in fact already a common route to deportation. Many of those who turned up to the migrant solidarity centre in Nogales, Sonora were deported as a result of revealing their immigration status to a police officer in the course of a traffic stop. The officer did not have the legal right to make these enquiries, but those who were questioned did not know this. Once they had revealed information that identified them as undocumented, the officer then was able to act on that knowledge and put removal processes in place. None of this was

documented as it happened outside of the official legal version of immigration. By making the choice to rely on only textual documents there was no way to make this appear within the thesis. This points to the way that a reliance on textual materials can risk privileging an official version: what is already documented about the undocumented is what appears. This was something that I had to figure out how to avoid, to the extent that it is possible to avoid. How could I construct a research project that was reliant on reading documents, and yet that did not simply repeat an official version?

This sort of methodological frustration also manifested in my efforts to show the ways the law functioned through an unstated reliance on racial profiling. As I was conducting this research, my repeated impulse was to ask those addressed by the legislation about its implementation and its effects on them. Again, given the interviews I had previously completed, I knew that there would be rich accounts of the ways that harassment followed from presumptions of non-belonging, and that deportations routinely follow from traffic stops. Having made the choice not to conduct these interviews, however, precisely because I feared that assembling this sort of material might produce a body of information useful to tracking migrants, I had to figure out how to make racial profiling appear in another way. My solution took the form of the choices I made in constructing the archive of materials I worked with and also in my analytic practices in relation to these texts.

Constructing the archive

An archive is a creation, and it can hide as much as it reveals (Steedman, 2001). The construction of the archive matters – what’s included in it, how it is included, and how the material is then read. In her book *Dust*, Carolyn Steedman discusses the way fragments are brought together to assemble an archive and to meet the needs of the researcher. The way the archive is constructed helps the researcher to structure her argument and to provide a coherent account of something. Steedman’s argument is that the archive creates meaning through its assembly and its existence. It does not exist passively, prior to its construction. Searches in the archive (Steedman’s writing describes a traditional historical archive) are motivated by a desire to find the thing the researcher is looking for. This thing we are looking for – this thing that we pursue – structures the encounter with the archive.

The archive that I work from is not a traditional archive as described by Steedman. I was not reliant on historical documents, physically housed in libraries that might or might not be remote from my location. Instead, I have assembled my own archive. However, part of Steedman's point is that archives are always assembled and are always a subset of materials selected to serve a scholar's research purposes. My archive, like hers, is not a passive thing, but one that is constructed around my desire to find particular answers to specifically formulated questions. In the first case study, my research questions directed me toward a reading of Arizona's SB1070 that sought to answer the question of how belonging was racialised through the legislation. Therefore, I was looking for materials addressing this topic. Important for the construction of the archive was not *whether* there was an assumption of racialised belonging in the legislation, but rather how this assumption appeared. I treated the racist nature of the law as self-evident, and this served as a starting point. As I have already explained, I included in my archive of materials the text of the law in its original and amended form, as well as major lawsuits filed against this legislation on the basis of its racial profiling practices, and statements in defence of the law denying its reliance on racial profiling as authored by Kris Kobach, the law's creator, and Janet Brewer, Arizona's signatory of the law. In making these choices, my interest was in tracking and evaluating the debate over the law's relationship to racial profiling. The materials selected therefore foregrounded this question. I also assembled materials that situated the law as being in continuity with immigration policy more widely in the United States, again positioning these laws in relation to their uses of racial profiling. The shape of the selected archive was therefore also part of how the argument made in the chapter was shaped: by choosing particular materials I was able to say certain things which would not have been possible to say in the same way had the materials been different.

The materials selected for the second case study were similarly affected by the particular research questions and goals that shaped the chapter. As I have already explained, I chose two human rights reports written from a left perspective and which particularly focused on the violence of migration across the exceptionally deathly spaces of the US-Mexico desert and the Mediterranean. These choices of materials were motivated choices. First, I wanted to evaluate the claims made by Rutvica Andrijasevic (2007) and Nandita Sharma (2003, 2005) that open the chapter

the human rights reports appear within. Andrijsaveic and Sharma argue that in order to avoid a reproduction of border violence in representation what is necessary is to situate the violence in terms of the border. Because of my interest in this argument I chose two human rights reports that firmly locate the violence at the borders as the violence *of* borders. However, despite this political locations I still felt the reports were engaged in problematic representational practices. I wanted to explore these problems. The research was a way to follow the impulse that something was wrong, and to work to articulate exactly what this something was. It was also a search, though one that it may not ever be possible to finish, for better practice. I wanted to know how it might be possible to speak and write of these tragedies without reproducing violence, exploitation or Othering. What are the representational possibilities that do the least damage? What sort of damage is done by the current attempts? In this way, the choice of materials was strongly guided by my research agenda and the construction of the archive also structured the research findings. The arguments that emerged were a product of the materials selected.

Reading the archive

At least as important as the construction of the archive for the arguments eventually made in this thesis are the analytic practices used for interpreting the materials. In her book *Fictions of Feminist Ethnography*, Kamala Visweswaran observes that the anthropological researcher succeeds as an ethnographer when “she renders a people or person ‘subject’” (1994, p.60). By this she means that the ethnographer transforms those with whom she conducts her research into subjects by imposing on them a definitive account that they then are described by and through. While this is a methodological reflection belonging to the field of anthropology, it is useful for thinking about my own relationship to method and to the narrative I eventually produce in my research.

In some ways, Visweswaran’s observations are similar to Steedman’s in that both point to the way that researchers impose narratives on their materials through practices of selecting and reading materials and/or through practices of giving an account of materials. Assembling archives and writing the academic narrative that interprets these archives becomes an act of construction, just as ethnography can be a way of forcing a narrative of the researcher’s own devising onto subjects who appear

through the creation of this narrative. In my own research project, I might ask what forms of mastery are marked by my analytic practices in relation to texts. How did I approach my texts and impose readings on them?

Famously, Eve Sedgwick has written of paranoid versus reparative readings. In her work on this topic, Sedgwick is interested in the question of what knowledge does. She asks, "What does knowledge do - the pursuit of it, the having and exposing of it, the receiving-again of knowledge of what one already knows? How, in short, is knowledge performative, and how best does one move among its causes and effects?" (1997, p.4). In posing these questions she is asking about the efficacy of projects that seek to track mechanisms of structural oppression, which she describes as paranoid readings. These readings are anticipatory forms of strong theory that place their faith in exposure. They know what they set out to prove, they find the failures for which they search, and they prove what they seek to prove elegantly and inescapably. There is a belief in these types of readings that description in itself has political efficacy – that it will *do* something. Sedgwick points to these critical habits of interpretation that track and describe structural oppressions with a movement toward asking what sort of effect this work has. Does it, in fact, tell us anything we didn't already know? Does it, in fact, do something? Her concern is that readings that set out to track instances of structural oppressions may do little more than rehearse what is already known.

It is possible to think of both of my case studies as examples of paranoid readings. In my reading of Arizona's SB1070 I am tracking the racism of the law. The presence of this racism is not up for debate. I start the project knowing it is there, and the project finds and describes it. However, instead of simply asking whether the law is racist, only to prove that it is, my questions are: how does the racism function, how is it distributed, and what are its effects in terms of bordering and belonging? In this way, the project is not just one of setting out to prove what I already know (that the law is racist), but is also about attempting to better understand the effects of immigration policing throughout the space of the nation-state on the basis of race. I want to know what this sort of policing does and how it relates to the border, to illegalisation, and to the reproduction of racism and structural oppression. The description of these mechanisms and their effects on its own is not necessarily meant to do anything. Instead, it is meant to provide ground for doing things differently,

particularly in terms of activist responses to border policing. This intention is in part an effect of my own orientation in relation to the project as someone who came to the research from a practical engagement with border issues. I have always seen the project as a way to answer questions that practice raised for me.

In my reading of the human rights documents I have selected it might also appear that I have pre-selected materials that allow me to show the failures of certain forms of representation: that I proved what I set out to prove. My relationship to these texts is in fact a much more frustrated relationship. While the selection was guided by pre-existing awareness of the conflicted politics of representing migrant suffering, it was also motivated by a wish to better understand how to do this better. Again, my prior practical engagement with border issues (and with human rights reports) guided both my thinking and my choices. The reports were examples of the best practice I could find. This was particularly true in relation to the human rights report discussing the US-Mexico border. Those who wrote this document show a concern with the same sorts of questions I address in the chapter, demonstrated through their choices around insisting on the produced nature of migrant suffering in relation to border policies, and also practices around picturing death that do not intimately focus, for the most part, on close-ups of bodies. My question was not simply “do these documents fail?” but was rather “precisely how do they fail and why?” Just as in the case of the analysis of the Arizona law, my intention was not to place faith in the exposure of failure itself, but to use what came out of the research as a means of improving practice.

In this way, the readings I offer may be more instrumentalised readings than paranoid ones. Then again, they may not. Sedgwick explains that paranoid readings make the:

cruel and contemptuous assumption that the one thing lacking for global revolution, explosion of gender roles, or whatever, is people’s (that is, other people’s) having the painful effects of their oppression, poverty, or deludedness sufficiently exacerbated to make the pain conscious (as if otherwise it wouldn’t have been) and intolerable (as if intolerable situations were famous for generating excellent solutions) (1997, p.20).

Is what I am doing really so different? I am invested in the no-less cruel exploration of the effects of global systems of violence in order to make the effects more explicit. Even if I am invested in trying to think about these systems as a means to generate a

means of thinking of different possible responses, these different possible responses are not explicitly part of the work. I still place faith in the act of thinking through and of exposing, or better understanding, painful effects.

Perhaps I have more faith in the efficacy of exposure than Sedgwick, and so perhaps I am paranoid. For me, exposure links to activism. Tracking effects *does* do something, or has the potential to do something. It can inform practices of resistance. Understanding experiences in relation to systems of oppression and the usefulness of this is something I have learned from and through feminism. Feminist consciousness can be painful. As Sara Ahmed describes, feminist consciousness involves recognizing gender as the restriction of possibility, a recognition that can be painful (2010). It is not a recognition that is a foregone conclusion: it is possible to not see gender as restriction of possibility; it is possible to turn away from this pain or the recognition of the systematic nature of sexism. And there is something useful in making the systematic nature of sexism visible, as Mariam Frye seeks to do in her work (1983). Explicit in Frye's work is the claim that sexism is not always perceptible either to those who experience it or those who are sexist, and that exposing sexism *as sexism* is a political project. Frye's metaphor of sexism as a birdcage relies on an understanding of sexism as something that it is possible to not see if one works from the particulars only, and if these particulars are not understood as in relation to other particulars in a systematic way. Therefore, unlike Sedgwick, Frye sees a purpose in describing what the author already knows, does not necessarily assume that everyone already sees or knows what she sees and knows, and does not think that the description is necessarily cruel. While Frye's work might rest upon what Sedgwick describes as a problematic assumption—that the author assumes she knows what others do not – it does not make the assumption, which might be equally problematic, that others already think and know exactly as the author thinks and knows.

Given that sexism, and many forms of oppression, are perpetuated through the denial of their existence, I see insisting on and proving their existence as an important part of an ideological structure, and a first step in resistance to these conditions. This can be important for the one who already knows, as well as the one who does not yet know. For me, finding communities that recognize and produce knowledge around the existence of structural oppressions has been important both for

validating the existence of these forms of discrimination (for example, in an atmosphere of general denial of its existence, the refusal to recognize sexism can be profoundly isolating and disempowering) as well as for providing ground from which to refuse these conditions, even if this work begins by simply insisting that these oppressions exist and by tracking them. As I mentioned earlier, in the debates over Arizona's SB1070 the State is invested in an explicit denial of racism in the law. While proving otherwise might be setting out to prove what many already know, and what others will never recognize, it is not setting out to prove what *everyone* already knows, and it remains, for me, an important step toward creating alternatives. And I hope that it is not so much cruel as generative: that the description of structural violence works toward an acknowledgement of structural violence, as opposed to exacerbating suffering or simply stating the obvious.

None of this makes the readings I offer any less potentially smothering, as Sedgwick charges paranoid readings with being. In Sedgwick's critique, setting out to find what you search for smothers the research object, or the possibility of finding otherwise. If, as Robyn Wiegman (2014) describes, paranoid readings are smothering in that there is no possibility for surprise, for findings that are other than what the critic expects, my reading may be similarly smothering, if not also paranoid, in being so strongly determined by my own demands and desires. I am still positioned, in relation to the documents, as the one who "really knows," the one who can interpret and explain. My readings are strongly determined by my own guiding practices of reading and interpretation. I make demands on the texts, and the readings I offer still potentially represent forms of mastery over the texts. While my intention is not to create a definitive account, and not to make a claim for a universal sort of knowledge, I have nevertheless through my reading practices, as well as through my construction of the archive and my methodological choices more broadly, structured what emerges from the research project.

Conclusion

In this chapter, I have given an account of the methodological choices I have made in this project and the reasons for them. I have explained why I chose to focus the project on the border as an institution and as an operation of power, as opposed to on

migrants. I also explained that I will approach the research topic both through focus on a particular world border, the US-Mexico border, and through close engagement with particular cases of this border: Arizona's SB1070 and two human rights reports. I discussed my approach to these questions as one that engages with documents, treating these documents as generative of and engaged in the social world. Finally, I considered some of the limitations of my research design and the ethical implications of choosing to work with textual data.

Chapter 2

Doing Otherwise: A History of the Border

The border shared by the United States and Mexico is perhaps one of the world's most visible sites of the shift toward draconian exclusion and border militarization. On this border recent increases in security measures and militarization have primarily focused on the urban regions of the borderlands. These areas were once the most frequently used sites for crossing between the two countries, with or without documents. At many points along the 1,969 mile continuous land border shared by the two countries, cities are bifurcated by the international divide. For example, Nogales, Arizona and Nogales, Sonora are one urban area through which a metal wall has been drug, reinforced by patrol and technology, splitting the city into *ambos Nogales*, as it is known – a nightmarish doubling, downtown street on one side and suburban back yard on the other, Mexican on one side and estadounidense⁹ on the other. A few hundred miles to the east, standing in Ciudad Juárez atop the unpaved and un-leveled hills where many of the city's maquiladora¹⁰ employees reside, many of which are owned by US companies, the lights of El Paso are brightly visible only a few miles away, casting shadows on the darkened streets of Ciudad Juárez which press up to the border. Again, one city is split in two, a passport necessary to cross from one neighborhood to the next. And not all passports will do. This division continues across the continent, from the Pacific Ocean to the Gulf of Mexico: Tijuana and San Diego, Mexicali and Calexico, Nuevo Laredo and Laredo, Matamoros and Brownsville.

Giving an account of the current militarized state of the US-Mexico border, President Obama is quoted on the official US government page dedicated to

⁹ Estadounidense is the Spanish for what in English is called “American.” In the Spanish, however, the term explicitly names the country to which these “Americans” belong. It is something like saying “United Statesian.” As many throughout Latin America are quick to point out, all residents of North, Central and South America are Americans. The term applies to two continents, inclusive, and so it seems inappropriate, not to mention arrogant, to appropriate the term for the members of one country alone.

¹⁰ A maquiladora refers to a foreign-owned factory in Mexico where parts are assembled by poorly paid workers. Completed products are exported. It is a type of sweatshop.

immigration and border security (a government connection, not mine) as saying, “We strengthened security at the borders so that we could finally stem the tide of illegal immigrants. We put more boots on the ground on the southern border than at any time in our history. And today, illegal crossings are down nearly 80 percent from their peak in 2000.”¹¹ This quote, in addition to providing a rationale for and defense of the placement of military troops at the border, also offers an account of the border itself. The geographical border, the president claims, is a place where people physically pass from one nation and into the next. Closing this border means controlling who crosses it and in many cases preventing this crossing. More patrol of the region equates to more control, and this control specifically, he argues, distinguishes legal from illegal crossing. Illegal crossing ceases with patrol. His statements presume (or claim) that increased border policing works in a straightforward and transparent way and that increasing investment in patrol and regulation leads to the entry of fewer “illegal” migrants, without having wider and more complex consequence.

In this chapter, I am interested in the ways the US-Mexico border is produced and sustained, and in what this border does in the current moment, what it has done historically, and how the contemporary border is informed by its history. I pay particular attention to the ways this border has been formed over time, both in terms of how it came to be placed in the geographic space it now occupies, and in terms of how different dynamics have informed and been performed by this border. Contrary to the official claim of the border published by the US government, I argue that this border has a variety of consequences and effects other than simply preventing the entrance of those who are determined to be “illegal,” if in fact this is the primary effect of the deployment of control at the territorial border. I trace the ways that the border and immigration policies deployed to administer it have been involved in projects of racially determining the population of the United-States, have contributed to the subordination of migrant labour, and have politically staged the appearance of control to achieve a number of other ends.

¹¹ This quote is posted on the Whitehouse pages dedicated to border security and is available here: <http://www.whitehouse.gov/issues/immigration/border-security>

A Colonial history

The US-Mexico border in its (more or less) current form dates to February 2, 1848, when the two countries signed the Treaty of Guadalupe Hidalgo to end a nearly two-year war precipitated by the US annexation of Texas.¹² The treaty repositioned the border between the two nations just south of the Rio Grande river, ceding almost half of Mexico's territory to the US (Castillo del Griswold, 1990). The area annexed by the United States totalled more than 525,000 square miles and included what would become the states of Arizona, California, western Colorado, Nevada, New Mexico, Texas and Utah (Acuña, 2007, p.347). According to the historian Richard Griswold del Castillo, the war was consciously used by US policymakers as an instrument in the bargaining process with Mexico to secure control over new territory. He argues that the war was fed on the US side by the ideas of manifest destiny and American expansionism, both of which fuelled the belief on the part of politicians and policymakers that the United States was intended by god to populate the land west of the Mississippi (Griswold del Castillo, 1990, p. 16; p.4-5). In *The History of Mexico*, Hubert Howe Bancroft describes the treaty and the peace it restored as “nothing better than barefaced robbery.” Mexico was badly beaten, and the US could have secured peace between the nations by ceasing to attack: instead, the US used the war and the threat to secure “some shadow of title to stolen property” (Bancroft, 1885, p.548).

The war-fuelled theft of Mexico's territory meant that an estimated 100,000 people went from being residents of land controlled by Mexico, to residents of land controlled by the United States (Griswold del Castillo, 1990, p.62). The treaty stipulated that these residents were either to elect to remain Mexican citizens within one year's time or they would sometime in the future become US citizens. Those who elected to remain Mexican citizens were encouraged to head south so as to remain within the receding boundary line of Mexican territory. The extension of US citizenship to those who chose to remain in their homes and on their lands turned into a protracted, uneven, and racialized process. The Treaty of Guadalupe Hidalgo stipulated that citizenship would be extended “at the proper time (to be judged of by

¹² The US acquired an additional 29,142,00 acres of land through the Gadsden Purchase, or Tratado de Mesilla, five years later in 1853. The US wanted this land in order to construct a railway and paid Mexico 10 million US dollars for it. The land in question includes the southern regions of Arizona, including the city of present-day Tucson, Arizona (Griswold del Castillo, 1990, p.59-60).

the United States),” and this “proper time” proved itself to be a long way off (Griswold del Castillo, 1990, p.190). From a jurisdiction of the federal government, the question of Mexican citizenship was pushed to the jurisdiction of the state constitutions. In California, the extension of citizenship guaranteed by the treaty was reworked so as to exclude those who were thought of as Black or Indian. The vote was extended to “every white, male citizen of Mexico who shall have elected to become citizen of the United States,” leaving the citizenship of the rest of the former Mexican citizens resident in California ambiguous, due to their disenfranchisement (Griswold del Castillo, 1990, p.66-67). In New Mexico (which included at the time what is now known as Arizona), the first territorial constitution, known as the Organic Act, legislated that citizenship would be granted to “free whites.” Blacks were entirely excluded from access to citizenship. The question of whether the indigenous peoples of the region, and particularly the Pueblo Indians, were included in the right to citizenship took 25 years to settle. In 1876 the US Supreme Court ruled that they were not, and the citizenship rights of the Pueblo Indians of the area were dissolved (Menchaca, 2001, p.223-225). Texas claimed exemption from the extension of citizenship mandated by the Treaty of Guadalupe entirely, on the basis that it was already a state prior to the date the treaty was signed (De Genova, 2005, p.219). As Nicholas De Genova writes, “The real accomplishment of the treaty, therefore, was that perhaps as many as 100,000 Mexican nationals were summarily disenfranchised of their Mexican citizenship and became colonized U.S. subjects” (2005, p.220).

The relationship between the United States and Mexico is indelibly marked by a founding colonial act. This colonial heritage underscores the inequality and relationship of conquest between the two nations, dating back to the very moment in which the two nations were reconfigured in relation to one another in what is more or less their contemporary form. This unequal relation has meant that arrangements between the two nations have been repeatedly cajoled into unequal exchanges, and that the U.S. has benefited at the explicit expense of Mexican national interests and Mexican nationals over the past one hundred and fifty years of history. As this early history also makes clear, the terms of exploitation or exclusion negotiated by the United States in relation to incorporating or excluding prior Mexican nationals inherits racialized and racist historical practices.

The Open border: 1848-1917

Prior to 1917, there were virtually no restrictions to movement in place at the US-Mexico border (Heyman, 1991, p.9). Migrants were able to more or less freely cross into the United States across the Mexican border. This “open border period” (Heyman, 1991) allowed US industry to employ—and indeed rely upon—Mexican migrants, who proved essential to the lucrative but labour-intensive industries of the southwestern US at the end of the 19th and beginning of the 20th centuries (Acuña, 2007; Calavita, 1984, 1992; De Genova, 2004; Ngai, 2004). The first major waves of labour migration to the United States from Mexico were fuelled by the construction of the railroads and by the need for agricultural labour.

In the early 1900s, the railroads were the largest employer of Mexican migrants to the United States (Acuña, 2007, p.128). These migrants laid the tracks that connected the southwest to the rest of the United States as well as to Mexico and developed settlements, where other U.S. employers would then go to solicit workers. As early as the 1880s, tracks had already been built across much of Texas, with the majority of workers on the state’s railroad coming from Mexico (Acuña, 2007, p.67). By 1900, the Southern Pacific Railroad alone employed 4,500 Mexicans and Chicnaos just in California (Barrera, 1979, p.45). The desire for Mexican labourers in this industry was so great that labour agencies actively recruited Mexican migrant labourers throughout the early 1900s in order to meet the demand for labour in the US. The largest of these agencies specialised in placing Mexican migrant labourers with jobs on the railroads and were able to move a large number of migrants into jobs each month. For example, in 1907 and 1908 six employment agencies based in El Paso, Texas placed over 2000 Mexican workers into jobs per month (Reisler, 1976, p.8-9). Agencies were of course not the only way into work in the United States, but their existence and the volume of their placements speaks to the desire of employers to contract Mexican migrants in particular as labourers.

Just as the laying of the railroads would not have been possible without these workers, the agricultural expansion of the US southwest also would not have been possible without Mexican migrant labour. In the 1880s and 1890s workers from Mexico crossed the border in relatively small numbers to harvest cotton in eastern Texas (Reisler, 1976, p. 5). Agricultural expansion in the early 20th century drove a simultaneous dramatic expansion in the use of Mexican migrant labour. Sugar beets

and cotton became particularly important, and labour intensive crops, in the US southwest, and this fuelled an expansion in the recruitment of Mexican agricultural labourers that would continue to grow dramatically throughout the first three decades of the 20th century (Barrerra, 1979, p.60).

The recruitment of Mexican migrants as labourers for these positions occurred not only in relation to the labour demands of the industries themselves, but also in relation to the racialisation of Mexican migrant labourers and to the racialisation of other labouring groups. An important reason that Mexican migrants were needed as a source of labour in the late 19th and early 20th century was the exclusion of Chinese migrants who had previously been relied upon to do similar work. Migrant labour from China was also essential in the building of the railroads in the US. For example, in 1860 the Central Pacific Railroad Company brought thousands of workers directly from China to the United States in order to build the western end of the transcontinental railroad (Gyory, 1998, p.7). Also similar to Mexican migrants labours, Chinese migrant labourers could be paid less than native workers, and employers had come to rely upon this cheap labour (Gyory, 1998; Hing 1993). However, despite this reliance on the exploited labour of Chinese migrants in the fast-growing industries of the US, by 1882 racist sentiment against Chinese migrant labourers had reached a level that precipitated the passage of the Chinese Exclusion Act. This anti-Chinese immigration act was instituted on May 8th, 1882. The act was initially a ten-year suspension of immigration from China, so that labourers from China were not allowed to enter the United States.¹³ It was renewed in 1892 and made permanent in 1902. It was the first act ever passed in the United States that prohibited a group of people from entering the United States because of their race or nationality (Gyory, 1998; Lee, 2003). It would not be the last. As Erika Lee notes in her book *At American's Gates: Chinese Immigration During the Exclusion Era, 1882-1943*, Chinese exclusion was an important watershed moment in US immigration policy because it “legalised the restriction, exclusion, and deportation of immigrants considered to be threats to the United States” (2003, p.24).

The Chinese Exclusion Act of 1882 had a number of effects on Mexican migrant workers. The most obvious of these is that Chinese Exclusion created a demand for labourers who could replace those who had been excluded. Mexican

¹³ It was originally proposed as a twenty year suspension of immigration (Gyory, 1998).

migrant labourers became the preferred group to meet this labour demand, in part because of the proximity of Mexico to the United States: it was temporarily easy to recruit labourers from Mexico with the intention that they would ultimately return to Mexico (Guerin-Gonzales, 1993; Lee, 2003). This meant that labourers could be recruited from Mexico and could be regarded as both temporary and foreign (Guérin-Gonzales, 1994, p.24). As Chinese exclusion and the labour vacuum it created persisted, Mexican migrant labour increasingly came to be viewed as the ideal migrant group to fill the labour gap. In her book, *Mexican Workers, American Dreams*, Guerin-Gonzales writes that “As early as 1910, many U.S. employers had begun expressing their preference for Mexican workers over other immigrants, as well as over native-born workers, for seasonal jobs they classified as low-skilled” (1994, p.25).

What this means with regards to Chinese exclusions is that the racialised labouring experience of Mexicans in the late 19th and early 20th century occurred in relation to the experience of the Chinese immigrants whose labour had been essential to developing the infrastructure of the United States. This was not the only connection between the two groups, however. As Lee (2003) points out, the racialization of the different immigrant groups to the United States – Europeans, Latinos and Asians – were determined in relation to one another. She points out that many of the same racist ways of thinking were applied to immigrants from Mexico that had been applied to Chinese immigrants before them. She notes that like the Chinese, Mexican migrant labours were considered to be racially inferior, and that it was this belief in racial inferiority that helped to position them as ideal agricultural and manual workers in the United States. Like the Chinese, Mexicans were also viewed as “racially inassimilable” in the United States, and this belief in Mexicans as “racially inassimilable” eventually would be used to exclude Mexican labour migration, just as it had been used to exclude Chinese labour migration.

Closing the border: The Immigration Act of 1917

Before 1917 there were no significant requirements for migration from Mexico to the United States, and legal immigration was quite simple (Heyman, 1991, p.25). The immigration act of February 5, 1917 was the first shift toward closing the border with

Mexico. The act did not ban immigration from Mexico, though it did introduce significant obstacles in the form of a literacy test and an \$8 head tax per migrant upon entry. As Mexico was a country with low literacy rates and a high poverty rate, these requirements were significant barriers to entry, and thousands of immigrants from Mexico either withdrew their applications for entry or were turned away at the border (Reisler, 1976, p. 24). The primary goal of the legislation was not, however, to prohibit migration from Mexico. The Immigration Act of 1917 is also known as the Asiatic Barred Zone Act. The act extended immigration exclusions already in place against some Asian countries (China, Japan) to nearly all of Asia. Explicitly excluded by the act were immigrants from India, Burma, Thailand, the Malay States, the East Indian Islands, Asiatic Russia, the Polynesian Islands, and parts of Arabia and Afghanistan. China and Japan were excluded under different agreements: the Chinese Exclusion Act and the Gentleman's Agreement, respectively. From Asia, only Filipinos and Guamanians remained eligible for admission (Hing, 1993, p.32).

The barriers to entry were not long left in place for migrants from Mexico. The US entered World War I in 1917. World War I led to a significant labour shortage in the United States. With most of Asia barred from entering the United States, a significant labour pool was closed. Added to this, young men living in the United States were drawn into military service and away from agricultural work. Along with this shortage in labourers, there was an accompanying increase in agricultural production—as well as many other materials—in order to feed the war's needs. Not only were there fewer labourers available, but more labourers were needed by the agricultural industry than had been needed before. Cotton and sugar beet crops in particular were greatly expanded in the southwest in order to meet wartime demand, with cotton production in Arizona alone increasing from 7,000 acres in 1916 to 180,000 acres in 1920 (Reisler, 1976).

Growers in this region in particular were eager to import Mexican labourers in large numbers in order to meet the increased labour needs (Reisler, 1976, p.25). Southwestern growers lobbied the Labor Department to lift the restrictions placed on Mexican immigration in order to allow them access to the workforce they needed to maintain their crop output. On May 23rd, only three months after the restriction was first put in place, Labour Secretary William B. Wilson assented to these demands and issued an order that authorised the literacy test and head tax to be waived in the case

of Mexican temporary agricultural workers. Wilson saw his act as an emergency means to “solve a severe labour problem and ensure maximum food production” (Reisler, 1976, p.28). The suspension was controversial within the Department of Labor. John L. Burnett, who was chairman of the House Immigration and Naturalization Committee at the time, feared that this relaxing of the prohibition of immigration law for farm labourers, would lead to a general relaxation of immigration law, permitting “the entry of polygamists, prostitutes, and anarchists into the United States” (Reisler, 1976, p.28).

In response to these fears, the Labor Department imposed rigid restrictions on Mexican temporary labour admissions. This was a means of asserting control of the flow of immigrants. The restrictions were designed to ensure that Mexican labourers remained tractable, did not become permanent residents of the United States, and returned to Mexico upon completing the work they were hired for. To this end, the Labor Department determined that the suspension of the head tax and literacy test would apply only to those Mexican migrants who would be employed as agricultural labour and their tenure within the U.S. was to be limited to a maximum of six months. Additionally, employers were to make formal applications through the Department of Labor to gain access to these workers. Once admitted, the workers were required to carry an identification card with them at all times, issued by the Immigration Bureau. In order to keep the labourers tractable and to encourage them to leave the US once the work was completed, a certain percentage of their wages was withheld by employers and deposited into an account the worker would only be able to access once he¹⁴ had returned to Mexico. If the worker left the job for which he was admitted to the United States or took a non-agricultural position or one with a non-approved employer, he was subject to arrest and deportation (Reisler, 1976, p.29).

The federal labour importation scheme did not end with the close of WWI in 1918. Instead at the insistence of employers, it was extended through to the spring of 1921. Between 1917 and 1921, 72,862 migrants entered the US as temporary foreign workers at the behest of Southwestern employers (Barrerra, 1979, p.65). The end of

¹⁴ This pronoun is gender specific, not generic. Farm labour was mostly male in this period. In the 1920s, US employers began to recruit women as well, and a strategy developed in which entire families were encouraged to come to the US, both to create a more stable work force, and to encourage male labourers to accept worse conditions due to an unwillingness to uproot their families by leaving the job (Hondagneu-Sotelo, 1994, p.21).

the programme in 1921 did not, however, mark the last time the US would seek to recruit Mexican labourers on a constricted basis, seeking to simultaneously exploit labour power and to restrict admission to a partial, temporary labouring status. Before this was to happen, however, the border would be closed and hundreds of thousands of Mexican migrants and Mexican descended US citizens would be ejected from the United States.

Quotas and deportations: 1924-1930s

While the Immigration Act of 1917 was the first immigration act to begin the closure of the border by introducing regulations and restrictions, changes that took place in the 1920s and 1930s consolidated this change. Changes in this period also continued the work of explicitly defining the racialized limits of migrant inclusion in important ways. Of particular importance in this period is the Immigration Act of 1924 and the large-scale deportations of Mexicans and US citizens of Mexican descent carried out in the 1930s in the context of the Great Depression.

The Immigration Act of 1924, otherwise known as the Johnson-Reed Act, has been pointed to as the key moment of solidification of racial and national exclusion in the United States (Ngai, 2004). The act made its contribution to a further solidification of an ideal of the nation's racial composition by marking the boundaries of eligibility and ineligibility to entry and to citizenship yet again, as well as those of desirability and undesirability. First, the act limited overall immigration to 155,000 a year and imposed national-origin quotas, limiting the number of migrants who could enter the U.S. from any given country. This quota system was imagined as a way to preserve a certain "racial" composition and/or national origin (the two were conflated in the legislation) of the population. The national origin quotas were based on the numbers of immigrants living in the US in 1890 (Ancheta, 1998, p.26), so that the quotas for each country represented 2% of the foreign born population in 1890.

Determining immigration quotas in relation to this very early population composition was a way to decidedly privilege future immigration from northern and western Europe, which was granted 84% of the total quota allotment. A total of 16% of the quota was granted to southern and eastern European countries, leaving only

10% for the rest of the world (Ngai, 2004, p.22). The quotas were not finalised until 1929, and when they were the two nations that were allotted the greatest share of the overall quota were Great Britain and Northern Ireland (65,000) and Germany (25,957), together representing over half of the permissible migration under the act (Ngai, 2004, p.28-29). In addition to establishing a quota system for immigration, the law excluded entry entirely to those who had already been determined as “ineligible to citizenship,” which meant everyone who could be considered “Asiatic.” Finally, the law imposed no numerical restriction on immigration from countries within the Western Hemisphere due to the needs for labour and diplomatic and trade interests with Canada and Mexico.

The Johnson-Reed Act very clearly sought to maintain the dominance of those with Northwestern European backgrounds in the US. As Mae Ngai writes in *Impossible Subjects: Illegal Aliens and the Making of Modern America*, it is very clear that “the national quota system proceeded from the conviction that America was, and should remain, a white nation descended from Europe (2004, p.27). This history shows not only the way that a racial ideal was embedded in the terms of access to legal migratory status, but also reveals the ways in which a policy regulation of migration was in fact regulating the idea of national belonging within the US and was therefore inseparable from an imagined national and racial ideal. Ngai describes the law as “an instrument of mass racial engineering” (2004, p.27).

Despite their exclusion from the restrictions imposed through the quota system in 1924, immigrants from Mexico were reclassified by the US government as “likely to become public charges” in 1929. On this basis, they could be denied visas to enter the country. This was the first point in history that the welcoming of Mexican migrants to the United States as labourers was substantially reversed. In the same year, the border patrol was doubled in size. This is the moment which arguably inaugurates the closed border period of the history of the US-Mexico border (Heyman, 1991, p.33).

Racist ideas of membership in the nation and the racist exclusion of migrants from Mexico were born out through the deportations carried out in the early 1930s. Following the extensive reliance on Mexican labour at the beginning of the 20th century and during WWI, the US government sponsored the first mass-removal

programme from 1931-1932. The programme specifically targeted both legal residents and citizens who were Mexican or of Mexican descent, in addition to those of Mexican origin without legal status in the country (Guerin-Gonzales, 1994, p.78). The deportations were, at least nominally, economically motivated. The advent of the Great Depression meant that there was no longer work for migrants from Mexico in the US (Heyman, 1991, p.33). In that the need for labourers had temporarily passed, the government saw it as advantageous to remove Mexican migrants, their families, and Mexican-Americans from the country. This exclusion followed a racist logic more strongly than it followed an economic logic. It was not only out-of-work Mexican migrant labourers who were forced to leave, but any and everyone racialised as Mexican, including US citizens of Mexican descent (Heyman, 1991, p.33). The deportations were therefore a racially motivated project of exclusion that insisted on the lack-of-belonging of Mexicans and Mexican-Americans. The exclusion also emphasised that Mexican migrants and families were expected to function as labourers, and that this was the sole role they were afforded within the United States by government policy. Once the work dried up, those who were of Mexican origin were excluded from the nation and deported en masse.

Many of the repatriations of the 1930s were considered “voluntary,” in that migrants and Mexican-Americans were encouraged to leave the country, but many were not in fact formally deported. These so-called voluntary repatriations were partially funded by the US and Mexican governments in tandem. While this style of repatriation was meant to allow for legal re-entrance to the United States at a future date, this was not always the case (Balderrama and Rodriguez, 1995, p.64). For example, having accepted assistance for these repatriations, Mexican families found that when they attempted to re-enter the US a few years later they were denied on the grounds that they could be considered a risk of becoming a public charge due to their acceptance of aid. Between 1929-1932, more than 365,000 Mexicans left the United States for Mexico (Guerin-Gonzales, 1994, p.111). By 1935 it is estimated that nearly half a million people had left (Hoffman, 1974, p.126).

The Bracero Program: 1942-1964

Is this indentured alien – an almost perfect model of the economic man, an “input factor” stripped of the political and social attributes that liberal democracy likes to ascribe to all human beings ideally – is this bracero the prototype of the production man of the future?” (Galarza, 1964, p.16)

Just as they had been preceded by the importation of labour from Mexico, the mass deportations carried out in the 1930s were quickly followed by the largest organized active recruitment of Mexican labourers by the US government in history. This took place through a programme initiated in the 1940s known as the Emergency Farm Labor Program, or Bracero Program. This programme was negotiated in the context of WWII, when the US was again faced with labour shortages. The shortages caused by the war were exacerbated by the internment of Japanese American workers, beginning with the evacuation of Japanese workers from the Pacific coast in 1942. The US government made the decision to turn to Mexico to meet labour needs. This happened at the urging of the manual labour employers throughout the US Southwest, and particularly cotton and beet growers in Arizona, New Mexico, and Texas, as well as farmers in California, and railroad corporations (Calavita, 1992, p.19; Galarza, 1964, p.45).

The US government concluded negotiations with the Mexican government to agree upon a labour importation programme in the summer of 1942. The agreement was for temporary labour recruitment from Mexico, exclusively to meet the needs of agriculture in the United States. The contract negotiated by the two governments stipulated that Mexican workers were not to displace domestic workers and encouraged workers to return to Mexico upon the completion of their seasonal contract by holding back 10% of their earnings, which was deposited into a savings account and accessible only upon return to Mexico (Galarza, 1964, p.47). Some protections for the contract labourers were also negotiated into the Bracero Program, including a ban against discrimination (though it is unclear what this would mean or how it would be enforced, it did mean that Mexico could object to workers being sent to openly racist areas, such as some counties of Texas), a minimum standard of housing and sanitary conditions, and some protections around wages and fulfilment of the contract on the part of the employer. A minimum wage of 3\$ per day was

agreed for braceros who were employed for at least 25% of their contracted period (Calavita, 1992, p.19). Later, railroad companies would also negotiate to be allowed access to braceros (Galarza, 1964, p. 54).

The Bracero Program was renegotiated many times over the years. Originally established for only one year, it was renewed in 1943 and was formalized and extended through public laws passed in 1943, 1944, and 1945 (Galarza, 1964, p.48). In 1946 the US government notified Mexico that it planned to terminate the programme, but growers lobbied against this, and the programme was extended through to 1949. In 1948, an incident took place that jeopardized the cooperation between Mexico and the US on the programme. The US growers set the wage rate for the season's cotton picking at \$2.50 per 100 pounds. The Mexican representative insisted, however, that the rate instead be set at \$3.00. In response, the US effectively opened the border to let workers into the country. Word was passed to the Mexican men in search of work who were just on the other side of the Rio Grande. They waded across, were rounded up by Border Patrol, and then were transported to the farmers who put them to work in the fields. Between October 13 and 18 of this year, 6,000 people entered the US from Mexico, and wages dropped all of the way to \$1.50 per 100 pounds of cotton. (Galarza, 1964, p.49).

Between 1942 and 1950, tens of thousands of workers took up bracero contracts. During the war years alone, the Bracero Program issued contracts to 219,500 people (Calavita, 1992, p.21). Between 1942 and 1950, the three recruitment centres established in northern Mexico processed more than 430,000 contract labourers (Galarza, 1964, p.52). In 1951, the programme was renegotiated at The Migration Labour Agreement, and this stayed in place until the programme ended in 1964. At the migratory centres in Mexico that processed bracero contracts, over 3,000,000 men were selected for the programme between 1951 and 1960 (Galarza, 1964, p.79). Over the entire 22 year span of the programme, it is estimated that five million bracero contracts were issued (Gutierrez, 1996). US agriculture was dependent on this migratory labour force, and also on the artificially low wages it was able to pay the contract labourers.

The bracero programme deeply entrenched the exploitation of Mexican workers by US employers, who became dependent upon these workers as a source of

cheap and disposable labour. As Kitty Calavita writes in her book *Inside the State: The bracero program, Immigration and the INS*, “The bracero solution fit well with the needs of southwestern agriculture for a readily available captive work force with which to offset the unpredictability of agricultural production and to minimize worker resistance to arduous working conditions and barely subsistence wages” (1992, p.180). In this way, costs of farm work were outsourced to the labourers themselves, who could be conveniently removed from both their jobs and the country when this was what best suited the employer. Again, migrants from Mexico were treated as fundamentally temporary and not afforded any right to remain in the United States.

“Deportable aliens”: 1950s & 1960s

Immigration events that took place in the 1950s and 1960s consolidated the shift toward the deportability of Mexican-origin residents of the United States, and the particular racialized location of migrants from Mexico as manual labourers in the United States. After the large-scale importation of labour from Mexico that had taken place during WWII with the simultaneous ongoing importation of labour under the bracero programme, the US government ran another large-scale deportation programme called “Operation Wetback,” the term wetback being a derogatory way to refer to Mexican labourers in the United States without legal permission since the 1920s (Hayes, 2012, p.781). This large-scale border militarization and migrant deportation project took place in 1954, and primarily targeted agricultural workers in the Southwestern US, but interior areas of the nation were also affected, such as Chicago and San Francisco (Garcia, 1980).

Operation Wetback evolved as a distinctly military offensive. The initial phase of the operation reorganised the Border Patrol so as to make it more flexible and maximize efficiency and mobility so that the force could move to regions where it was needed (Garcia, 1980, p.173). Mobile Task Forces were organized within the Border Patrol – effectively mobile squads equipped with radios and vehicles that could more effectively patrol the interior of the country. The operation was launched in June of 1954. The initial operation took place in California and Arizona. The round-up of Mexicans who were in the United States without legal permission

included not only raids, but the use of road and rail blocks. The road and rail blocks alone led to the apprehension of 10,917 people in the first phase of the operation (Garcia, 1980, p.185). The second phase of the operation began a week after the first, and involved sweeps on the agricultural employers in Arizona and California. A 200 mile area was targeted, and within two days the operation began to surpass its goal of apprehending 1,000 people per day. From southern California and western Arizona, the operation moved into northern California (Garcia, 1980, p.188). In the month of June alone, the operation reported apprehending 55,000 people (Garcia, 1980, p.199). By September of 1954, the operation was wrapping up, but the changes made to the organisation of the Border Patrol remained in effect, with mobile task forces used to patrol the border.

Migrant labour from Mexico continued to be contracted through the bracero programme during Operation Wetback. In fact, the number of braceros contracted from Mexico increased during the deportation programme. In California, the contracting of braceros increased by 25%, or 11,000 people, during the same period that Operation Wetback ran (Garcia, 1980, p.226). Nationally, the number of braceros contracted annually continued to steadily rise until 1959 (Garcia, 1980, p.237). In short, while the US government was engaged in a project of militarized exclusion of Mexican migrants from the country, it simultaneously was importing labour from Mexico. This presented what James Cockcroft (1986) has described as an “anomaly” – how was it possible for the US government to be simultaneously engaged in labour importation and closed border deportations of the same labouring population? He describes the tactic as a “revolving door,” engaged in “expelling Mexican immigrants with one hand while blaming them for all kinds of economic and social problems, yet pulling them back into the country with the other” (p.78). A double and contradictory message was sent: get in, stay out. This was advantageous to employers, as it caused wages to drop.

Another decisive shift in immigration policy in this period is the Immigrant Act of 1965. This act reopened migration to the US to those who had been barred on racial grounds from entering the country, whether under the Chinese Exclusion Act of 1882 or the Immigration Act of 1917. Because the act lifted this racist exclusion, the 1965 act is often treated as a liberal reform to immigration policy. However, this

piece of legislation also introduced the first caps on “legal” immigration from within the hemisphere. There had never before been numerical quotas limiting migration from Mexico, or anywhere in the Western Hemisphere, to the United States (De Genova, 2004, p.169). With the 1965 legislation, a quota was set at 120,000 annually for the Western Hemisphere. This was in the context not only of a year when annual migration from Mexico had already reached 152,000, but also of decades of encouraged migration. De Genova argues that the effect of the introduction of these quotas was to institute the wide-spread illegalization of Mexican migrants in the United States. No longer allowed to legally enter the country, migration from Mexico to the United States was already deeply entrenched within both countries. He writes, “with elaborate migration networks and extensive historical ties already well established, Mexicans continued to migrate, but given the severe restrictions legislated in 1965 (implemented in 1968), ever-greater numbers of Mexicans who were already migrating increasingly had no alternative than to come as undocumented workers, relegated to an indefinite condition of ‘illegality’” (2004, p.171). This situation was further exacerbated in 1976 when a yearly cap was introduced for the total number of legal migrants permissible from every country as well. The maximum number permissible was set at 20,000 per year. This restriction disproportionately affected Mexico again (De Genova, 2005, p.234).

In this way, illegality and deportability as tactics of control particularly directed at migrants from Mexico in the US context were introduced in the 1950s and 1960s. Immigration law produces immigration categories, which are then naturalized, obscuring the legal origins of these social categories. Susan Coutin writes that, “the law *itself* creates the phenomenon of illegal immigration by criminalizing unauthorized entry” (Coutin, 1996, p.16, original emphasis). For Coutin, this ability of the law to construct its subjects discursively is more important and more powerful than the directly material consequences of the law, such as how many migrants enter the country in a given year as a direct effect of legislation. Law does something because it creates subjects, who then occupy a certain space, which guides the possible interactions. This work of the law is rendered invisible the moment it is performed. Categories become apparently self-evident, even as they are brought into being by certain perceptions and regimes of power. The history of the Immigration Act of 1965 makes visible the ways that illegality is produced through

racist immigration laws and restrictions. De Genova argues that, “the US nation-state has historically deployed a variety of different tactics to systematically create and sustain ‘illegality’” (De Genova, 2004, p.165). The Immigration Act of 1965 is one of these, as is the Immigration Act of 1976. In this way, “illegality” can be understood as something which is “produced as an effect of the practical materiality of the law” (De Genova, 2004, p.166).

The Appearance of control: 1986 to present

Strong defence of the US-Mexico border was instituted in the late 1980s and early 1990s. The Immigration Reform and Control Act (IRCA) of 1986 was the first piece of policy which introduced repression at the territorial border as the primary tactic in migration regulation (Fernandez-Kelly and Massey, 2007). The IRCA dramatically increased funding for the Border Patrol, marking the beginning of serious expansion in border enforcement, and also instituted the criminalization of the employment of undocumented migrants. A host of border enforcement initiatives in the 1990s consolidated this change in the border security regime. This shift in policy inaugurated the contemporary era of border closure, characterized by attempts to prevent migrants from entering the country through increased patrolling and defence at the territorial border. Since the early 1990s, resources have been increasingly poured into making the border more difficult to cross without state permission to do so. This has been achieved by huge increases in the funding available for border control in urban areas that has been used to support, among other things: an increasing number of border guards who not only patrol the area but do so in a highly visible way; the construction of a fence that is effectively a wall, and its continuous reinforcement and extension, so that at some sites on the border between the US and Mexico there are in fact several layers of fence that form the wall; and the investment in expensive technology, including flood light, cameras, and infrared scopes (Andreas, 2009; Dunn, 2009; Nevins, 2002; Dunn and Palafox, 2005). These measures of intensified border defence and policing have been instituted primarily in the urban population centres along the border that were once sites of unregulated border crossings. The original legislation passed in the 1990s included: Operation Blockade/Hold the Line (El Paso, Texas /Ciudad Juarez, Chihuahua, 1993), Operation Gatekeeper (San Diego, California /Tijuana, Baja California, 1994),

Safeguard in the state of Arizona (covering the ambos Nogales crossing, just south of Tucson, 1994) and, later, Rio Grande (1997) throughout the state of Texas.

The first of these operations to be brought in was Operation Blockade, later renamed Operation Hold the Line. This operation was put in place in September 1993 in the El Paso, Texas region. According to Timothy Dunn, who conducts an in depth analysis of the operation and the changes it implemented in border strategy in the United States more generally, Operation Blockade marked the first significant departure from previous border strategies and the shift towards a strategy known as “prevention through deterrence” (Dunn, 2009). It did this by replacing the prior policy that left the territorial border relatively uncontrolled and therefore porous, shored up with internal policing and deportation (known as catch and release) with elaborate labour and resource intensive policing strategies that rendered crossing in the urban El Paso/Ciudad Juárez region without documents all but impossible. Operation Blockade entailed the high-visibility posting of 400 border agents along 25 miles of the El Paso and Ciudad Juárez border and helicopter patrols to reinforce this human fence. The Immigration and Naturalization Service dedicated some \$300,000 to the effort for fence repair and border patrol agent salaries (Dunn, 2009, p.60).

The next piece of prevention through deterrence legislation was Operation Gatekeeper, instituted in San Diego in 1994. This initiative is described by Joseph Nevins in his book named after the legislation as, “a 'territorial denial' or [another] 'prevention through deterrence' strategy that attempts to thwart migrants from entering the United States” (Nevins, 2002, p.2). Like Operation Blockade before it, Gatekeeper ushered in resources for control and defense in an urban border area – this time in the San Diego/Tijuana border region. The border enforcement budget doubled from \$400 million in 1993 to \$800 million in 1997 (Nevins, 2002, p.4). This fiscal injection saw an attendant jump in the number of Border Patrol agents in the region, and the technology and infrastructure available to these agents to aid in border enforcement. Fencing along the border, measured in miles, and the number of infrared scopes used in the region doubled and tripled as enforcement resources were made more available, and surveillance in the region expanded.

Operation Safeguard and Operation Rio Grande completed the quartet of the four major border enforcement initiatives in 1994 and 1997, respectively. In Arizona, as in other areas, Operation Safeguard made use of high-visibility agent postings in

the urban areas of the region, in this case largely focused on the Nogales region, located just south of Tucson. These agents were reinforced with increased patrols throughout the borderlands and new surveillance equipment, including powerful lights and helicopters. The border wall grew as the fence was extended, and secondary fencing sprung up as well. The increased staffing demand was met by quadrupling the number of border agents employed in the region between 1994 and 2000 (Dunn and Palafox, 2005, p.152). Finally, Texas' Operation Rio Grande possesses all of the same major characteristics of the other three pieces of legislation: it funded the repair of old fences and the construction of new, increased the presence of Border Patrol agents throughout the zone and made them highly visible, dramatically increased the number of border agent staff members, and also installed high-powered lights along the border. The cities of Brownsville and Laredo received most of this resource attention, as they were two of the most popular crossing sites used by undocumented migrants. As a result, it is now very difficult to enter the U.S. without documents at these once popular crossing sites.

These four initiatives covered three of the four US states which border Mexico but leave out the state of New Mexico. New Mexico has no population centres on the territorial border. The absence of a prevention through deterrence policy in New Mexico draws attention to the fact that border securitization was concentrated in urban areas and did not extend to the rural areas of the territorial border.

While the implementation of prevention through deterrence policies has had a variety of important effects on the movements and experiences of migrants attempting to cross the border without legal permission to do so, the policies do not prevent this movement. In fact, preventing migration may not have ever been the intention of the policies. Instead, the policies that have invested in increasing border control in urban areas can be treated not as an attempt to stop the movement of unregulated migrants across the geographical border, but instead as an attempt to shift this migration out of urban areas and toward rural desert areas while fostering the appearance of control at the border.

Timothy Dunn (2009) makes this argument specifically in relation to Operation Blockade/Hold the Line. As Dunn insists, what is notable about Operation Blockade is that while it ostensibly closed the border through the inauguration of

elaborate and highly visible strategies of border closure, it did not in fact close the border. Nor, he argues, did it mean to do so. Instead, bringing in high-visibility defense and control in the urban area shifted migrants without legal permission to enter the United States out of this area, while leaving rural areas of the border relatively uncontrolled. This meant that people were forced to change their paths across the territorial border. As Dunn writes, “the operation diverted much of the flow of undocumented border crossers to mountainous and vast desert areas just west of El Paso in New Mexico” (Dunn, 2009, p.87). That migration paths shifted in this way, notes Dunn, was marked as both a goal of the operation and as evidence of its success. If, he argues, the shifting of unregulated migration into desert regions is a *goal* of the initiative and evidence of its *success*, then the policy was not designed to stop undocumented migration or even necessarily to reduce it.

Instead, he argues that ultimately the increase in border patrol was designed to push undocumented border crossers out of urban areas and into peripheral regions. Moving undocumented migrations into rural areas made undocumented border crossing less visible (2009, p.61), which in turn gave the impression that the “problem” of this migration had been addressed (p.231). Though Dunn does not use this language, his main argument is that the operation served to make certain forms of migration less visible by moving migrants out of population centres. In addition, Dunn also points out that the prevention through deterrence model, in shifting migration out into the desert, also makes crossing more dangerous. The journey across rural, dry terrain includes many risks, including getting lost along the way. The human toll and possible abuses perpetrated against migrants are made less visible along with the crossing themselves (2009, p.89). However, despite these various forms of reduced visibility, Dunn is clear that undocumented migration continued to occur apace, if not at increasing levels (p.206).

I have some reservations about Dunn's assertion that border fortification in urban areas makes clandestine migration less visible. It may be true that as Dunn argues the appearance of government control of migration is achieved by investing in extensive and visible border controls in urban areas, and thus cultivating the appearance of border control while shifting clandestine migration to more remote areas. However, this appearance of control can only be achieved through a strategy that *first* draws attention to the extra-legal migration that occurs in urban areas, and

then moves this migration to a geographical area where it will be less immediately visible to the population that lives in urban border areas. In other words, it is a strategy that in fact relies on drawing attention to extra-legal movement across the geographical border in order to figure it as a problem that can then be addressed. In this way, it is a slight of hand: it is a strategy that must first draw attention to a particular form of migration and then make this form of migration seem to disappear so as to appear in control.

Therefore, what stands out in Dunn's description, and in the prevention through deterrence tactics employed on the US-Mexico border, is not only the way that clandestine migrations are made less visible in order to effect the appearance of control at the border, but how one specific figure of extra-legal migration – the migrant who makes a clandestine border crossing – is made exceptionally visible. In other words, the high visibility investment in and deployment of personnel and equipment to counter this extra-legal migration enacts not just a highly visible show of power, but also shines a spotlight on clandestine migration from Mexico, figuring it as an important form of “illegal migration” that requires attention. It is only by elevating unregulated clandestine migration as an issue of intensive public scrutiny that prevention through deterrence initiatives can then prove themselves to be powerful and effective by banishing it.

Heightened focus on migration of this sort has at least two effects. First, it feeds a perception that “illegal” migration is primarily a question of clandestine entry to the territorial space of the nation. However, entering the country without legal permission to do so is only one way to become illegal. Other ways of becoming illegal in a country include staying past the expiration date of a visa or violating the terms of a visa (such as by working when a visa does not authorize this, etc.). Second, the heightened focus on clandestine migration at the territorial border produces a stereotyped figure of the “illegal migrant” as a person from Mexico scrambling through the desert. For this reason, Nicholas De Genova (2002; 2005; 2013) has described the militarized control enacted at the US Mexico border as a “spectacle,” pointing to the ways that it produces “the illegal alien.” In other words, De Genova argues that instead of simply making extra-legal migration less visible, the intensified and militarized control of the US border that has unfolded over the last two decades has in fact staged a spectacle that has produced a particular figure of

the “illegal migrant.” He writes, “these enforcement proclivities and prerogatives, and the statistics they produce, have made an extraordinary contribution to the commonplace fallacy that Mexicans account for virtually all “illegal aliens” [...] and have rendered “Mexican” the distinctive national/racialized name for migrant “illegality” (2002, p.436). This is the “spectacle of migrant illegality:” enforcement that takes place at the geographical border in a highly visible way in fact has the effect of rendering “migrant ‘illegality’ [...] spectacularly visible” (2013, p.3).

The increase in border policing that has unfolded since the 1990s can also be thought of as, in the words of Peter Andreas, “more about politically recrafting the image of the border and symbolically reaffirming the state’s territorial authority” than it was about effectively closing the border (2009, p.85). He argues that the border policing measures introduced in this period not only have failed to close the border, but have not sought to do so. For Andreas, while prevention through deterrence policies were unsuccessful at stopping undocumented border crossings, they were very successful at producing the appearance of a well-controlled and secure border, and this is what is important. In his analysis, then, border policing becomes a political tool for enacting the illusion of a strong and in-control government. This analysis echoes the work of others, who describe border fortification as a “political stage set” (Davis, 2005) and as a project that makes the border appear far more orderly (Nevins, 2002) than it in fact is. Like Dunn, Andreas emphasizes the visibility of these controls and the disparity between their actual effects and their stated effects. However, that the policies did not stop undocumented migration across the territorial border does not mean for Andreas that the policies did not have effects on migrants and their movements. Among the effects of prevention through deterrence policies and the inauguration of stronger controls in urban areas that he points to are that the policies have redirected migrants to rural areas of the border are; increased the difficulty of crossing, which in turn has driven up the costs associated with being smuggled (p.94); and a possible increase in the number of people who remain in the US once there, due to the difficulty associated with re-entering the country (p.109).

At this point, I want to draw attention to the power that both Dunn and Andreas potentially afford to the US government. They both seem to make an assumption that prevention through deterrence policies do not put a unilateral end to

clandestine migrations at the US Mexico border because they were not designed to do so. In the case of Andreas, this assumption is taken still further. He makes the claim that because internal controls are not – when he is writing – as extensive as they might be, then the militarized controls in place at the border cannot be taken as a true attempt to put an end to the presence of illegal migrants. He sees far more effective means available to achieve this goal. Interestingly, neither Dunn nor Andreas seems to interpret the short-coming of the policies as evidence of the fallibility of the US government, its incompetence, or its limited powers. Instead, they seem to read the situation as evidence of a calculated strategy for maintaining appearances. In their accounts, the project of the border is duplicitous because in fact it pursues an agenda other than the one which is stated. This affords a significant amount of canny strategy and power both to the US government and to its strategies of border control. While some of this credit may be merited, I would like to advocate a slightly different reading: the border is duplicitous because it is *incapable* of ever instituting what it claims to institute. This argument draws on Wendy Brown's (2010) analysis of the limited powers of governments to control their national spaces.

Wendy Brown picks up on the link between border defence and the appearance of control in her book *Walled States, Waning Sovereignty* (2010). In this book, the US-Mexico border wall appears as a core case study as she thinks about the walls built in the world today and what they show us about the nations that build them. She draws on the work of Andreas, arguing as he does that increasing defence at the Mexico–US border is primarily about the appearance of control. For Brown, the border wall that has been built, extended and reinforced between the US and Mexico is a staging of the sovereign powers of protection – a “spectacle of power” (p.104). This is a power that in fact the state lacks. The sovereignty of the nation-state has always been something of a fiction for Brown, if a potent one (p.22). In the current moment, she sees it as increasingly challenged by the forces of a globalizing and neoliberalised world: the flow of goods and people, international economic organizations (IMF, WTO), and international enactments of laws, rights and authority. She argues the more this sovereign power wanes, the more the state is at pains to theatrically demonstrate its (eroding) sovereignty through the construction of giant edifices of dominance.

For Brown, the Mexico-US border wall does not achieve any of the things it explicitly claims as its function. Like Dunn and Andreas before her, she points out that the wall is not able to consistently stop human movement. Also as they do, she points to inconsistencies in the strategy of border defence. She points out that while the border wall at San Diego/Tijuana is, “three layers of fifteen-foot-high steel walls” reinforced with sensors, video surveillance and human monitoring by border patrol agents, for ten years the section of border thirty miles to the east was a falling-down old fence that was easy to climb over” (p.91). By juxtaposing this impressive enactment of surveillance and defence with the nearby near absence of it, she points to the inconsistency of border strategy on the part of the US government in its approach to border regulation. She also implies, like Dunn and Andreas, that the show of control is primarily that: a show.

If border enforcement is a show, it is not a show without effects and consequences. If border control does not in fact want to stop migration from Mexico to the United States, it nevertheless has effects. As should be too well known, there are extensive consequences of this staging of sovereignty, the political show of enforcement, and the walls that have been constructed. These effects include the dangers of the clandestine crossing migrants from Mexico have been pushed toward and the deaths that attend these crossings. They also include, as I have developed throughout this retelling of the history of the US-Mexico border, the racialised and exploitative relationship negotiated between the US and Mexican migrants that routinely treats this group of people as, primarily, deportable labourers.

Disciplining migrants: labour, vulnerability and exploitation

As in previous eras, efforts that purport to stop migration have been accompanied by projects to integrate the continent economically. Simultaneous with the investment in border fortification and the implementation of migration deterrence in urban areas in the 1990s, the North American Free Trade Agreement (NAFTA) was signed on the 1st of January, 1994. NAFTA gives the lie to US border policy with regards to human movement. If border enforcement initiatives were already duplicitous, in that they seek to effect the appearance of border closure and to control migration more than in fact rigorously stop undocumented migration from occurring, they become doubly so

in the context of the wider political projects taking place at the level of the continent that have sought economic integration simultaneous with human segregation. As the U.S. has lobbied for economic and trade integration with Mexico, it has severely, and with severe means, limited human movement across the border. As the mobility of capital has increased, the mobility of people has decreased. Pointing to this contradiction, Anna Feiganbaum writes in her article “Concrete Needs no Metaphor: Globalized fences as sites of political struggle” on the intersection of global borders and increasing economic integration. She states that, “While capital, development projects and private security firms often move freely between nations, people are increasingly contained within fences— in prisons, detention centers, at militarized borders and in ghettoized geographical enclosures” (2010, p.119).

The limitation of human movement is tantamount to control, even in cases where people continue to migrate. This is because migrations and experiences are reshaped by these controls. This control over labour and labour mobility is an important effect of both border fortification projects and economic integration projects. If border controls do not achieve their stated goal of controlling movement, they do nevertheless effect, limit and structure the movements and lives of people, albeit in ways that are not claimed or articulated by official state rhetoric. For this reason border controls can be seen as a means to produce and police difference and differential access to space and resources. Thinking from this perspective, as Ferguson and Gupta point out, “the restriction of immigration becomes visible as one of the main means through which the disempowered are kept that way” (1992, p.17).

The structuring of access to space and power that is performed by border controls is manifest in more than one way. There is the quite literal shaping effect of border controls on the modes of movement across geographical borders and the attendant increase in fatalities amongst undocumented border crossers, that Dunn and Andreas detail. There are also the more pervasive effects of the border and border controls on migrants both before and after they cross geographical borders. Instead of being seen as attempting to limit human movements, the controls can be seen as a means to produce the vulnerability and exploitability of migrants who do move across territorial borders. In this perspective, the effects of immigration policing have strong effects even on those who move from one space to the other despite the prohibition of this movement. Nandita Sharma provides a good articulation of this

point with relation to border controls, and is worth quoting at length. She writes:

Border controls – and the moral panics that drive them – have very little to do with stopping movements of people. Instead, they work to make those who *do* cross the line incredibly vulnerable *within* the spaces defined as “belonging” to members of the “nation” and protected by “their state.” In other words, ever-increasing restrictive immigration policies do not work to restrict people's movements but instead create a group of people completely vulnerable to exploitation in the workplace; a population of workers that benefits employers by providing them a cheapened and weakened alternative to “legal” workers” (2003, p.56-57, original emphasis).

This focus on the effects of border controls on those against whom they are deployed within national space emphasizes the production of vulnerability and especially exploitability in terms of labour. For Sharma, immigration restrictions are a means of producing a compliant workforce that can be exploited by employers.

The production of vulnerability and exploitability through the denial of status as a condition of entry to countries of the global north is now a common tactic used by neoliberal governments (Sharma, 2005, p.105). Due to the ways that this status is produced by governments and their policies, it makes more sense to speak of the “illegalization of migration” than of “illegal migrants” (De Genova, 2002). As Nicholas De Genova points out, being an “illegal migrant” is a condition that is actively produced by law and by the state, not a natural identity. He writes, “Illegality” is the product of immigration laws [...in the...] profound sense that the history of deliberate interventions that have revised and reformulated the law has entailed an active process of inclusion through “illegalization” (2002, p.439). For this reason, in thinking about who is made illegal, and denaturalizing the condition of illegality, it is necessary to look critically at the processes that have created it, and both legally and historically to situate the designation of illegality.

Conclusion

This chapter has provided a specific and local history of the US-Mexico border. In particular, it has considered the effects of the immigration policies and actions that have administered the border across time, looking at how these policies have expressed and shaped racialized ideas of belonging in the United States and contributed to the subordination of migrant labour through illegalisation and deportability. What this chapter has therefore demonstrated is that the United States-

Mexico border is involved in an exercise of control over populations and by extension structuring social relationships. This raises the question of what work is done by a border and how it contributes to the inscription of social positions and the positioning of people, not only on one side of the border or the other, or even on both, but throughout social space. In this way, the chapter has problematized ways of thinking the border that take for granted its placement, goals, functions and effects. The chapter therefore foregrounds the need to think of borders differently and in particular not to think of the border as merely a geographic line that divides one space from the next. As a frame for this thesis, I want to treat borders as neither what nor where they are said to be. Borders do not do what those who administer them claim they do, and they do not exist (only) where they are said to be situated. The next chapter will take up the question of what borders do by asking what the relation is between borders and power, life and death, and bodies.

Chapter 3

Racism and Biopolitical Borders

27 March 2011

NATO receives a fax at its headquarters in Naples from the Italian coastguard. There is a boat of migrants in distress in the Mediterranean. The fax includes details about the position of the boat. The boat, which will come to be known as the left-to-die boat, contains 72 migrants from Tripoli, and they have run out of fuel. The boat is left to drift for 14 days, during which time no help is given despite those in the boat sending a distress call and seeing an aircraft and a military ship. Of the 72 migrants, only 9 survive (Heller and Pezzani, 2012; Shenker, 2011).

2 December 2012

The remains of Margarito Lopez Morales are found in the Arizona desert. At 19, he appears to have died of a gunshot wound while crossing from Mexico to the United States. In his death, he joins 10 other migrants discovered in the same region in the same month, many of whom remain unidentified and their cause of death unknown. He also joins the 462 others whose remains are found in the US-Mexico border region in 2012 and who are reported dead by the US border patrol (US border patrol), as well as the unknowable number of others whose remains are undiscovered.

3 October 2013

A boat carrying over 500 people catches fire and sinks off the coast of the Italian island of Lampedusa. The boat departed from Libya, and most of those traveling on the boat were from Eritrea and Somalia (BBC, Italy Boat Sinking). 155 survived the boat-sinking, while 366 were reported dead. Those who survived are to be put under investigation for “clandestine immigration,” an offense that carries a 5,000 euro fine (BBC, Lampedusa Boat Disaster).

16 August 2014

At Tilbury Docks just outside of London, 35 people were discovered inside of shipping containers. They had traveled inside of the shipping containers overnight from a port in Belgium (Doward, 2014). The conditions of travel included risk of dehydration and hypothermia. One man died inside of the containers and four others were hospitalized (BBC, Tilbury).

These stories of migrants focus on tragedy. I have selected these particular stories as snapshots of a situation, spanning both the past three years and three distinct geographic spaces. They highlight the dramatic conditions of suffering that asylum seekers and illegalized migrants face in their journeys toward, in these cases, US or European space. Perhaps most importantly, the stories foreground the deaths of

migrants and do so in a way that emphasizes the sensational aspects of these deaths. Generally, more press space is allotted to incidents that result in a high number of migrant deaths, with in-depth attention to singular deaths rare. These deathly stories speak to the toleration of the deaths of certain groups of migrants – in particular, those who travel via unofficial channels, whether by boat or across the desert. The toleration of the deaths unfolds in at least two ways. First, nothing is done to prevent the deaths, as is the case with the left-to-die boat. It also occurs in the sense of tolerating violence against migrants. In the second story for instance, Margarito Lopez Manueles did not die during his desert border crossing because of dehydration or exposure, but because of a gunshot wound. Having been left to die in the desert of so-called natural causes, it became possible for someone to shoot and murder Margarito Lopez Manueles without being held accountable for this act.

In this chapter I ask about the relationship between migrants, vulnerability to death, and the structure of borders. What is the significance of the exposure to death faced by these migrants, and how does a status as migrant contribute to this positioning? In other words, what are these death politics and how are they informed by border politics? How do borders engage with and produce these conditions?

Agamben: bare life and the homo sacer

One way of considering the relation between borders and power is through the work of Giorgio Agamben. It has become common in current scholarship on illegalized migrants and asylum seekers to make reference to Agamben's work and to, in a variety of ways, argue that either refugees and/or the illegalized migrant can be thought of as a contemporary example of bare life and the homo sacer (Andrijasevic, 2010; Darling, 2009; De Genova, 2010; Doty, 2011; Walters, 2010; Willen, 2010). Agamben has even been described as one of the most important contemporary thinkers of the border (Salter, 2012). Due to the prevalence of the use of Agamben's theory in migration scholarship, I begin this chapter by working through Agamben's ideas of bare life and the homo sacer. My goal is to connect these concepts to illegalised migrants and to evaluate their usefulness in describing the ways that borders distribute vulnerability across populations.

Bare life is a concept that Agamben borrows and adapts from the work of Walter Benjamin. In his *Critique of Violence (Zur Kritik der Gewalt, 1921)*

Benjamin writes of *bloßes Leben*, which can be translated from German as either “mere life” or “bare life.” For Agamben, this figure of *bloßes Leben* constitutes the link between violence and law in Benjamin’s work and itself has an essential connection to juridical violence (1998, p.65). Beginning from Benjamin, Agamben sets out to think further about the relation between bare life and sovereign power. Agamben begins his discussion of bare life by offering two terms for life taken from Greek: *zoē* and *bios*. He describes the first of these, *zoē*, as referring to “the simple fact of living common to all living beings,” while the second, *bios*, refers to “the form or way of living proper to an individual or a group” (1998, p.1). He likens the distinction between *zoē* and *bios* to a division between natural life and political life, respectively. Following Foucault, Agamben writes that we arrive at biopolitics when this natural life is “included in the mechanisms and calculations of State power” (1998, p.3).¹⁵

Bare life is the zone of indistinction between *zoē* and *bios* (Vaughan-Williams, 2012, p.99). It is produced through what Agamben describes as “an inclusive exclusion (an *exceptio*) of *zoē* in the *polis*” (1998, p.7, original emphasis). This means that bare life is life that is socially included through an act of exclusion. As Agamben writes, “bare life remains included in politics in the form of the exception, that is, as something that is included solely through an exclusion” (1998, p.11). This exclusion is a politically enacted condition and is therefore a form of *bios*, even as it casts the person against whom it is applied out from *bios*, or the social group. It is therefore a paradox and an impossibility even as it exists: the ban is a form of *bios* which excludes the banned from *bios*, seeking to interact only on the level of *zoē*. Yet to interact is always *bios*. This means that bare life occupies the impossible zone of being both *zoē* and *bios*, yet neither; of being excluded from *bios*, and yet included in *bios* precisely through this act of exclusion.

The concept of bare life does not refer to natural life (De Genova, 2010; Murray, 2010; Vaughan-Williams, 2012).¹⁶ Bare life does not exist in a state of nature and does not exist before the intervention of sovereign power (De Genova,

¹⁵ Foucault describes biopolitics as “the attempt, starting from the eighteenth century, to rationalize the problems posed to governmental practice by phenomena characteristic of a set of living beings forming a population: health, hygiene, birthrate, life expectancy, race ...” (Foucault, 2008, p.317).

¹⁶ In some readings of Agamben, bare life is read as though it refers to *zoē* – that is, as if it refers simply to natural, physical life (cf. Lechte and Newman, 2012; Lemke, 2011, p.60; Magnuson, 2008; Willen 2010, p.265). This is not my reading of the concept. Instead, I side with those who read bare life as different from *zoē* (De Genova, 2010; Murray, 2010; Vaughan-Williams, 2012).

2010, p.44). Instead bare life is a condition that is produced by sovereign power through an act of exclusion. This means that in the configuration Agamben describes, the condition of bare life is not outside of politics and power. Quite the contrary: bare life is produced by sovereign power and cannot exist outside of these relations. As Vaughan-Williams writes, “It is not something we are born with and can be stripped down to” (2012, p.103). Therefore, bare life is not mere natural life, but is instead what is produced by the political act that treats natural life as if it were dissociable from political and social life – as if it were possible to separate out the merely biological from the social and political operations that produce and sustain that life. Bare life emerges in the moment, and only in the moment, when *zoē* and *bios* are cleaved from one another by sovereign power and their mutual co-constitution denied.

Instead of reading bare life as equivalent to natural life, or as a base condition from which we might imagine ourselves to have grown into social and political beings, it is useful to read the concept as one that “wishes to put in view the disposable status of such life when it is utterly exposed to political calculation” (Ross, 2008, p.2). The disposable status of bare life comes more sharply into focus with the figure of the homo sacer, a figure to which it is closely tied. In Agamben’s work, bare life is specifically the life of the homo sacer. Agamben derives the figure of the homo sacer from Roman law and traces this figure to present times. The homo sacer existed in Roman law as a paradoxical figure. The specificity of the figure lies in his conflicted relation to death: to kill homo sacer is not punishable, and to sacrifice him is banned. As Agamben writes, the homo sacer (sacred man) is the man “who *may be killed and yet not sacrificed*” (1998, p.8, emphasis in original), and it is this, “*the unpunishability of his killing and the ban on his sacrifice*” (1998, p.73, emphasis in original), that makes him a unique figure.¹⁷

It is the relation of the homo sacer to death that defines him. The homo sacer is the man to whom the edict against killing does not apply, and so he is a man who can be killed with impunity. This relation to death is not only realized through

¹⁷ Since Agamben refers to the *homo sacer* as a “he,” I will follow his pronoun choice and refer to the homo sacer as male. This choice in pronouns, in that it signals Agamben’s failure to engage with questions of gender, may signal the inability others have pointed to of Agamben’s theory to engage with the historical specificity of differentiated populations, and to finer questions that have to do with class, race, ethnicity and gender (Deuber-Mankowsky, 2005; Deutscher, 2008; Ziarek, 2008; Smith, 2010; Salzani, 2012).

immediate threat to life. Killing the homo sacer is merely the actualization of the capacity of the homo sacer to be killed. It is proximity to death that defines the homo sacer, not death itself. The bare life of the homo sacer is a life that can be killed. In other words, it is life that is unprotected, exposed to violence and close to death, in that death is always threatened and within immediate reach. The threat of death does not have to be enacted for the political operation that produces bare life to be carried out; it merely needs to be sustained as possible. It is sovereign power which makes this death threat and which wields death as an instrument of politics, and yet by exposing the homo sacer in this way, sovereign power also opens the way for the homo sacer to be exposed to death more widely. Once condemned to the status of the “to be killed,” the life of the homo sacer is no longer protected.

The central example of the role of the threat of death in the life condition of the homo sacer that Agamben offers is taken from the Holocaust. The Holocaust is an important historical moment for Agamben in his development of the theory of the homo sacer. He sees it as a short-coming of Foucault’s work that he never considered the biopolitics of the concentration camp, and Agamben sets out to fill what he thinks is this gap in the work.¹⁸ For Agamben, it is particularly the euthanasia and eugenics programmes that were carried out in the camps under Hitler that produce bare life. Agamben claims that Hitler’s “exercise of sovereign power to decide on bare life” is evident in his treatment of the mentally ill (1998, p.142). By first identifying *lebensunwerten Leben* (life unworthy of being lived), then by applying the category to the mentally ill, and finally by using this as justification for euthanizing the mentally ill, Agamben shows that Hitler enacted decisions about the relationship to life and death. Agamben sees *lebensunwerten Leben* as a political concept that, enacted through euthanasia, tried to separate out something like the bare life of the person and to kill this. The eugenics programme that ultimately followed the euthanasia program also enacted this same sovereign decision over life and did so through reference to a conception of race that was purely genetic and hereditary. It was on the basis of this conception of race that the camps put in place a programme designed to, in Hitler’s view, purify Germany by killing those deemed to be

¹⁸ Agamben writes that for him it is striking that Foucault, “never dwelt on the exemplary places of modern biopolitics: the concentration camp and the structure of the great totalitarian states of the twentieth century” (1998, p.4). What Agamben means by this is unclear, however, as Foucault did include in his work an analysis of the Nazi state and Nazi society (Foucault, 2003).

disposable or undesirable under Nazi rule.

Important for Agamben in considering the biopolitics of the camps is the use of human beings as *Versuchspersonen*, or human guinea pigs, and it is here that the liminal condition produced by the possibility of death becomes most apparent. Of the treatment to which *Versuchspersonen* were exposed, and its production in the space of the camp, Agamben writes that “the interval between death sentence and execution delimits an extratemporal and extraterritorial threshold in which the human body is separated from its normal political status and abandoned, in a state of exception, to the most extreme misfortunes” (1998, p.159). The liminal status between life and death, in which the person is abandoned to atrocity and without recourse to any form of protection, and in which death is allowed as a casual outcome because the person has already been condemned to death and is yet still living, is an important part of bare life. The atrocity of the experiments carried out on human beings in the concentration camps was only possible because the prisoners had already been condemned to die and were therefore bare life. While still living, these prisoners were vulnerable to extreme forms of mistreatment and even murder.

In addition to being defined through his particular exposure to death, the homo sacer is also defined through his liminality. The homo sacer occupies a liminal position not only between life and death, but between a number of intersecting domains. The homo sacer is neither one thing nor another. Instead, in that he is defined through exclusion, Agamben describes the *homo sacer* as a limit figure. The *homo sacer* marks the boundary distinctions between categories: between the sacred and the profane; between the city and the domestic; and between the simple fact of living, *zoē*, and political, social life, *bios*. Homo sacer is trapped between all of these domains and yet belongs to none of them. The homo sacer is a figure located at the intersection, and therefore occupying a zone of indistinction. It is for this reason that for Agamben the homo sacer reveals the reciprocal limits of these realms. He writes:

...if classical politics is born through the separation of these two spheres [domus and city], life that may be killed but not sacrificed [homo sacer] is the hinge on which each sphere is articulated and the threshold at which the two spheres are joined in becoming indeterminate. Neither political *bios* nor natural *zoē*, sacred life is the zone of indistinction in which *zoē* and *bios* constitute each other in including and excluding each other. (1998, p.90)¹⁹

¹⁹ In this passage, as in others, Agamben introduces the term sacred life. This sacred life is

Illegalization as means

Work that applies Agamben's theory to the social condition of so-called irregular migrants tend to focus on the relationship between undocumented migrants and the law – and particularly, the status of being legally dispossessed from the country in which one resides (Darling, 2009; Rajaram and Grundy-War, 2004, Schinkel, 2009; Willen, 2010). This body of work is specifically interested in irregular migrants – those who are seeking refugee status or who enter or reside in a country without legal permission to be present. By focusing on this state of migrants (because illegality is a state or condition, not an identity), even if the relation to law is not what is put under discussion in the work, a particular relationship to law is pre-selected: all are in the condition of legal exclusion, and it is the effects of this legal exclusion that are addressed through reference to Agamben's work.

An early and often-cited use of Agamben's theory to study the detention of irregular migrants is Prem Kumar Rajaram and Carl Grundy-War's article "The Irregular Migrant as Homo Sacer: Migration and Detention in Australia, Malaysia and Thailand" (2004). Rajaram and Grundy-War argue specifically that refugees are constructed as Agamben's homo sacer when the refugee is placed outside of the law. Being positioned outside of the law can lead to the refugee being subjected to treatment on the part of the state that would be unacceptable for citizens, and to there being little to no access to legal protection or recourse. They write, "Levels of innuendo and violence unthinkable to regular human beings, citizens, are regularly perpetrated against the refugee or asylum seeker."²⁰ The refugee as homo sacer describes the condition of exclusion that those exempt from the normal sovereignty are subject to" (p.41). What they emphasize in their application of the theory of the homo sacer, then, is the exclusion of the migrant from the protections afforded by citizenship through a *legal* exclusion and the exposure to violence that follows from this exclusion.

synonymous with bare life and is the life that belongs to the homo sacer. He presents the two terms as synonymous alternates throughout his text. He does this, for example, when he writes "Not simple natural life, but life exposed to death (bare or sacred life) is the ordinary political element" (1998, p.88, emphasis in original). Once the term of homo sacer, or sacred man, has been introduced, then the terminology of sacred life can be substituted for the term bare life.

²⁰ The relationship between the "regular human being" and the "citizen" is also worth flagging. Why is it assumed that to be citizen is to be a regular human being, and to be non-citizen is to be abnormal? What effects does this sort of assumption have?

In addition to the problems implicit in this argument which first misplaces bare life as a depoliticized position and then equates citizens with regular human beings, it is not always clear whom the authors have in mind when they write about the migrant as homo sacer. In fact, the use of the term “irregular migrant” in the title and text of the paper is slightly misleading. As the paper progresses, the term “refugees” increasingly replaces “irregular migrants,” with the two terms even sometimes appearing with an “or” linking them together (p.41), causing a considerable degree of confusion between the two groups within the paper. They write, at various stages of the paper, that the person they have in mind is the migrant who attempts to enter a country without legal permission via clandestine boat journey; those subjected to forcible transport and detention and refugees who can be found in aid camps and have no access to legal support. It is not clear whether a person would have to satisfy all three of these criteria (clandestine journey, detention or forced transport, and residence in a refugee aid camp) to be considered homo sacer, or whether any one would do.

What is clear is that some confusion exists that equates clandestine journey with illegalized status with refugee claims. While there may be some overlap between those who are irregular migrants and those who are refugees, the terms are not synonymous. Not all migrants without status make asylum or refugee claims, and not all who make asylum or refugee claims have irregular status. In fact, to conflate the two runs together illegality and asylum seeker status, in that to be irregular is treated as synonymous with being refugee. This is surely not the intention of the authors. Nevertheless, it should be kept in mind that there is no such thing as an “illegal asylum seeker,” (Hayter, 2000) and therefore no such thing as an irregular one either. This confusion is particularly important in the context of the paper because the status of the irregular migrant is described as bare life because of the relationship of the migrant to law, and yet these groups of migrants have different formal relationships to law.

Another use of Agamben’s work that considers the effects of legal dispossession is John Darling’s discussion of asylum seekers in the UK (2009). He argues that specifically asylum seekers who have been denied asylum can be usefully thought of as homo sacer. Once asylum is denied, the person who has sought it is no longer recognized as having a right to reside in the UK. Darling argues that this

rejection of permission to live in the UK, along with the withdrawal of housing and the social and financial support (granted to asylum seekers before a denial) that accompanies it, amounts to an “Agambenian sovereign act of abandonment” (p.652). Placed outside of the law in this way, the refused asylum seeker must struggle to survive at the level of securing shelter and food. He or she is placed outside of the law, in the sense of no longer having access to legal support or protection, and it is the application or imposition of law that enacts this positioning.

What is distinct about the refused asylum seeker in the UK is that throughout the process of applying for asylum, the person has been eligible for state support in the form of accommodation and some minimal cash support. Once an application has been denied, this support is withdrawn (Darling, 2009, p.650), as is any legal right to work or remain in the UK. In Darling’s argument it is this denial, and the attendant withdrawal of permissions and support, that positions the refused asylum seeker as bare life. While this is a very clear explanation of how a denial is applied and its effects, this analysis leaves unanswered the question of the illegalized migrant who has not been denied refugee status, but who has never been eligible even to apply. There is no turning point for this individual, as there is around the moment of denial for the refused asylum seeker. Yet if a refused asylum seeker can be theorized as homo sacer in Agamben’s terms due to legal exclusion from the nation and from state protection, and based on the withdrawal of material support and the legal right to reside and work in the country where one lives, then is it not also possible on these grounds to theorize any and everyone without legal right to work and reside in a country, and perhaps even more importantly without legal access to protection from the state, as homo sacer as well?

Other scholars have made this point, or one very like it, applying the theory of homo sacer to what they tend to call “illegal immigrants.” Sarah Willen (2010) writes particularly about Israel and its treatment of undocumented migrants. She says that the patterns of othering and systematic neglect that characterize the way migrants are treated can be thought of through Agamben’s conceptions of bare life and homo sacer, noting however that she sees a need to ground this claim in an understanding of specific conditions, patterns and experiences of particular migrants. Again, by having pre-selected those who are without legal status, the focus in her work is on the effect of *legal* dispossession on migrants. Similar to Willen, in his

article “‘Illegal Aliens’ and the State, or Bare Bodies vs the Zombie” (2009), Willem Shinkel also argues for conceiving of the ‘illegal immigrant’ as a modern day *homo sacer* (quotations in original). Shinkel likens the condition of those denied legal status in a country to that of Agamben’s *homo sacer* in that regular laws do not apply to the migrant determined to be illegal, thereby allowing potential indefinite detention of the “illegal immigrant.” This potential indefinite detention represents an interruption to the protections normally extended to citizens and residents of a nation. For Shinkel, it is this exceptional treatment that renders the illegalized migrant a *homo sacer*.

Charles Lee (2010) gives another account of *homo sacer* in relation to undocumented migration. He points to the way that undocumented migrants occupy a space of in-between-ness, as even while they are denied status in the country as members, they are also not strangers. This space of the inbetween is harnessed to capital and used to condition the labor of migrants as disposable and compliant. He writes that, “Migrant workers are not simply excluded: they are deliberately brought in, sought after, and tolerated by the capitalist regime [...] while their membership is deliberately left suspended” (Lee, 2010, p.62). Unable to claim protections through citizenship, the undocumented are made productive to neoliberalism through exploitation of their irregularity, a condition which he sees as deliberately produced to serve this end. Lee’s study is therefore a consideration of the effects on migrants of illegality in terms of their labour.

These applications of Agamben’s theory as a means to think through the conditions faced by undocumented migrants and denied asylum seekers are all studies of the effects of legal exclusion from the nation-state. They are studies not of why a certain person, or group of persons, are illegalized, but instead studies of the effects of this illegalization. This type of application is faithful to Agamben’s work, which defines the *homo sacer* in terms of an act of sovereign dispossession. However, by limiting the analysis to the effects of illegalization, the work does not ask the question of how or why people are dispossessed. It also potentially situates illegality as the source or cause of the experiences that result – struggles for material survival, exposure to discrimination and to the threat of indefinite detention and violence. But is illegality in fact the cause of these experiences, or is it instead a mechanism that enables exposure to violence?

Conceptualizing dispossession only in terms of the legal relationship that selectively imposes a ban against some leaves uninvestigated the way that deployments of law can be and nearly always are mobilized to serve other ends. What does illegalization not only achieve, but target? Why are some made illegal? And why is the illegality of some enforced and patrolled (through deportation, for example) and/or used as a justification to fail to intervene (i.e. leaving failed refugee applicants to struggle at the level of material survival), while the illegalized behavior of others is tolerated? Is it in fact illegalization that structures experiences of violence, dispossession and deportation, or is illegalization instead one of the ways these experiences are justified by the states that enact and tolerate these mistreatments?

Racism as the precondition for killing

Agamben suggests in his work that there is a link between bare life and refugees in particular. The link to the refugee that he identifies does not, however, rest on an argument that the refugee is excluded from the nation. Instead, while he writes that the refugee is a contemporary example of a position that “is exclusively considered as sacred life,” his thinking in this instance draws on Arendt (Agamben, 1998, p.133). Arendt locates refugees as those who were excluded from the nation-state system, and so rendered stateless in a world of nation-states, in the moment when the state was perverted to an instrument of nationalism (Arendt, 1973, p.231). This perversion transformed the state from a guarantor of the rights of all into the protector of only “nationals.” Arendt recognizes this as a tragedy, and for her the conquest of state by nation means that the condition of statelessness was inevitably produced alongside the nation-state (1973, p.230).

The refugee is important for Agamben due to his biopolitical understanding of democracy and modern politics. Since for Agamben the decisive moment of modernity is the moment when *zoē* enters into the sphere of the *polis*, it is the biological body bound to the external control of state order that is the foundation of modern democracy. According to Agamben, this biopolitics is evident in the founding documents of modern democracy, including the writ of *habeas corpus*, which importantly does not require a subject or a citizen to appear in court, but only

the physical presence of a body. The body's centrality to politics is further enshrined in the 1789 Declaration of the rights of men and of citizens, in which it is the fact of life, or natural birth, which entitles man to rights. According to Agamben, in this move natural life becomes the bearer of sovereignty, and the equality declared to exist between all men is in fact the equality of death. In Agamben's own words, it is "precisely the body's capacity to be killed" which makes equality possible (Agamben, 1998, p.125). As an effect of this, birth becomes the immediate bearer of sovereignty. In this way, nativity and sovereignty are bound together in democracy. Their welding forms the basis of the nation-state. Agamben insists that it is impossible to understand the modern state without attending to the ways that it is natural life, and specifically the fact of birth, that is invested with sovereignty as the governing structure moves from subjects to citizens (monarchy to democracy).

The refugee is an important figure for Agamben because refugees break the continuity assumed by the nation-state to exist between the human and the citizen – between nativity and nationality. In breaking this continuity, refugees "put the originary fiction of modern sovereignty in crisis. Bringing to light the difference between birth and nation, the refugee causes the secret presumption of the political domain – bare life – to appear for an instant within that domain" (Agamben, 1998, p.131). The originary fiction to which Agamben refers is the assumption that the human and the citizen are one and the same, and that nativity and nationality are similarly unitary. As he puts it, the fiction is that "*birth* immediately becomes *nation*" (1998, p.128, emphasis in original). In this way, the refugee makes visible a critical juncture of modern politics for Agamben: namely the link between birth and belonging in the nation-state (whether it be in the form of *jus soli* or *jus sanguinis*) precisely because the refugee embodies the space that is not recognized by this formula.²¹

²¹ Following Arendt, Agamben also points to the problem of rights and refugees. In Arendt's rendering, the idea of human rights came apart in the early twentieth century in the moment that European nation-states had to deal with the arrival of hundreds of thousands of stateless people. The Rights of Man, defined as both "inalienable" and independent of all governments, proved to be indefensible when there was no government to administer the rights. Losing national rights, and the rights of the citizen, therefore became tantamount to losing human rights (Arendt, 1976, p.291-2). Agamben accepts this formulation of the aporia of rights faced by the refugee and uses it as a basis to show the collapse of the human and the citizen in the modern nation-state. Others, notably Jacques Rancière, have critiqued Arendt's construction of an aporia in the place of the rights of the refugee. Arendt's assertion is that the state of exception occupied by the rightless of whom she writes, a historically specific group of people, was not merely that they were not equal before the law, but that

While Agamben gives an account of refugees as making visible the biopolitical basis of the modern state, and of making bare life appear for an instant within the domain of the political, he does not say that the refugee is an example of bare life. In other words, the refugee is not identified by Agamben, *per se*, as a figure of *homo sacer*, but instead as a figure who, for only an instant, makes the bare life that is produced by the political system appear within that system. In fact, according to Agamben, there is no clear figure of the *homo sacer* today. Instead, he says that “we are all virtually *homines sacri*” (1998, p.115, original emphasis) and that “bare life is no longer confined to a particular place or a definite category. It now dwells in the biological body of every living being” (1998, p.140). In another rendering of this same point, Agamben points to the refugee as the figure who signals the political community to come (1995). What Agamben seems to mean when he claims that we are all virtually (in the space to come) *homines sacri*, is not that all citizens are automatically bare life, but instead that each citizen has a latent potential to be fixed as bare life at the moment the ban is deployed. It is only on the grounds of this possibility of exclusion the citizen can be included in the juridical order, and it is through this potential that the modern state exacts its power. In other words, the citizen must be exposed to the potential of being banned in order to be included. The potential to be fixed as bare life is, for Agamben, the basis of the modern political order. In Agamben’s account all citizens are thus vulnerable to the machinations of power within the nation-state.

What he does not address is the way that some are more vulnerable than others. Instead, in Agamben’s account, without differentiation, we are all exposed to the possibility of becoming bare life. Agamben’s failure to attend to the differences in vulnerability across a population has a flattening effect in his theory. As Judith

there was no law for them; not merely that they were oppressed by that no one wanted to oppress them; not that they are deprived within a political community, but that in fact they belong to no political community. Rancière says this characterization of radical exteriority is unconvincing, and that it is a matter of historical fact that there *were* people who wanted to oppress, and did oppress, the groups about whom Arendt writes (Rancière, 2004, p.299). He sees her conceptualization of the group as being beyond oppression as due to her opposition between public and private and says that it has a depoliticizing effect on questions of power and oppression by placing these experiences in a realm of exceptionality. By policing the line between the private and the political, she decides in advance what will be recognized as political. From this, he claims she constructs what is either a void or a tautology: either the rights of man are the rights of those who have no rights, or they are the rights of the citizen (2004, p.302). Agamben’s work in *Homo Sacer*, in grasping Arendt and twisting it through the work of Foucault and Schmitt, is for Rancière one of the most clear examples of the depoliticizing turn at work in Arendt’s formulation.

Butler points out, the universality Agamben assumes exists between all subjects in an undifferentiated way does not account for the ways that “power functions differentially to target and manage certain populations” (Butler, 2004, p.68). In other words, the claim has a flattening effect on the conception of power in that it obscures the differential ways that power addresses things like race, gender, class and sexuality (Coleman and Grove, 2009, p.498). While in an abstracted way it might be possible to say that we are potentially *homines sacri*, we are not all constituted as *homines sacri*, and our risks are not all the same. For this reason, Agamben’s theory becomes what Astrid Deuber-Mankowsky (2005) has called an empty abstraction. She writes that this abstraction:

...is not only an affront to the concrete sufferings of the victims [of the Holocaust] and of their relatives. It does not only level out the differences between victims and perpetrators, between witnesses and those born afterwards. It also effaces existent and – through the implementation of globalization – increasing class differences between rich and poor, north and south, between people who fulfill and those who deviate from the norm. (Deuber-Mankowsky, 2005, p. 10)

Agamben’s undifferentiated paranoid vision that we all – and he too by implication – may be fixed as bare life may in part follow from the historical example he works from. While he generalizes outward from his chosen historical example, Agamben writes and thinks with the Holocaust. Agamben grants this genocide exceptional status in his work. He describes the Nazi regime as responsible for “the most extreme *conditio inhumana* that has ever existed on earth” (1995, p.166). This is a genocide that took place in the centre of Western Europe and is one that saw the rights of citizens stripped, and the systematic killing of these former citizens. Though, as Deuber-Mankowsky points out, the generalization of the experiences of those who faced the concentration camps to *everyone* is an affront to those who were faced with atrocity, equally serious is the way that Agamben’s focus on this historical event may predispose him to fail to recognize the ways that some are more vulnerable to the violence of power and political dispossession than others. By looking only at an event inside of Europe, Agamben fails to see the relationships of domination enacted through biopower between Europe and people in and from other parts of the world and the lasting effects of this colonial history.

There are of course other historical examples of atrocity to draw on in thinking about biopolitics and the state of exception that would make these dynamics more visible. In his piece “Necropolitics,” Achille Mbembe pulls the discussion of biopower and of the social distribution of death and vulnerability toward some of these other historical atrocities. For Mbembe, it is impossible to talk about modern terror without discussing slavery. He points to slavery as one of the first important historical instances of biopolitical experimentation. He explains that in slavery, the slave is fully dominated, alienated from his or her natal land, and confronted with social death – social death being in Mbembe’s words, “expulsion from humanity altogether” (2008, p.160). The slave exists in a state of injury: kept alive, but only as an instrument of labour and with a price. The master, who owns the slave as an object is owned, can inflict violence upon the slave “in a cruel and intemperate manner” (2008, p.160).

Race is crucial to these intersections and experiences of power (Mbembe, 2008, p.161). Mbembe traces the technologies of racism, including the selection of races, forced sterilization and prohibitions against mixed racial marriages, and genocides – all aspects of engineering race in the population – to the colonies and to imperialism. For Mbembe, “what one witnesses in the Second World War is the extension to the ‘civilized’ peoples of Europe of the methods previously reserved for the ‘savages’” (2008, p.161). Therefore what is most important is not only to pay attention to what happened in Europe, but to connect National Socialism to slavery, to colonial imperialism, to the technologies of mechanized death, and to Gaza and the West Bank. In particular, Mbembe argues that it is necessary to look at the colony and colonialism to understand the suspension of juridical order, the implementation of the state of exception, and the violent operations of power.

The lawlessness with which colonies can be ruled is due, Mbembe argues, to the racial denial of a bond between the conquerer and the native. In understanding the native inhabitants of the colonized land as “savages,” the colonizers position the conquered populations as a sort of animal life and see them as behaving like a part of nature. Drawing on Arendt’s work, he explains that the positioning of native populations as natural deprives them of their status as full human beings and allows Europeans to massacre them without realizing they are murdering people (2008, p.163). It is because of this racial denial of humanity that it becomes possible in the

colonies for the sovereign right to kill to be enacted without being subjected to any rule and why it is possible to kill at any time and for any reason. Colonial occupation is not only historically relevant, and not only historical, but also occurs in a late-modern form. Its most accomplished form, Mbembe writes, is the on-going occupation of Palestine (2008, p.165).

The discussion of biopower as it operates through a racial division is also present in Foucault's work, upon which Mbembe draws. In *Society Must be Defended*, Foucault writes that "racism is inscribed as the basic mechanism of power, as it is exercised in modern states" (2003, p.254). He explains racism as a way of regulating exposure to death. The first function of racism is to fragment the population, creating and separating groups from one another (2003, p.255). This is a means of exercising control over the population. After the fragmentation of the population, the second function of racism is to broker the relationship of war: in order for one to live, the other must die. Racism is therefore enacted as this differential exposure to death. It is the difference between "what must live and what must die" (2003, p.254). Within a biopolitical system, this death of the other is understood as making life in general healthier: if the other is a threat, then the other dies so that I may live. In this way, killing becomes acceptable as a means to eliminate a biological threat. Racism is therefore, for Foucault, about the distribution of death. Race or racism makes killing acceptable (2003, p.256). As he writes, "racism is the indispensable precondition that allows someone to be killed, that allows others to be killed. Once the State functions in the biopower mode, racism alone can justify the murderous function of the State" (2003, p.256).

In Foucault's usage, killing the other does not only refer to the murder of the other. He also understands the exposure of the other to death, increasing their risk of death, or enacting political death as forms of killing. Understanding killing in this way means that much of what I describe in the previous section of this chapter, and the effects of illegalization, can be understood in a way that is slightly different from what Agamben's work might suggest. It means that the exposure of migrants to death through their exposure to the desert that was instituted in US border policy from the late 1980s onward, as I detail in Chapter Two, can be thought of as killing. This is especially true if we work from Ruth Gilmore's definition of racism as "the state-sanctioned or extralegal production and exploitation of group-differentiated

vulnerability to premature death” (2007, p.28). It also means that the state’s withdrawal of material support from refugee applicants whose claims have been denied, as discussed by Darling and as I summarize in the last section, could be understood as killing. And it means that deportation, in that this is political death in very explicit form – the removal from the political community – is killing. Following Foucault, all of these things have to be understood in relation to racism. Racism is their precondition and what makes them possible. Only racism can justify these functions of the State. This suggests an import shift away from thinking of illegalization as the cause of dispossession, toward thinking of law as a means to carry out racism.

Extending spaces of the border

What can these biopolitical theories as applied to migrants and migration tell us about borders? And about the relationship between borders and bodies? In the case of both Agamben and Mbembe, the theories of biopolitics and how they address different bodies are distinctly spatialised. Looking at how these spatial operations of power function can help to inform a consideration of the way that borders function as spatial operations of power. For this reason, in this section I will look at the way that both Agamben and Mbembe spatialize their theories. I will use these two models and the implications of these spatialisations to help me to set up a discussion of the space of the border.

For Agamben, the site that he identifies as producing the condition of the homo sacer and bare life is the camp (Lemke, 2011, p.56). The camp is therefore essential to his work. Like the rest of his theory, Agamben develops his theory of the camp by drawing on the historical example of the concentration camps of National Socialism. Agamben asks what made the extreme and violent conditions inside of the camps possible and about the juridico-political structure of the camp. The structure that he claims is at the root of the camp is the state of exception. It is the declaration of a state of emergency or exception that becomes the basis for suspending normal law and in particular for suspending the protections of freedom guaranteed by normal law (Agamben, 2005, p.50). By way of example, Agamben explains that when the Nazis took power in Germany on February 28, 1933, they issued a decree, nominally

for the protection of the people and the State. This decree suspended the articles of the Weimar constitution that protected personal liberty, freedom of expression and assembly, and of privacy in the home and in personal communications (Agamben, 1998, p.168). He explains that this exceptional suspension of normal juridical rule is made permanent in the camp. He writes, “In the camp, the state of exception, which was essentially a temporary suspension of the rule of law on the basis of a factual state of danger, is now given a permanent spatial arrangement” (1998, p.169). Inside of the camp, anything is possible. It makes no sense to ask whether what happens inside of the camp is illegal or legal, precisely because the camp is formed through the confusion and indistinction that results when exception to law becomes norm. The effect of this is that those who enter the camp also enter a zone of indistinction. Inside the camp, Agamben writes, the concept of the subjective rights or the juridical protections of the inhabitants no longer make any sense. The question, then, is not one of how the atrocities committed against human beings in the camps could have happened, but is instead how a human being could be politically transformed into bare life, so that nothing that was done to them would register as a crime.

Instead of seeing the concentration camps of National Socialism as unique, Agamben sees the camp as having a structure that can be found throughout both history and modernity. He identifies the structure of the camp as existing historically in the camps of the Spanish in Cuba in 1896 and in those with which the English contained the Boers. These are both examples of a state of emergency in the context of a colonial war that was extended to an entire civil population (1998, p.166). He also identifies the structure of the camp in other contemporary contained spaces. Agamben finds the camp in an Italian football stadium when Albanian immigrants are held there, on the outskirts of certain cities, in French airports where foreigners are held for days before the authorities intervene, and in Guantánamo Bay (Agamben, 1998, p.175; 2000, p.42; 2005, p.4; Butler, 2004).²² Despite these connections to other spaces, however, Agamben’s grounding historical example is

²² Aside from brief reference to these sites as materializations of the camp, Agamben does not specify the application of his theory to these spaces. Instead, he leaves that work to others. Particularly notable is that his reference to Guantánamo as an example of the state of exception appears in the form of one lonely sentence and through reference to the work of Judith Butler. He writes, “As Judith Butler has effectively shown, in the detainee at Guantanamo, bare life reaches its maximum indeterminacy” (Agamben, 2005, p.4).

the camps of World War II. For this reason, while he makes connections to other spaces, the model he proposes is formed by a particular historical space and set of relations. It is also a model designed around containment: camps are fixed spaces that may be the “hidden” matrix and defining structure of political modernity (Agamben, 2000, p.37), but which are nonetheless limited and discrete.

For Mbembe, on the other hand, the important space of the state of exception is not the camp, but the colony. Colonies are not organized in the state form, and they do not have sovereign subjects (citizens). Instead, they are inhabited by ‘savages,’ who can be put to death when it is convenient. The state of exception functions permanently in the colonies because the right of the sovereign to kill in the colony is not subject to any rule in this space. Sovereignty is enacted in the colonies through the enactment of power outside of the law – power without law. In this way, colonies become “zones in which war and disorder, internal and external figures of the political, stand side by side or alternate with each other” (p.163). As a result of this confusion, this permanent state of exception, and this exposure to violence unbound by law, Mbembe argues that “the colonies are the location par excellence where the controls and guarantees of judicial order can be suspended – the zone where the violence of the state of exception is deemed to operate in the service of ‘civilization’” (p.163). Locating the colony as the space of the state of exception immediately points at race and at the production of race, racial difference, and the enactment of racism in a way that locating it in the camp does not. The lawlessness with which it is possible to rule in the colonies is an effect of the racial denial of a bond between the colonizer and the colonized. The colony does not produce its inhabitants as bare life, but as savages – as human life denied its humanity and for this reason exposed to death, and murder made unrecognizable as murder.

In Mbembe’s work, the effect of exposure to this racist violence is not conceived of as spatially limited. Instead Mbembe looks to the ways that these spatialized experiences of power produce hierarchies that stratify a population. Colonial occupation is a spatial relation that produces different categories of people for different purposes. In this way, while space is the raw material, the ultimate effect is to relegate “the colonized into a third zone between subjecthood and objecthood” (Mbembe, 2008, p.164). Through a colonial relationship in one space, a fragmenting of the population is enacted that has effects outside of the space discretely

understood as the site of implementation of the particular operation of power.

Therefore the spatial experience is about producing differences in the population that help to control the population and that extend the colonial relationship beyond the space formally recognized as the site of violence. If the colony is a spatial institution planned for control (Mbembe, 2008, p.164), that control does not end or cease to have effects at the limits of the space designated as the colony. This means that what Mbembe's account can add to Agamben's is not only a consideration of the way that racism becomes a means of distributing vulnerability through a population, but also a way to account for the effects of these operations of power throughout social space, and not only within the bounded zones that might be called "camps." If a border space can be thought of as a camp, then this also has implications for how border space can be conceptualized.

Migration detention centres as camps

The work that has drawn on the theory of the camp and applied it to border spaces has so-far tended to focus on two particular kinds of spaces. The first of these is migration detention centres. Drawing on Agamben's theory of the camp, scholars working in the field of migration studies have argued that migrant detention centres can be understood as camps (Andrijasevic, 2010; Diken and Laustsen, 2005; Perera, 2002; Walters, 2010). These accounts tend to understand migrant detention centres as a space of exception, where nation-states enact exclusion (Andrijasevic, 2010, p.149), physically incarcerating those who do not (or do not yet) have a clear legal right to remain in a country. Earlier work addresses Australia's now closed Woomera detention centre in particular. For example, Diken and Laustsen (2005) argue that Woomera functioned as a camp because it was a zone of indistinction, its existence possible only when exception became rule. As another example, Papastergiadis (2006) writes that Woomera can be understood as a camp because within it refugees were excluded from civic life, held indefinitely without cause in detention and divested of rights. The detention centre existed, he writes, at the "edges of public visibility and the limits of the law" (Papastergiadis, 2006, p.436). More recently, arguments have also been made for understanding Italy's Lampedusa detention centre as a space where the state of exception is enacted and therefore as a camp

(Andrijasevic, 2010, p.150). In this space the normal rule of law is suspended and rights no longer apply. Migrants held in the centre are treated in degrading ways that violate what would be their rights, if these rights could in fact be claimed or protected. Speaking more widely, William Walters points to all migration detention centres used in Western states as camps. They are all spaces, he explains, “where the exception becomes the norm, where those without the ‘right to have rights’ are exposed to indeterminate waiting times, the risk of arbitrary treatment, and the threat of physical and psychological abuse” (2010, p.94). This exposure to violence, and the lack of legal protections that are normally provided to those recognized as citizens, materializes the camp in the space where migrants are indefinitely incarcerated.

In all of these accounts, migration detention centres are understood as camps because they are spaces where the “right to have rights” is suspended for migrants who are detained, and because migrants can be treated in an arbitrary and cruel way, exposed to both physical and psychological abuse. Inside of this space, legal protection is revoked by the law, exposing migrants to violence. This is a particular mechanism of power that is enacted inside the migration detention centre. Therefore what an analysis of migration detention centres as camps points at is a particular mechanism of power that is enacted within these spaces. It is the operation of power that illegalised migrants experience in detention centres that indefinitely suspends the normal rule of law. However, this operation of power is not bound to the space; it is not limited by the space; and it does not ontologically determine the space. So how can these understandings of the migration detention centre account for the ways that some people are vulnerable to being placed in these detention centres, and how is this vulnerability experienced not only inside of the walls of detention, but outside of them as well? How can an analysis of migration detention centre as camps account for the vulnerability to detention, the cruel and arbitrary treatment of those who can be detained, not only inside of the space of the detention centre, but also before their arrival and after their release?

Migration detention centres are experienced in a spatial way and are structured by firm and guarded boundaries. There is no ambiguity about which space is included within the migration detention centre or when one is inside or outside of that space. However presence in the space of the migration detention centre alone

does not determine whether it is experienced as a site of violence for a given individual. Still more sinister, exiting the space of the migration detention centre does not guarantee that one has exited the space in which violence is permissible. The argument is that the migrant detention centre is a camp for those who are indefinitely detained in the space, whose rights are suspended, and who are excluded from social life through their internment. However, not everyone who occupies the physical space of the detention centre experiences this power in the same way. Guards are also present in the detention centre, for example, but are positioned differently in relation to power. On the other hand, for those who are the targets of power, exiting the physical space of the detention centre is not enough to free oneself of the systems of camp; and those who evade the migration detention centre, or who have not yet been sent there, but whom it stalks, are not unexperienced with or unexposed to the camp. For this reason, there is need for a more sophisticated account of space and of the operations of power that produce a position of vulnerability.

In Agamben's work, the space of the camp is defined through a tension between the spatiality of the camp and the enactments of power that form the camp. Camps are spatialised and contained. He finds his examples, overwhelmingly, in contained spaces: when refugees are contained, when migrants are detained, when people are locked inside of death camps. However in order to generalize from his historical example of National Socialism to all of modernity (as he does), he is forced to theorize the camp not only in terms of its spatiality, but in terms of its function. He writes, "the essence of the camp consists in the materialization of the state of exception and in the subsequent creation of a space in which bare life and the juridical rule enter into a threshold of indistinction," and that for this reason "we must admit that we find ourselves virtually in the presence of the camp *every time* such a structure is created" (1998, p.174, emphasis added). This model of the camp, a historical fact worked up into a theoretical principle, is what allows Agamben and those who work from his theory to find the camp in contemporary spaces. The operations of power that occur in the camp do not only occur in the camps, understood as discrete spaces, but are presented in Agamben's theory as striating, "the entirety of a democratic people" (Coleman and Grove, 2009, p.496).

That Agamben ultimately defines the camp through the exercise of an operation of power does not ultimately make it sustainable to think of camps as simply bounded spaces. In thinking of the camp as a series of practices that can appear and disappear from spaces, Agamben in fact may remove the importance of space from the camp. Space is important in the sense that these practices are experienced in space, and space and containment can be deployed in powerful ways that are deployments of the camp, but space is not the necessary ground of the camp. It is more like the material of the camp; it is the site in which the principle is enacted. If the camp is the space where bare life is produced and experienced, then it is everywhere these experiences unfold. This sort of definition of the camp does not evoke a schema of the camp as a limited space, but of a system of relations and practices of power that are precisely not bounded geographically and territorially; that precisely are not fixed, but which emerge and recede in and from different spaces contingent upon who inhabits and passes through those spaces, and what sorts of practices and social-political relationships are enacted there.

Instead of thinking of power relations that dispossess populations as enacted in discrete spaces, it is necessary to think about these power relations in terms of the ways that they produce differences in the population, as Mbembe and Foucault suggest. What matters is not (only) the space that someone occupies, but who that person is and their relationship to power. In what ways does power address the person? How is their life, and body, positioned? Can they move freely and are they protected by law, or does law fail to protect them; relate to them by refusing to provide protection from violence and so by enacting violence? The detention centres are one of the most overt spaces where the camp can be said to operate, but this doesn't mean that the camp doesn't materialize in other spaces, perhaps fleetingly, organizing not around specific geographic space, but instead around an experience of encounter – racial profiling, for example.

To develop a way of thinking about these power relationships beyond thinking of only what happens precisely in spaces that are bounded and can be recognized as "camps," I want to turn now from the example of migration detention centres to the borderlands. What can a theory of the borderlands as a site of exclusion, as it is sometimes theorised, do for a theory of the border? How is power distributed in this space? And what is this space? Where are the borderlands?

Spaces of the borderlands

In the most literal account, the borderlands between the US and Mexico stretch along the 2,000 miles of geographical border between the two countries, from the Atlantic Ocean to the Pacific, passing through four states on the US side (east to west: Texas, New Mexico, Arizona, and California) and six on the Mexican (returning, west to east: Baja California, Sonora, Chihuahua, Coahuila, Nuevo León, and Tamaulipas). While the east-west expanse of the borderlands is easy to identify, the north-south dimensions are more ambiguous. Generally understood as occupying the space on either side of the geo-political border (Nevins, 2002), the borderlands are unevenly distributed across this zone: their depth changes based on the population density of the region. The borderlands tend to be understood as the relatively unregulated spaces that stretch through mountains and deserts between the US and Mexico. When passage across the US-Mexico borderlands is described, in theory or in literature, authors generally have in mind the clandestine journeys made across remote spaces, not the queues and passport checks of the urban and/or official points of entry (Boyle, 1995; Doty, 2011; Urrea, 2004), and it is these remote spaces that are understood as the borderlands. Fewer people live in these regions than at other border sites, and there is less control infrastructure in place. On the other hand, at urban centres along the border, where the border is more tightly restricted and heavily surveyed and militarized, such as where El Paso meets Ciudad Juárez or where Nogales, Sonora presses up against Nogales, Arizona, the borderlands shrink to a narrow, dividing line:²³ a fence separating one country from the next.

Like migration detention centres, the US Mexico borderlands have also been theorized as a camp by scholars working in migration and border studies. Roxanne Lynn Doty (2011) argues that the US-Mexico borderlands can be understood as a site of production of bare life and therefore as a space of the camp in Agamben's sense. Doty understands the borderlands as, exactly as I described above, the unregulated and rural desert spaces of the border. Doty's work primarily focuses on the death and violence to which migrants are exposed while in these borderlands. Migrants who are unable to pass between the two countries at official ports of entry attempt clandestine journeys across harsh terrain, taking days to walk from one country into the next.

²³ "A border is a dividing line, a narrow strip along a steep edge," writes Gloria Anzaldúa (1987, p.3).

Due to the extremity of the conditions (it is hard simply to carry enough water to survive several days in the desert), many migrants die or come close to death during their journey (Martinez, et al., 2013). Doty focuses on these deaths and the exposure to death involved in the passage. She writes of the bodies of migrants that are found in the desert, and the estimated 5,000 deaths that have taken place in the region since the implementation of the “prevention through deterrence” model of border policing (2011, p.601). These deaths are essential to the way that Doty understands the borderlands as camp.

The prevention through deterrence model of border policing is a key turning point in the formation of the border, both for Doty and others (Andreas, 2009; Dunn, 2009; Nevins, 2002). As I detail in the previous chapter, the constellation of border policing programs that instituted this strategy of border control effectively closed the border to unauthorized migrants seeking to pass from one country to the next in urban areas. As a result, migrants were pressed into the less populated regions of the desert, making crossings long and arduous. Doty points out that the logic of this policy depends upon the possibility of death in these borderlands and would make little sense without it: the policy reasons that policing in urban areas will be effective to control the borders, and geography will “do the rest” – i.e. put those who attempt crossings into mortal danger and so either deter or prevent them from making the crossing. As a result of this exposure to death, she argues that these policies of border policing and closure should be seen as transforming the borderlands into a space of exception, and the migrants who pass through them into bare life. In light of this function of the borderlands, she writes that “Agamben's ‘camp’ becomes the vast and varied migrant crossing areas [of the borderlands], not limited to any specific demarcated or confined space though ‘grounded’ so to speak in specific geographic terrains” (2011, p.608).

In this description, Doty gives us the borderlands as camp as a space that is geographically bounded, if in a vague way, and yet not geographically determined. By this I mean that Doty conceives of the borderlands as specifically the rural terrain of mountains and deserts where migrants are exposed to death. The presence of migrants in this terrain is determined by their having been denied passage at official ports of entry. While this terrain, and the specific conjunction of its natural features (for example, the arid climate, extreme heat, removal from urban area) are essential

to the way this space functions as a camp for Doty, so too is the specific relationship of the migrant to the space. The clandestine migrant occupies this terrain differently than, for example, the Tucson resident on a hiking daytrip who might also physically pass through the same geographic area. In this way, just as I argue in relation to the migration detention centre, the space of the camp in relation to the borderland is not geographically determined. Instead, what is precise about the way the space is experienced by the migrant making a clandestine journey across it, and for whom presence in the borderlands is experienced as proximity to death, is that presence in the space is structured both by a denial of passage at official points of entry and a more general clandestinity or exclusion. This clandestinity or exclusion is formed through the casualness of official policy to the migrant's death (it is regarded as an unfortunate side effect) and the removal from protection through official channels or law. In fact, to come into contact with representatives of law in this space may lead to further abuse and almost surely to deportation if the migrant is already on US land (No More Deaths, 2011).

Doty clearly attaches her analysis of the borderlands and her application of Agamben's theories to the exposure to death of bare life. In this reading, she seems to interpret the relationship between the homo sacer and death in a very narrow way. She writes, "US border control strategies have turned and continue to turn much of the southwestern border areas into spaces of exception, and those who traverse them *potentially* into bare life" (2011, p.607, emphasis added). The use of the word *potentially* seems to mark the chance of death, so that in Doty's reading the migrant is only *potentially* bare life so long as she remains alive. It is in the dead body of the migrant that Doty locates *actual* bare life: in the remains of Prudencia (found 2007), and of Mario Alberto Diaz (found 2004). In other words, Doty presents migrants who pass through the borderlands as *potentially* bare life, and those who in fact die in the space as *actually* bare life. For her it seems that it is the fact of a death, treated casually, that retroactively figures that life as bare. This creates a sort of collapsed circuit in the theory she uses: to be bare life, one must be dead.

What this overlooks is that the experience of dispossession does not matter only in death, but also in life. It is not only those who are dead who are bare life, but those who can be killed and who are exposed to death because they have already been surrendered to death by sovereign power. To be literally killed is only the

actualization of having already been killed by the State – or having already been exposed to death, or politically disenfranchised, in Foucault's description. The migrants who pass clandestinely through the borderlands and who survive are not *potentially* bare life: they have not been spared from the operation of power that risked their lives in pressing them into the desert and that regards their deaths as acceptable collateral damage. Instead, their social and political position is structured by the possibility of their death, and it is this possibility of death, and proximity to it, that constructs them as, in Agamben's language, bare life.

Reading in this way renders the location of the production of bare life murky. If the camp is the space where bare life is constituted as such, and if bare life is marked by the exposure to the possibility of death, where is this space? While the location of a death may be concretely determined and marked, when does a migrant enter the state of bare life, understood as the potential to be killed? Is there a precise geographical location where she enters the borderlands, and so enters the conjunction of bare life, and a precise location where she exits the space, and so is no longer exposed to violence and no longer in a power conjunction that fixes her as bare life? How could such a space be marked, limited, entered and exited? And if bare life describes the exposure to death, the possibility that one may be killed, then is it accurate to say that if this is possible anywhere, there is a place that it is not possible?

Instead of there being a space marked in this way, I want to argue that exposure to death, or being left open to death, is not a precisely bounded experience, but a more extensive one that is attached to some bodies. In the desert, undocumented migrants attempting to pass from Mexico into the US are exposed to violence and to death without access to the protections normally offered by the state. They are made vulnerable to natural climatic violence; to the violence of others in the region who are able to take advantage of migrants without any sort of penalty; and opened to the violence of the state at the hands of its agents. In a literal way, passage through the desert is exposure to death. This status is not, however, limited to the desert. Instead, it defines the social condition of some migrants in the United States (not all of whom are undocumented), and for this reason the vulnerability – manifested not only as exposure to death, but also political killing (deportation), and indeed far beyond this bounded space, affecting all who migrate, or who do not. To

occupy the space of a nation-state, in this case the United States, as a body that is understood to belong to an illegalized migrant is to be held in a position of inclusion through exclusion, and therefore reduced or absent protections, and to be treated as both disposable and exploitable.

Pushing toward thinking vulnerability not in terms of a particular space, but in terms of a political operation of power that addresses a body, echoes Gloria Anzaldúa's understanding of the borderlands. For her, borderlands are not clearly marked spaces which one can step into and out of. Instead, she writes that, "A borderland is a vague and undetermined space created by the emotional residue of an unnatural boundary. It is in a constant state of transition. The prohibited and forbidden are its inhabitants. *Los atravesados* live here" (1987, p.3, original emphasis). This description of the borderlands theorizes a space that is more defined by inhabitants and experiences than by geography, where an unnatural boundary plays out through the experience of those who do not easily separate along the dividing line that is imposed. The border, instead of being merely a physical space, is described in Anzaldúa's work as a social relation, as involved in an everyday lived experience, and in subjectivity and identity (Brah, 1996, p.198).

Following Anzaldúa's borderlands, I think it is useful to say that if migrants are politically dispossessed in the borderlands, then these borderlands are a vague space, and one that is carried with the person who inhabits the unnatural divisions that seek to separate one from the next. The borderlands come to be the space that is inhabited by the migrant and not a territorially limited space through which the migrant might pass. After all, if it is possible to kill a person in one space, the dispossession that makes this possible does not dissolve once a magical boundary is crossed. This more complex understanding of the borderlands, and of the way that a political position of vulnerability is produced, also affords space for a more ample consideration of the effects of prohibition and the modes of its enactment than exposure to (actual) death alone. The question becomes not one of where the camps might be, or where the borderlands might begin and end, but instead a question of whose body is addressed by borders and made a site of the borderlands. Whose body is inscribed and crossed by the unnatural boundary of the border? Or, how are different bodies inscribed differently? What are the experiences of these bodies as they move through space? And how do they experience borders?

Racism and biopolitical borders

In the final section of this chapter, I want to look to the way that the theoretical framework I have so far described could be used to rethink the border as an operation of power. What are the procedures and the spaces of the border? In particular I want to work toward a better understanding of how and where the border is enacted. Instead of thinking of the border as a dividing line that discretely separates one space from the next, constructing a forthright and dichotomous inside and outside structure of the nation-state, I am interested in complicating this model of separation and looking to the ways that operations of division are both extensive and ongoing, appearing and disappearing from spaces that could, in one sense, be understood as interior spaces, far removed from the line of the territorial border. How can the border be theorised not as a line, but as a more extensive operation of power?

In *Border Politics: The Limits of Sovereign Power*, Vaughan-Williams (2012) has done some work to move toward thinking the way that border practices are more dispersed than is sometimes recognized. In particular he is invested in developing an alternative to the inside/outside concept of borders that takes into account the way borders are mobilized inside of national space. He draws on Agamben's work to do this. His theory is interesting to me here both for the way he attempts to give an account of borders that is not spatially simplistic or linear and in the context of my ongoing engagement with the way that Agamben's work has been used to theorise borders and practices of bordering in recent border studies scholarship.²⁴ I will begin by describing his re-theorisation of the border and move from there.

Vaughan-Williams works from Agamben's description of the camp to develop his account of the border. He writes that if Agamben implies that if the space of the camp was once marginal, it has increasingly become more generalised. By this he seems to mean that if once camps were located at the edges of social space, increasingly they come to appear within social space in Agamben's work (airport detention is mentioned, as are gated communities). Pressing on Agamben's argument that camps have come to be the nomos of the modern,²⁵ Vaughan-Williams writes

²⁴ This book was the Gold Winner of the Association for Borderlands Studies Past Presidents' Book Award in the year it was first published, 2009.

²⁵ Vaughan-Williams mentions Agamben's claim that we are all "virtually" bare life. He gives some cursory review of the critiques made by Judith Butler, amongst others, that this claim over generalises. However, he claims to resolve this objection. Like me, Vaughan-Williams reads bare life as not equivalent to natural life, but as a produced condition in relation to power that Agamben

that it is necessary to pay attention to how power operates in national space, not only at its territorial limits, and that what is important is how this operation of power "performatively produces and secures the borders of political community as the politically qualified life of the citizen is defined against the bare life of the homo sacer" (2012, p.116). In other words, in a way that is possibly similar to what I have been suggesting, Vaughan-Williams argues for directing attention in a theory of bordering to the way that populations are produced in relation to power and differentiated against one another. He is particularly interested in the way that these operations take place throughout the spaces of political communities and not only in marginal or otherwise spatially distinct locations. Instead of conceiving of sovereign power as limited in a way that is spatially fixed, he draws on Agamben to think about sovereign power in relation to the decision about whether life is expendable. He "substitutes," in his own language, the "concept of the border of the state [...for...]" the sovereign decision to produce some life as bare (2012, p.16). He develops his idea through the example of the murder of Jean Charles de Menezes in London and uses de Menezes' murder in order to advance a theory of what he describes as a generalised biopolitical border.

Because the murder of Jean Charles de Menezes is so central to the ideas that Vaughan-Williams puts forward, in order to understand his account it is necessary to also describe this murder and its circumstances. Jean Charles de Menezes was a man living in London who was killed by officers in the context of terrorist paranoia. He was shot eleven times at close range on 22 July 2005 by UK anti-terrorism officers. When shot, he was sitting on a stationary train at Stockwell tube station in south London. De Menezes had been followed by officers from his flat in Tulse Hill to the tube station and was executed on the basis of suspicion of terrorism. The officers had identified De Menezes as another man they were seeking who they suspected of

describes as trapped between natural life and qualified life. However, unlike me, Vaughan-Williams claims that this reading resolves the objection to the lack of differentiation in Agamben's claim that we are all virtually bare life. He argues that if bare life is understood not as *zoe*, but as the space that is trapped between *bios* and *zoe*, the problem disappears because, while we all possess the potential to be rendered bare life, only some of us actually are (2012, p.107). I do not see how this resolves the problem. The problem with Agamben is that he fails to consider the differences that expose some to power in this way while protecting others; not that it is impossible to wilfully read this nuance into his theory if one wishes to do so.

having attempted to commit a bombing in London.²⁶ He was executed while on his way to work. He was never questioned or approached by officers in any way. He did nothing to attract officer attention other than be regarded by them as a suspicious person. For Vaughan-Williams, the murder of de Menezes is an example of the “attempts made by sovereign power to reproduce and secure the politically qualified-life of the *polis*” (2012, p.120, original emphasis). He says that de Menezes was subject to exceptional practices, banned from conventional law, and produced as bare life, and therefore his execution in the name of anti-terrorism measures speaks to new bordering practices and to the diffusion of border sites throughout society: de Menezes was killed not in a marginalized space, but in an urban and densely populated part of London. Because it was possible for de Menezes to be followed around the city in which he lives, and to be shot and killed while sitting in a tube carriage on the basis of a police decision taken in a moment, for Vaughan-Williams this is evidence that exposure to power is generalized throughout national space. It is not only in confined, exceptional spaces that exceptional practices were carried out: de Menezes was not in a refugee camp, a migration detention centre, a prison like Guantanamo Bay, or even a waiting room at an airport. Based on this exposure to power throughout the space of daily life, Vaughan-Williams reinterprets Agamben’s theory to point toward its *generalized* deployment – a biopolitical border enacted not in a limited space of the camp, but in a generalized space of the camp, operating or potentially operating, throughout daily life. In this way, Vaughan-Williams argues for understanding the border as a generalized biopolitical border.

While it is clear from this account that de Menezes was exposed to power, very violently, in the space of his daily life, what I find less clear is the link between this experience of power and the border. I am not saying there is not a link; I am saying that the link is unclear on the basis of Vaughan-Williams’ work and description of the situation. For him, the identification of the border seems to be linked to his identification of the camp. He says that the shooting is evidence that lightning decisions about life and death are no longer localised at “border sites” but potentially anywhere. He then says that we are *all* potentially bare life in the space of

²⁶ The police were watching a block of communal flats that a man named Hussain Osman, suspected of involvement in a plan to commit a bombing, was thought to live in. De Menezes was followed out of the block of flats, though never positively id-ed as the person the police were watching for. More information is available here: <http://www.theguardian.com/uk/2008/dec/12/de-menezes-police-shooting>

daily life and that de Menezes' murder proves this. In this way he moves from bare life, to the camp, to border sites, to everyone. I find this less than convincing. While there were decidedly exceptional practices (or exceptionalising because they are not exceptional for some or in relation to some) in play, their connection to the border (and they do have one) is not articulated here. Is every decision that enacts power between enforcement officers, as representatives of the state, to be read as an enactment of bordering? This is a rather blunt, imprecise description of exposure to death. And if this is in fact what he means to say, then how can the factors that make people more vulnerable to police suspicion and violence be left out of the conversation? In this case, how can race in particular not enter the conversation?²⁷ I find what Vaughan-Williams presents to be slight evidence that we are all potentially bare life in the space of our daily lives, as he claims, to say the very least, because we are decidedly not all exposed to power in this way, and we are not all even potentially exposed to this power in the same way.

What Vaughn-Williams gives no account of is why de Menezes was exposed to the possibility of a lightning decision about his life; of what made it possible for officers to shoot and kill him, and not someone else, on the basis of suspicion. It was certainly not his legal status in the UK that made him vulnerable in this instance. While Jean Charles de Menezes was Brazilian, and not a citizen of the UK, he was not shot because of his immigration status, and it was not his immigration status that exposed him to the exceptional enactment of violence that killed him. In fact, not only was de Menezes in the UK legally on the day he was killed, but officers made no inquiry around his immigration status and had no idea of it at the time of his execution.²⁸ Instead, if de Menezes was shot for anything, he was shot for being non-

²⁷ The word "race" appears only once in the entire book, and it appears in a summary given by Vaughan-Williams of Judith Butler's critique of Agamben, which he subsequently dismisses (Vaughan-Williams, 2012, p.106). The word "racism" does not appear at all. In an earlier version of the chapter on the generalised biopolitical border, Vaughan-Williams explicitly discounts the idea that race had anything to do with what happened to de Menezes (Vaughan-Williams, 2007, p.180).

²⁸ Having previously held a six month leave to remain, and then student status in the UK, it is not clear whether de Menezes had status in the UK on the day of his killing. A stamp in his passport granted him status, but the stamp may have been forged. However, he had entered Ireland less than three-months previous to the day he was killed, making him legally present in the UK on the day of his murder at Stockwell, irrespective of whether this particular provision might have expired a few days later, had he lived. More importantly, whatever the particular details of status or its lack, none of this information was of interest or available to those who killed de Menezes, making it a irrelevant to understanding the motivations for his killing. More information is available here: <http://news.bbc.co.uk/1/hi/uk/4713753.stm>

white and therefore suspect. For me it is impossible to write about what happened to de Menezes without writing about racial profiling. De Menezes was killed in the train at Stockwell on the basis of racist fear and because a racist regime of visibility equated his appearance with terrorism. As Pugliese eloquently writes in a 2006 article:

As de Menezes runs down the station platform and enters the train carriage, he is in a sense running ahead of himself: a Brazilian electrician is running to catch a train to work; following directly in his wake, in the space of a barely quantifiable retina lag that renders the one and the other the same, is the hallucinogenic figure of an "Asian terrorist," outfitted with "a belt with wires strapped to it (2006, np).

This hallucinatory fear, hallucinatory both in that it does not describe de Menezes and that it is a hallucination in itself (the terrorist phantom, fabrication of racist cultural paranoia), not only ended de Menezes' life, but also no-doubt stalked him through the daily encounters of his life in the form of systematic racial profiling.

While there is no doubt that the experience of systematic racial profiling is generalized in the sense of emerging throughout social and political space, it is less clear whether this is in fact a good example of a generalized biopolitical border in a sense that Agamben's theory would afford. In this instance, it is not the sovereign ban that has been deployed against de Menezes in the form of the nation-state border and its legal regulations that can account for what happened. While it is the case that race, and ideas of racialized belonging, play an extremely important role in regulating belonging in the nation-state, it is not the case that immigration status and race coincide: not all people racialized as white hold legal status in the UK, and many non-white people do. The nation-state's border is racist and is an instrument of racism, but it is necessary to give an account of this and how it functions. Therefore in this case, while it might be possible to say that operations of power did include de Menezes through exclusion, à la Agamben, they were not strictly sovereign operations of power. The uses of Agamben's theories that I have so far detailed have looked to how those who are legally excluded from the nation-state can be understood as subjected to a ban and therefore entered into a state of exception: refugees (sometimes particularly those denied refugee status) and illegalized migrants. None of these cases apply to de Menezes. Instead what is in play in de Menezes' killing is clearly not a question of immigration status – though

immigration status, or lack of status, might be deployed spuriously to justify or somehow retroactively explain events. Instead, what is at work is the racist coding of a non-white body and the enactment of a politics of fear. For this reason, and contrary to Vaughan-Williams, I think that Agamben's model of bare life and sovereign power in fact cannot account for the killing of de Menezes, at least not without supplementation and revision. Also contrary to Vaughan-Williams, I think that race and racism have to be considered when thinking about how borders are deployed in relation to different bodies.

Instead of a generalized biopolitical border, I want to think in terms of a biopolitical border that comes into being through the enactment of power in relation to bodies, taking into account the different ways that different bodies are exposed to this power. This means that I want to argue for an understanding of the border as an operation of power carried out in physical and geographic space, but not reducible to that space. I also want to think of the border as an experience of space that is enacted in relation to the body and to suggest that to understand the spatiality of the border, it is necessary to think about race and bodies, and about how some bodies are racialized in ways that are bound up with making them more vulnerable to power than other bodies. This means that I am suggesting both that the experience of the border, as an experience of encounter with a moment of control, can materialize and dematerialize and that it does so differently for different people. This also means that while this border must materialize in space, it is not determined by this space where it appears. In addition to the suggestion that borders come into being in the space where they are performed, I also want to argue that the experience of the border is not present only in this moment of the materialization of control. Instead, I want to consider the way that the relation to the possibility (i.e. vulnerability to the operation of power) of the appearance of the border as a mechanism of control changes the way space is experienced and the way bodies move more generally. In what way could particular operations of power - operations of exclusion and exposure to violence – deployed against certain individuals who occupy that space be considered the essential and defining features of the border? And if this were shown to be the case, would it be possible to say that we are in the presence of the border – at the border, so to speak - wherever we experience the effects of this power, and not only when we occupy a physical location understood as belonging to the boundaries of geographic

national space? It is important, of course, that we have very different experiences of the border depending on who we are: there is no homogeneity to this we. It would also mean that the border would have to be understood as existing (through experience) not only in the instance of the materialization of control, but in the possibility of the appearance of control. This possibility changes the way a person moves through the space of their life.

In this way, the border can be attached to the body and so carried with that body through political space. Borders not only mark the limits of territorial national space, but structure social relations and everyday life throughout national space in terms of who has access to the space and who does not. Borders mark bodies and in this way become a way of regulating bodies. They distribute vulnerability across a population, and racism becomes the condition of acceptability for putting to death. In the next chapter I will further develop this idea, considering the questions posed at the intersection of race and an understanding of the border as existing in a generalized space, and using the US state of Arizona's SB1070 as an example of racialized policing of belonging in the nation-state as a key example to consider and theorize the border on the body.

Chapter 4

The Body as Border: Race, Belonging and Arizona's SB1070

I spent the winter of 2009 living in ambos Nogales. As I mentioned in Chapter One, it was in ambos Nogales that I worked with migrants who had recently been deported from the United States, or who soon hoped to attempt a clandestine crossing into the country. Ambos, which means “both” in Spanish, refers to the doubling of the town. Nogales is split down the middle by the heavily militarized US-Mexico international border. The US side, Nogales, Arizona, is a small suburban town. Neighbourhoods of small ranch houses with ample backyards sprawl out to the divide, with family homes located perhaps a dozen feet from the wall. The border wall, made of steel that stretches to a height of twenty feet, separates these back yards from downtown Nogales, Sonora. The Mexican side of Nogales has been heavily affected by violence in recent years. It is a town that migrants pass through on their way in and out of the United States, and it has a substantial maquiladora industry. While living on this side of Nogales, I was warned never to go anywhere alone during my time in the city and sometimes woke to the sound of machine gun fire in the night. By morning the view from my window was almost always a long line of lorries waiting to cross into the United States, transporting goods from south to north.

During my time in ambos Nogales I regularly passed back and forth across the international divide, visiting both sides of town. A twenty-minute walk from the border wall in downtown Nogales, Sonora, including a passport check at immigration control, and occasionally a few questions about exactly how long I had been in Mexico, allowed me enough time to arrive to the home of friends in Nogales, Arizona where I sometimes spent afternoons. Remarkable in these mild afternoon strolls was the ease with which I passed over the border that each year diverts thousands of migrants into the desert. I was particularly alert to the juxtaposition of

my easy mobility across this border and the effects of this border on others given that my time in Nogales, Sonora was spent speaking with deported migrants and recording their border-crossing experiences, including deportation as another sort of border-crossing.

The ease of movement that I am granted between the United States and Mexico is no doubt facilitated by my US Passport. My citizenship grants me a privileged ease of passage between the two nations. However it was not my passport alone that did the work of assisting my mobility. At the time of my own border crossings, my ease of movement was also enabled by both my accent when speaking in English and my physical appearance. I am a native speaker of English with a north American accent, and I am racialised as white. I pass easily across the border into the United States because of the way I am read as belonging. My body is read as a proxy for my legal status and my belonging in the United States. When I present my documents, they confirm what is already assumed.

That bodies are read as evidence of belonging, or cause for question in immigration policing, is very evident in US border patrol practices. Another way to show this is by looking at the use of permanent and tactical checkpoints (Border Patrol 2009) to introduce secondary checks of immigration status within the interior of the United States. As of 2009, there were 32 permanent checkpoints in the area directly north of the geographical border and 39 tactical checkpoints. Permanent checkpoints have a permanent infrastructure, while tactical checkpoints are located at a fixed site but do not have a permanent building. This means that while these checkpoints always take place in the same place, there is not necessarily an infrastructure that grounds them in this site, just a habit of practice. One of these tactical checkpoints is set up on the highway between Nogales and Tucson, Arizona. I crossed through this checkpoint in winter 2009 routinely as I travelled between the two cities. At this checkpoint, traffic is slowed to a creep as each car is forced to pull up alongside a border patrol official. The officer then looks into the car, assessing who is inside of it. The official either waves the car through or detains it for varied levels of questioning and search. Given that not all cars are stopped, but all cars are looked over, we have to assume that officers are deciding – based on these quick looks – whether or not there is grounds for further questioning. In other words, they

are deciding who is likely to be legally present in the United States, and who is potentially not legally present, or engaged in moving people or substances illegally. I was never stopped at this checkpoint, never asked to show documentation of my status in the United States, and only once was I asked where I was coming from and where I was going. Instead, officers treated the visible evidence of my body as enough to exempt me from questioning or search. In those moments, I was racially profiled, along with everyone else traveling the highway. Just as happened at the site of border control when entering the United States, at the traffic stop my body was read as if it were proof of my legal presence. The flip side of this is that the bodies of many others were read as if they were evidence of not belonging and so put into question.

In this chapter, I am interested in the ways that bodies are read and coded by borders. How is belonging racialised? How is the body (wrongly) treated as proof of legal status or as evidence of its lack? To explore these questions, I will look at Arizona's recent state-level immigration law, SB1070. This law provides an example of current immigration policy that can help to untangle some of the ways that borders and bodies are related to each other. I am interested in how the law maps borders onto bodies and in the context of both legal and extra-legal practices that precede this.

Arizona's Senate Bill 1070

In the spring of 2010, the state of Arizona passed a state-level immigration bill known as Senate Bill 1070, or the "Support Our Law Enforcement and Safe Neighborhoods Act." This was one of the first state-level immigration bills passed in the US in recent years which extended immigration enforcement powers, particularly by recruiting local police to immigration policing and by creating new penalties and state crimes related to immigration (Nill, 2011). Kris Kobach, one of the bill's authors, described the legislation in an op-ed published in the New York Times as a bill that "makes it a state crime for an alien to commit certain federal immigration crimes." In this way, SB 1070 contributes to the criminalization of immigration violations. The cornerstone of SB 1070, however, is the requirement that police officers verify a person's immigration status should they develop a "reasonable

suspicion” in the course of a traffic-stop or other law-enforcement action that the person may not hold legal status (Kobach, 2010). Through this provision, the law does two things: first, it devolves the responsibility for immigration control to state police officers. Historically, only immigration agents have held the power to legally inquire after a person's immigration status in the United States. This extends immigration policing by linking it to day-to-day policing. Second, the bill legitimates “suspicion” as a valid motive for detaining an individual and checking their documentation. In this move, it makes the consequences of not carrying papers dramatic, not only explicitly mandating that everyone carry documentation of their immigration status with them at all times (particularly if one is a person liable to be the target of police suspicion, whether citizen or not), but making it possible to take a person into custody should they fail to produce this documentation.

The legislation immediately sparked wide-spread controversy. Protests against the law took place throughout the spring of 2010 (King, 2010; Nintzel, 2010) and a boycott of the state of Arizona was organized in opposition to the legislation (Lacey, 2011; Ward, 2010). These protests objected to the law for the way it mandates racial profiling through the use of reasonable suspicion and for the way that it amounts to an attack on immigrant communities. A handful of lawsuits were filed to contest the law’s implementation. These lawsuits included one filed by a Tucson police officer, Martin Escobar, who objected to being mandated to enforce the law; a class action suit the ACLU collaborated on; and one filed by the United States Department of Justice that objected to the law on the grounds that it would interfere with the federal government’s authority over immigration law, which is protected by the constitution’s supremacy clause (Hernandez, 2010). The two most common arguments made against the law in these suits point out (1) that the law not only institutes but mandates racial profiling in the service of immigration policing (ACLU; Escobar, 2009) and (2) that it violates the supremacy clause of the US constitution, which authorizes the federal government alone to legislate immigration (Hernandez, 2010).

The lawsuit filed against SB1070 by the United States Department of Justice led to a partial and temporary injunction of SB 1070 before its implementation. The provisions of SB 1070 that were temporarily blocked were those that would have

allowed police officers to check a person's immigration status during non-immigration related contact and would have made it possible to bring charges against the person in question if they failed to produce documentation when it was requested (Archibold, 2010). The blockade was initiated on the basis of the objection that only the federal government is authorised to institute legislation on migration, and so the blockade can be read as an objection to the existence of the state-level immigration law, not its content. Under the supremacy clause, for Arizona to pass a law regulating immigration, any law at all (whether it were to legally demand racial profiling or alternatively to grant immediate amnesty to all migrants residing in the state) was deemed unconstitutional. Judge Bolton who ruled on the case explained her reasoning, writing “there is a substantial likelihood that officers will wrongfully arrest legal resident aliens. By enforcing this statute, Arizona would impose [...] ‘distinct, unusual and extraordinary’ burden on legal resident aliens that *only the federal government has the authority to impose*” (As quoted in Archibold, 2010, emphasis added). While the judge therefore recognized SB1070 as discriminatory and designed to harass people, she did not rule that this sort of discriminatory harassment was legally objectionable in and of itself; instead she ruled that the state of Arizona did not have the authority to implement this “distinct, unusual and extraordinary burden,” as she described it. According to her ruling, the federal government alone is entitled to discriminate against and harass residents in this way.

The flimsiness of this action was later revealed when the case went to the Supreme Court for ruling in 2012. In this ruling, the most controversial provision of SB 1070 was upheld. Arizona was granted permission to require its state law enforcement officers to verify the immigration documents of anyone they suspect of being in the country illegally (Liptak, 2012; Santos, 2012). Other provisions appearing in the original text of Arizona's SB 1070, such as one that sought to criminalize the act of seeking work if undocumented, were blocked by the court (Liptak, 2012). The law, in revised form, has now been enacted in Arizona with policing on the basis of "reasonable suspicion" made legal.

Making law: the historical continuity of SB1070 with practice and law

When I worked in Nogales, Arizona, in 2009 with recently deported migrants, many of those I spoke with had been deported after encountering police through a traffic stop. Running a red light or speeding were the grounds for police contact. Once in contact, the officer would then ask about migration status. Generally speaking, police officers in the United States do not have the legal right to ask about immigration status, and in 2009 there was not yet a law in place in Arizona that countered this federal law. However, those who were questioned by officers did not always know this, and if they did know this, they sometimes still did not feel that they could resist the question. Instead, responding to the pressure and power of the situation, those with whom I spoke had revealed their lack of legal status to the officer. Once revealed, the officers could place pressure on migrants to “self-deport” by signing so-called voluntary deportation papers, or they could commence formal deportation proceedings.

Questioning people on the basis of suspicion through routine points of contact, and particularly on the basis of traffic stops, is exactly what Arizona’s SB1070 legally institutes. In this way, the piece of legislation takes what was already a commonly used practice of immigration policing and makes it law. While the law is given the status of bringing something into being, it is only catching up to practices that were already in place. This is part of the undocumented history, and the history of the undocumented, that is not part of the official history. What is part of the official history is the web of other legal interventions, implemented at the federal level and for at least the last decade, which are similar to Arizona’s SB1070. These other pieces of legislation are similar because they too contribute to legalizing and legitimating immigration policing at the level of the everyday, a reliance on racial profiling in immigration policing, and the criminalization of migration. In the debates over SB1070 and its legality, governor Brewer of Arizona objected to the federal government’s lawsuit against the state, claiming that SB 1070, “mirrors substantially what has been federal law in the United States for many decades” (Brewer, 2010). Sadly, on this point, even if on nothing else, I am in agreement with Brewer.

Policies and practices similar to Arizona’s SB1070 have a long-standing precedent in the US. While recent anti-immigration laws are sometimes treated in

popular discussions as new trends in immigration policy, and as exceptional both for their explicit reliance on racial profiling as a policing mechanisms and for their devolution of immigration policing functions to state police, they are not in fact exceptional in the history of immigration policing. Instead, as I will show in this section, the practices instituted by the law, including racial-profiling, the devolution of immigration policing responsibilities to ordinary police officers, and the criminalization of immigration and of migrants, are deeply ingrained in immigration practice and law in the United States. For this reason, I argue that Arizona's SB1070 should not be seen as an exceptional measure, but instead as representing a new stage in a long-standing history of immigration policing and policy. In particular, Arizona's law follows on from the immigration initiatives of the late 1980s and the 1990s which instituted practices of low intensity warfare at the border (Dunn, 2009) and which have increasingly criminalized immigration and devolved immigration policing to the local level, extending interior policing practices. This context makes it possible – and in fact necessary - to problematize not just SB 1070, but to use the legislation to draw attention to the broader practices of policing migration through harassment at the level of normal life and on the basis of race.

Local police as immigration agents

As I have already described, Arizona's SB1070 recruits local police officers to the project of immigration policing. It does this by making routine contact with police officers the site of immigration checks. In particular, traffic stops are imagined to be a privileged site of policing under the law, so that a traffic stop, if one is subjected to "reasonable suspicion," becomes a site for an immigration check (Kobach, 2010). While local officers are not permitted to make enquiries as to immigration status without having another reason to interact with a person, they are allowed to make these enquiries in the course of other law-enforcement action. For this reason, Arizona's SB1070 can be said to contribute to the devolution of immigration policing from the federal to the local level.

Dating from the mid 1990s, and intensifying in the shifts that took place in US politics after the events of September 11th, 2001, an important trend in immigration policing has been the devolution of immigration policing to the local

level. This increase in local level policing of immigration has been carried out both through increased immigration policing by federal immigration agents in the interior (i.e. through the increasing prevalence of immigration raids throughout the country's interior), and through the increasing devolution of the power to police immigration to non-federal agents. The first step toward undoing the commonplace in the United States that only the federal government could act in regards to immigration (and therefore that police officers could not) came in 1996 with the Illegal Immigration Reform and Immigrant Responsibility Act. The Act amended the Immigration and Nationality Act (INA) so that law enforcement at the state, county and city level could, for the first time, participate in immigration policing by investigating cases and making arrests, among other things (Lewis et al., 2012). This amendment, called 287(g), was largely unused for several years. In fact, it was not until the events of September 11th, 2001 – and the anti-terrorism paranoia that tied immigration and terrorism concerns together in the wake of the attacks – that any real interest was shown in the programme (Coleman, 2012). However, in the political climate in the wake of the attacks, the Department of Justice in 2002 overturned the precedent that only immigration agents are permitted to enforce immigration law without express authorization, further opening the way for the devolution of these policing powers to state and local officials. This was done via an unreleased, internal memo. The move created the potential for an exponential expansion of border agents, from 20,000 federal agents to 650,000 state officials (Herman and Finkelman, 2008, p.13). It also re-directed attention at the 287(g) programme as a viable way to devolve immigration policing power to state and local levels (Coleman, 2012, p.168).

The 287(g) federal programme delegates immigration enforcement powers to local agents by forming partnerships between the federal government and local districts. A Memorandum of Agreement (MOA) is signed by the local enforcement agency that allows them to partner with Immigration and Customs Enforcement (ICE) and to be delegated authority for immigration policing (DHS, 2013). The Department of Homeland Security describes the programme as a “force multiplier,” in that it increases the number of agents involved in regulating immigration status. Once trained as 287(g) agents by ICE, local police officers are legally allowed to question immigrants about their immigration status, to issue warrants for immigration violations, to issue immigration detainers to hold immigrants for short

periods in local facilities, and in many cases to arrest people attempting to enter the United States without legal permission as well as those present in the United States without legal permission (DHS, 2010). The first agreement was signed in 2002, and in 2006, the programme began to grow dramatically (DHS, 2010). Funding for the programme has increased exponentially over the past decade. As of 2006 the programme was allocated a budget of \$5 million; in 2012 the programme's budget was \$68 million (DHS, 2010, p.4). As of late 2013, there were 36 agreements in place in 19 states. Four of these are in place in Arizona, one in Alabama, and North Carolina has the highest number of agreements with five (DHS, 2013). That there are not more agreements in place may be due to the cost of implementing the programme and potential safety outcomes of having police act as immigration agents (Varsanyi, 2008).

Another federal programme that devolves immigration policing power to the local level is Secure Communities. Unlike the 287(g) programme which allows immigration policing at the local level in daily life, Secure Communities tracks the immigration status of those interned at participating jails. The fingerprints of those admitted to jails and prisons participating in the Secure Communities programme are sent directly to the Department of Homeland Security, which checks them against the immigration database (Secure Communities, DHS, 2013). The Department of Homeland Security reports that it has expanded from holding Secure Communities agreements in 14 jurisdictions in 2008 to more than 3,000 agreements held in 2013 (DHS, 2013). The program, as Coleman points out, increases the likelihood that those incarcerated for less serious offences will be deported by ICE (2012, p.169). For this reason, it is not only an example of the devolution of immigration policing responsibilities, but also of what Coleman has elsewhere termed the increasing criminalization of migration (2007), which will be discussed in the next section of this chapter.

The devolution of immigration policing responsibilities to police officers marks an important shift in the experience of illegality and of racialization. It leads to a day-to-day policing of the population, with every moment of life turned into a possible border check point, potentially triggering deportation proceedings. Not only is the devolution of immigration policing powers designed to identify more

undocumented persons and to remove them, but to scare everyone else with the pervasiveness of the checks and the policing. This has the effect of frightening people into leaving the country who may feel vulnerable in terms of their legal status. It also has the effect of subjecting those who are coded as potentially suspicious presences to questioning and review, regardless of whether or not they have formal legal status in the country.

The Criminalization of migration

In addition to devolving immigration policing to the level of local officers, SB 1070 has also contributed to the trend toward the criminalization of immigration. In particular, SB1070 has instituted three new migration related crimes. First, the act creates a state crime of “willful failure to complete or carry an alien registration document” (SB1070 text). However, a person can only be convicted of not carrying their documentation if it is determined that they do not have legal permission to be in the United States (Chin et al., 2011, p.51). The second new crime introduced by SB 1070 is that of blocking traffic for the specific purpose of hiring a person for work or being hired. The third is knowingly transporting undocumented persons while committing another crime. In this case, the person charged with the crime must do all three things: be committing another crime, have knowledge of the immigration status of the person being transported, and transport, hide or conceal the person without legal status to be in the country.

Immigration policing and criminal law have been increasingly converging since the 1980s. The 1980s saw a number of pieces of legislation introduced that made it possible to deport migrants on the basis of criminal convictions. One measure that contributed to this was the 1988 creation by Congress of the category of "aggravated felonies," which are crimes that lead to deportation. The first crimes that were rendered deportable by being termed "aggravated felonies" were murder, drug trafficking and fire arms trafficking (Stumpf, 2006, p.383). Originally introduced as part of the *Anti-Drug Abuse Act*, the category of aggravated felony applies only to non-citizens (Coleman, 2007). Throughout the 1990s, many more crimes were added to the list of those that could be considered aggravated felonies. This includes a wide range of non-violent crimes, including tax evasion and petty theft – indeed any crime

with a sentence of one year or more. This means that a wide range of behaviours are now criminal and deportable offences when committed by non-citizens while, for citizens, many of the same crimes would not be criminal (Coleman, 2007; Coleman, 2011, Stumpf, 2006). Making offences criminal becomes a way both to police and to punish non-citizens disproportionately and to place non-citizens in a precarious position of deportability. During the same period that saw the introduction and expansion of the category of aggravated felony, legal protections and juridical oversight were also increasingly reduced, if not removed. In the 1990s, powers of review and of petition against deportation orders were removed for aggravated felony charges and deportation procedures expedited. This reduces or removes entirely the ability of a non-citizen to challenge their exclusion.

The response of the United States to the events of September 2001 greatly accelerated the convergence of criminal law and immigration policing in the country. The founding of the Department for Homeland Security (DHS) alone speaks to this. The DHS consolidates the former Immigration and Naturalisation Service (INS), Border Patrol and in addition to these immigration duties is also responsible for, as it declares on its own website, “preventing terrorism and enhancing security” in the United States.²⁹ Grouping terrorism prevention activities with border patrol activities shows the ways that the United States has increasingly conflated the two activities since 2001. Describing this convergence, Matthew Coleman writes that, “9/11 has brought about a near conclusive blurring of what by the late 1990s amounted to an already well-faded distinction between the legal offences of undocumented labouring, criminal activity by aliens and terrorism” (Coleman, 2007, p.60).

While criminal charges have increasingly been brought against non-citizens as a way to exclude them from the United States, acts of immigration themselves have also been increasingly criminalized. The federal initiative Operation Streamline is an important example of the criminalization of immigration. Operation Streamline was first introduced by DHS in 2005 in the Del Rio area of Texas. Since its introduction, it has spread across the border region, covering Yuma and Tucson, Arizona; Las Cruces, New Mexico; and El Paso, Laredo, McAllen and Brownsville, Texas. These regions represent the full expanse of the border, with the exception of

²⁹ The description is taken from the DHS page on terrorism, available at: <http://www.dhs.gov/prevent-terrorism-and-enhance-security>

the San Diego, California region. The legislation is an example of what is known as a “zero tolerance” immigration policy and treats undocumented entry into the United States as a criminal offence, making it possible to bring criminal charges against every person who crosses the border without inspection (Lydgate, 2010). That is, it transforms what was once a process of civil proceedings or “voluntary” deportation into a case of federal, criminal persecution.

Not all migrants who enter the United States without legal documentation are processed via Streamline, but those who are find themselves routed into the federal criminal justice system. Under Streamline, those who enter the United States without inspection are processed through the courts. Rudimentary hearings are held which aim to move people as swiftly as possible through the system, and groups are sentenced en masse. In the Tucson sector, 70 people daily are processed under Streamline. Those convicted under Streamline are termed “criminal aliens” (Autonomous Border Collective, 2012). The first time that a person is caught for entering or being in the United States without documents, it is considered a misdemeanour and the migrant can be sentenced to up to 6 months in prison, after which they are deported. If the person is found in the United States a second time this presence is treated as a felony and Streamline makes it possible to sentence them to up to 20 years in U.S. prison (ACLU, 2009; Lydgate, 2010). Streamline is a clear example of the way that criminal law is used as a means to punish migrants through the use of extreme and punitive responses to undocumented presence with little regard for particular cases or protections for those who are sentenced.

Measures that have contributed to the criminalization of migration since the 1980s work as important tools to police and exclude migrants. They dramatically increase the consequences of undocumented status and further strip those without legal status of legal protections within the United States.

Racial-profiling for immigration policing

SB1070 also instituted use of racial profiling in the service of immigration policing. Like the other aspects of SB1070, the use of racial profiling in immigration policing has a long and well-established history in the United States. In fact, the use of racial-profiling is perhaps the most securely established of the trends and the most deeply

integrated with immigration policing practices and policy. Border agents have long been expressly authorized by courts to rely on someone's "looking Mexican," as an indicator of potential immigration violations. This is true not only in the borderlands regions, but throughout the country.

Two historical court decisions have been legally key to establishing this situation: *United States vs Brignoni-Ponce* and *United States vs Whren* (Johnson, 2010). The Brignoni-Ponce case ruled in 1975 that law enforcement officials could rely on "Mexican appearance" in making immigration stops. The case dealt with an incident in which border officers stopped a vehicle because its occupants *appeared* to be Mexican. While the courts found that this stop was a violation of constitutional rights, it nevertheless upheld that officers could use a wide variety of sources of "reasonable suspicion" in making immigration stops, including "Mexican appearance" (Johnson 2010, p.1024). Given that there is no such thing as "Mexican appearance," Johnson points out that in fact what the ruling in this case did was sanction reliance on stereotypes in the policing of immigration. As he shows, the wider effect of this ruling was to make "physical appearance the touchstone of immigration enforcement" (Johnson, 2010, p. 1030). The second case, *Whren vs United States* in 1996, encouraged racial profiling during traffic stops in particular. In this case, a traffic violation was used as a pretext to initiate a search for drugs without probable cause. The two men who were searched and found in possession of drugs were both black men, and their case against the government asserted that the initiation of the search was based on race. In this case, the efforts to limit the use of racial profiling through appeal to the US constitution's fourth amendment, meant to protect people from unreasonable search and seizure, failed legally. This decision effectively sanctioned traffic stops in the United States on the basis of race and also made it difficult to legally contest police practices that employ racial profiling (Johnson, 2010, p.1066).

While these court cases put the use of racial profiling, and in particular the use of racial profiling as a means to police immigration, in context, other work situates the use of racial profiling particularly in the southwest region of the United States. The reliance on racial profiling in practice is sometimes expressly legally authorized and sometimes not. By way of one example, Timothy Dunn gives an

account of the institutionalization of racial profiling long prior to the recent state-level immigration laws. Much of his book *Blockading the Border* (2009) speaks to the prevalence of racial profiling throughout the southwest, regardless of the laws in place around this practice (2009, p216). In particular, Dunn mentions the prevalence of the policing of migrants in the early 1990s, which strongly seems to mirror what is legislated by Arizona's SB1070. He writes,

In practice, agents used [their] authority against people of Hispanic appearance, especially those appearing to be from lower-income backgrounds (as most undocumented border crossers in the area were from Mexico and poor), and they pushed this authority even further, asking to see suspects' "papers" (immigration documents, even birth certificates), obliging them to comply or explain why they could not (2009, p21).

What this example shows is that racial profiling as a tool for immigration policing long pre-dates the passage of the particular piece of legislation passed in Arizona, both in terms of its legal history and in terms of its use, regardless of whether legally sanctioned or not. It also gestures toward the ways that practices that have long been used in the southwest, if not legally permitted in the region, are formalized in the Arizona legislation. For this reason, I find it useful to think of SB1070 as contributing to a formal codification of practices already in use in immigration policing, contributing to a wider moment of the policing of belonging in the United States that takes place throughout national space and relies on racist preconceptions of belonging. Law becomes a means to enable and justify the exclusion and mistreatment of some, though it doesn't inaugurate this exclusion.

In the rest of this chapter, I will consider how SB1070 enacts racial profiling, how it contributes to the harassment of a part of the population on racist grounds, and the implications of this for the distribution of vulnerability in the population. In particular, I am interested in how the border comes to be enacted through the racially distributed vulnerability legislated by SB1070.

Day-to-day harassment

Since SB 1070 was first introduced in Arizona in 2010, two dozen other states have attempted to write and pass similar pieces of legislation. Five states have succeeded in their attempts: Alabama, Georgia, Indiana, South Carolina and Utah (Chishti and

Hipsman, 2013). Like SB1070, these copy-cat state laws not only authorize police to check immigration status based on suspicion that a person may be “foreign,” but also include provisions to further extend the immigration policing dragnet throughout everyday life. The various laws have implemented a series of further measures to make life as an undocumented migrant – or as a person racialized as “foreign” in the United States, regardless of immigration status – more difficult. The laws introduce documentation checks at a series of social sites, making it difficult for undocumented residents to receive, for example, any sort of state benefit, difficult to obtain housing, to find or remain in employment, and even difficult for children to attend school.

In Alabama, for example, an anti-immigrant law modelled on Arizona's SB 1070, known as House Bill 56 (HB56) or *the Hammon-Beason Alabama Taxpayer and Citizen Protection Act*, was passed in June 2011. It has been described as the most stringent immigration law in the United States (Fausset, 2011). The law has all of the major features of its Arizonan predecessor in that the law seeks to extensively police the state's interior through the recruitment of local police officers to the task of carrying out immigration checks. As in Arizona, the Alabama law authorizes state and local police to make enquiries about immigration status through routine contact and based on “reasonable suspicion.” In the case of HB 56, however, these checks are distributed still further and spread throughout the social world in a far more pervasive way. While the law still mandates that police officers verify a person's immigration status in most instances where contact might occur,³⁰ the Alabama law extends these checks beyond police contact and mandates them at important points of intersection between the possibly undocumented and social institutions. The sites of verification are primarily clustered around employment, education and social benefits, and housing. In the law's original form, this included a requirement that elementary schools document the immigration status of their students; a provision that made any contract an undocumented person had entered into unenforceable; and regulations that made it a crime for a noncitizen to not carry their registration documents, for an undocumented person to seek work, and for anyone to provide a ride to or rent housing to an undocumented person (Chishti and Hipsman, 2013).

³⁰ The text of the act states that it is written, “to require the verification of the legal status of persons by law enforcement officers under certain circumstances”, “to require the verification of legal status of every alien charged with a crime for which bail is required”, and “to require law enforcement to detain any alien whose lawful immigration status cannot be verified under certain conditions.”

These last two provisions force employers and landlords to engage in documentation checks, while the second provision governing contracts also made it necessary to prove documented status whenever a contract is signed (Editorial board NYT, 2013).

Like the Arizona law before it, the Alabama law also drew immediate controversy and a handful of lawsuits seeking to block its implementation. Despite these objections, a largely intact version of HB56 took effect in late September 2011 and remained in place for nearly a year (Lee, 2011; Rushing, 2011). However, the law continued to be controversial following its implementation, and as of 2013 was again under review and partial blockade, with key provisions limited. In late 2013, several of the important provisions of the law were more permanently blocked when a lawsuit against the state of Arizona was settled (Chishti and Hipsman, 2013). What remains in effect in Alabama as of early 2014 are provisions that require Alabama employers to check the immigration status of all new hires against the federal E-verify system, that prohibit those without documentation from holding business licenses or attending state colleges or universities, and the requirement that local police officers verify the status of those they stop for other reasons (Chishti and Hipsman, 2013; Vock, 2013). Police are not, however, allowed to stop someone for the purpose of an immigration check (Vock, 2013).

As a group, recent state-level immigration laws are often referred to as “Show Me Your Papers” laws. This is because the laws not only make it mandatory for migrants (and therefore everyone, as one must also have proof that one is not a migrant, especially if likely to be the target of suspicion) to carry documentation at all times, but because they also authorize the random check of these documents by police officers at any point of encounter and/or require frequent document checks at social sites throughout daily life. These laws are also called “Attrition through enforcement” legislation, as they seek to enforce all possible laws already on the books, as well as to institute new laws, ostensibly to force undocumented migrants out of the country. The rationale given for this intensified enforcement is forthrightly to exhaust undocumented migrants through the increasing difficulty they will face in their lives in the United States, thus encouraging them to “choose” to leave the country. As Kobach, one of the intellectual authors of the strategy, states, he “proposes a concerted strategy of attrition through enforcement such that if the risk

of detention, prosecution and involuntary removal increases, and the probability of obtaining employment decreases, the only rational decision for an illegal alien is to depart the United States on their own” (Kobach, 2008, p.157). In other words, Kobach states that he and other authors of these laws hope to force those without legal status to “voluntarily deport” themselves by making life in the US so unbearable as to be untenable. The “attrition through enforcement” model therefore relies on heightened policing practices and day-to-day harassment.³¹

In this terminology, the very choice of the word “attrition” is telling. Attrition refers to the grinding or wearing of something – or someone – down. The *Oxford English Dictionary* definition is the following:

1. The action or process of rubbing one thing against another; mutual friction.
- 2.a. The process of rubbing away, wearing or grinding down, by friction. b. The wearing down of the enemy's strength and morale by unremitting harassment, esp. in phr. *war of attrition*.

In this case, in that the first two definitions seem to refer to things as opposed to people, the third definition is the most useful. Drawing on this definition, attrition through enforcement legislation can be thought of as a *war of attrition*. In other words, this type of legislation treats migrants as enemies and attempts to wear down their “strength and morale by unremitting harassment.” It therefore self-consciously amounts to the legal enshrining of harassment as migration policy in the United States. In short, migrants will be harassed until they can no longer stand to remain in their homes and in this way are forced out. Given their structure and intention, I prefer to refer to these policies as Anti-Immigrant Laws, or AIL. The laws self-consciously deploy the day-to-day harassment of migrants present in the United States in the service of migration policing. In this way, they seek not only to displace current migrants, but also to deter future migrants from coming to a place that will

³¹ Kobach, interviewed on the radio program “This American Life” (29 January 2011) about the immigration laws he has helped to write in states throughout the United States, including Arizona and Alabama, describes his vision as one of devolving immigration checks to local police as a means to multiply the power to enforce immigration law. This expanded capacity to perform immigration checks will, in Kobach's vision, ultimately press the undocumented to voluntarily leave the United States. He is clear that he considers this policy to be good for the United States and, startlingly, he also claims that “from the alien's perspective, it's better too. He can depart the United States on his own, freely, without ever being in custody, so there's more liberty for him and there's less cost for the United States.”

make life so difficult. And not only migrants are affected: in that the law is deployed in response to suspicion, all those who find themselves faced with this suspicion are subjected to the unremitting harassment legislated by AIL.

Racial profiling termed reasonable

What does it mean to look illegal? Or, as the question has been taken up in the protests against the implementation of Arizona's SB 1070, *do I look illegal?* In demonstrations across Arizona and the country, people have attached this question to their body. It has been printed on t-shirts and written on placards to carry at protests. The question confronts the presumption inherent to SB 1070, and the other pieces of AIL passed in states across the United States, that a person's legal status in a country can be treated as visible on the body.

At the centre of Arizona's SB1070 and the controversy that surrounds the law is a clause that instructs law enforcement officials to determine immigration status on the basis of "reasonable suspicion." According to the legislation, law enforcement officials must determine the immigration status of anyone about whom there is "reasonable suspicion" that they are illegally in the country. These checks are meant to be carried out "during any legitimate contact made by an official or agency of the state or a county, city, town or political subdivision" (Fact Sheet). But what is reasonable suspicion that someone is an alien? On what grounds does the law not only allow, but in fact mandate, a police officer – and in fact any government official – to question someone about their legal status in the country?

The use of the term "reasonable suspicion" appears in *Article 8: Enforcement of Immigration Laws* in the text of the legislation. The relevant section of SB1070, adding the revised statues, reads as follows:

For any lawful stop, detention or arrest made by a law enforcement official or a law enforcement agency of this state or a law enforcement official or a law enforcement agency of a county, city, town or other political subdivision of this state in the enforcement of any other law or ordinance of country, city or town or this state *where reasonable suspicion exists that the person is an alien and is unlawfully present in the United States*, a reasonable attempt shall be made, when practicable, to determine the immigration status of the person, except if the determination may hinder or obstruct an investigation (emphasis added).

While the text of the law goes on to detail the ways that immigration status legally can and cannot be verified in detail, and what modes of information sharing are permitted, it does not detail what constitutes reasonable suspicion. Instead it leaves the term undefined. This is a curious oversight in a law that is painstaking in its definitions of other things, including what identification will be accepted as a form of proof of documented status. Even as “reasonable suspicion” is placed at the core of SB1070, what this suspicion refers to is never articulated or clarified.

Tucson police officer Martin Escobar provides a particularly cogent formulation of exactly what indicators are evoked through a term like “reasonable suspicion.” Just five days after the legislation was signed, on 28th April 2009, Escobar filed a lawsuit opposing SB1070. In this suit, he objects to the law on the basis that it would require him as a police officer to make race-based decisions about the likelihood that a person did or did not hold legal status. In the lawsuit, he points to the ways that SB 1070 appropriates racial profiling to the task of immigration policing. Escobar does this by speculating on what cues an officer might rely on when enacting the mandatory reasonable suspicion clause of SB1070. The substance of Escobar's lawsuit is therefore an articulation of the ways implementation of SB1070 would necessarily resort to reliance on racialized criteria. In points 20-28 of his lawsuit, he addresses nine different possible indicators of status in the country. His list includes the following: skin colour and physical features; manner of dress; the use of the Spanish language or speaking English with an accent; listening to Spanish language radio, music or television; the use of vehicles stereotyped as belonging to Hispanics; the use of public transportation; Mexican license plates on a vehicle; and residing in a home stereotyped as belonging to Hispanics.³²

What Escobar's list of hypothetical indicators demonstrates is that the only possible sources of suspicion or lack of legal status have to do with ways of looking or behaving that are associated with – or stereotyped as – being Mexican, Hispanic or Latina/o. I include all three terms here, because of the degree of messiness, or what Masouf and Delgado (1998) have described as collapse between different groups,

³² In early April, 2010 immigration raids were carried out which targeted shuttle vans providing transport north from the US-Mexico border (Archibold, 2010). Escobar's reference to the use of public transportation as a potential site of racial profiling may be a reference to these raids.

including Mexicans, Mexican-Americans and Latinos. In reference to these groups, each is understood in a stereotypical manner and the three are blended together. Under SB 1070, a person can be suspected of being in the country illegally because (s)he looks or behaves as though (s)he is Mexican – or, more precisely, because the way (s)he looks or acts is stereotyped as being a Mexican way of looking or behaving. By articulating possible sources of suspicion in his lawsuit, Escobar is able to show clearly that suspicion in regards to immigration status is not only based on unreliable or forthrightly wrong indicators, but that this suspicion cannot be race neutral. Any attempt to police immigration on the basis of these sources of suspicion amounts to racial profiling and to a racist collapse of race with a presumption of legal status. Escobar convincingly concludes his lawsuit by stating that “there are no race neutral criteria or basis to suspect or identify who is lawfully in the United States” (Text of lawsuit). He establishes that the law, in requiring that as a police officer he deploy suspicion in immigration policing, requires him to make race-based decisions about the likelihood that a person is legally present in the United States.³³

In order to be implemented, SB1070 is therefore reliant on what is effectively a racist “commonsense.” This racist commonsense equates Mexican-ness with illegality. Mexican migrants are commonly evoked in mass media discussions of illegality (Chávez, 2001). Mexican migrants have also been constructed by immigration law as the distinctive group of “illegal migrants” in the United States (De Genova, 2005, p.91). These are some of the ways that illegality is racialised in the United States and is particularly attached to those of Mexican origin. As Nicholas de Genova (2005) writes, “the figure of the ‘illegal alien’ has long been a pronounced feature of the racialisation of ‘Mexicans,’ in general, in the United States” (p.91). The Arizona law necessarily draws on this racist commonsense. Without it, it would not be possible to implement the law. While migration status is

³³ The court dismissed Escobar’s lawsuit on the grounds that he did not “have standing” to make the complaint, that his complaints were too “speculative,” and because he could not show that he had already been directly harmed by the law (Duda, 2010). Upon appeal, this decision was affirmed by the Ninth Circuit court (State of Arizona, 2011). The finding, however, was not that Escobar was substantively wrong in his points about the uses and deployments of “reasonable suspicion.” In fact, the court did not comment on his claims. Instead, it ruled that he was not in a position to make the complaint he made. Proponents of the law, including Governor Janet Brewer, have used the dismissal of Escobar’s lawsuit to claim that the court upheld that SB 1070 does not institute racial profiling (State of Arizona, 2011). This is blatantly false, both in relation to the content of the ruling and to the content of the law.

not something legible on the body, nor made evident through behaviours or practices, SB1070 attempts to treat it as if it were. In this way, the law attempts to identify illegality through scrutinizing bodies, not documents. What this means is that Arizona's SB1070 places racialized suspicion, termed reasonable, at its core and then mandates racial profiling in the service of immigration policing by requiring that police officers act on racist suspicions of unlawful presence.

Seeing bodies

The style of immigration policing that Arizona's SB1070 legalises is policing that responds to the visibility of bodies. It codes bodies and acts out discrimination on the basis of stereotype. As Stuart Hall has shown, stereotyping does essential work in the production of racial difference. For Hall, stereotyping has three main features. First, it reduces everything about a person to a few recognizable characteristics, exaggerating and simplifying them. He writes that, "stereotyping reduces, essentializes, naturalizes and fixes 'difference'" (1997, p.258). Second, and as can clearly be seen in the case of the Arizona law, stereotyping divides the normal from the abnormal, what (or who) belongs from what (or who) doesn't, and expels everything that doesn't fit. Stereotyping is therefore also, in Hall's words, a practice of "'closure' and exclusion" that "symbolically fixes boundaries and excludes everything which does not belong" (p.258). Finally, as is also evident in the example of SB1070, stereotyping occurs in conditions where there are stark power inequalities. The function of stereotyping is to divide people in relation to social norms and to exclude those who do not conform to the norms dictated by those in power. Because SB1070 is reliant on the use of stereotype in response to the visibility of bodies, it is necessary to think specifically about how bodies are seen, how meaning is attached to bodies as they move through the world, and how this changes the ways people are able to occupy space.

We can draw here on critical scholarship on race. A pivotal text that shows how bodies are racialized through being seen in face-to-face encounters is Frantz Fanon's *Black Skin, White Masks*. Fanon writes of the effects of racialised practices of looking and of his experience of the encounter with the white gaze. The white gaze is an operation of power that enacts white supremacy and that marks non-white

bodies. Instead of seeing individual people, the white gaze sees types. It reads non-white bodies as objects of fear, and claims to know things about non-white others. For Fanon, encountering the white gaze as a black man is to encounter a self “woven...out of a thousand details, anecdotes, and stories” (2008, p.91). He writes of the way he is interpreted in a racist and over-determined way when he encounters this gaze:

I was responsible not only for my body but also for my race and ancestors. I cast an objective gaze over myself, discovered my blackness, my ethnic features; deafened by cannibalism, backwardness, fetishism, racial stigmas, slave traders, and above all, yes, above all, the grinning *Ya bon Banania* (2008, p.92, original emphasis).

Fanon describes the racist knowledge that is attached to him when the white gaze is directed at him as an epidermal racial schema. His body and his skin are seen in particular ways that stereotype him. This knowledge is a form of imprisonment in that it constructs for Fanon both his body, and his worldly experience of his body being encountered by others. For Fanon, meeting the world is meeting the racist stereotypes that adhere to and confine his body. He becomes not what he is, but what he is seen to be, through his skin colour and the racist prejudices that attach to it. Fanon, as a black man, cannot exist free from these racist constructions. Due to the power of this construction, repeatedly enacted through being seen in the world, Fanon is acutely aware of himself in the third person as an object of knowledge seen by others. This knowledge which fixes him to a prescribed meaning also fragments him. Fanon describes it as an experience of being cut apart and also of being captured and contained. He writes, “the white gaze, the only valid one, is already dissecting me. I am fixed. Once their microtomes are sharpened, the Whites objectively cut sections of my reality” (2008, p.95). Surrounded by whiteness, the self is divided, scrutinized, and returns unrecognizable. The effect of this for Fanon is that he is “overdetermined from the outside [...] a slave not to the ‘idea’ others have of me, but to my appearance” (2008, p.95).

One of the things that Fanon describes powerfully in narrating his experience of the white gaze is the way that fear is involved in the way his body is seen and understood. He becomes an object of fear in the white gaze, and being made an object of fear shapes the way he moves through the world. Reading Fanon, Sara Ahmed (2004) points out that in Fanon’s description of the experience of blackness,

fear is the thing that works to differentiate between white bodies and black bodies. For example, fear is experienced by both people in the encounter that Fanon describes between himself and the white child who interprets him as a threat. It is misrecognition that makes the white child fear the black body: Fanon's shivering is taken as evidence of anger, and racist associations of violence and cannibalism guide this response. Faced with this fear, Fanon is afraid of the white child's fear. This passing of fear between subjects for Ahmed suggests not only that the black body becomes contained by this fear, but that we have to think about how this fear affects the mobility of both people involved in the encounter. The passing of fear between them separates the bodies from each other, and also works to restrict the movement of some bodies, while the mobility of the bodies of others expands. She writes, "It is the black subject, the one who fears the 'impact' of the white child's fear, who is crushed by that fear, by being sealed into a body that takes up less space" (Ahmed, 2004, p.127). The white subject, on the other hand, is able to establish the world as home and expand to occupy this space. In this way, the passing of fear leads to containment for some and circulation for others.

The fear that circulates through racism has very real effects in the world. Being feared and seen as dangerous is dangerous. As Ahmed writes, "there can be nothing more dangerous to a body than the social agreement that *that* body is dangerous" (Ahmed, 2014, p.211, emphasis in original). One example of the danger of being feared, which Ahmed also points to, is the murder of Trayvon Martin in Florida, USA in February 2012. Walking home while drinking an iced tea and eating sweets, 17-year-old Trayvon Martin was shot and killed by neighbourhood watchman, George Zimmerman. He was killed because he was black and therefore feared. Writing of Martin's murder, George Yancy describes the way that the hostile white gaze attaches fear to black bodies and how this fear shapes the ways people can live and move. He writes:

Black bodies in America continue to be reduced to their surfaces and to stereotypes that are constricting and false, that often force those black bodies to move through social spaces in ways that put white people at ease. We fear that our black bodies incite an accusation (Yancy, 2013, np).

For Yancy, Trayvon Martin was not a victim of violence only in the moment he was shot and killed, but instead was subjected to violence through the ways he was

racialized as a black child. The racist fears that were attached to Trayvon Martin rendered him "socially dead," writes Yancy, even before his physical death. Lisa Marie Cacho has described social death as being related to being ineligible to personhood. She writes that it affects, "for different reasons, undocumented immigrants, the racialised poor of the global South, and criminalised US residents of colour," making clear that it is a racialised status (2012, pp.6-7). The racism that therefore informs social death is what she calls "a killing abstraction. It creates spaces of living death and populations 'dead-to-others'" (2012, p.7).

The danger of racialised fear and of the way that the killing abstraction of racism is not only an abstraction is evident not only in Trayvon Martin's murder, but in many other possible examples, including the deaths of 17-year-old Ramsés Barrón Torres and of 16-year-old José Antonio Elena Rodríguez. These two deaths, among the many deaths that take place at this US-Mexico border every year, highlight the fear that attaches to the body that appears as a Mexican body. In January 2011, Ramsés Barrón Torres was shot and killed in Nogales, Sonora, the town I lived in during 2009. He was on the Sonoran side of Nogales, and the US border patrol agent who killed him was in Arizona. The officers claim that Torres and three of his friends were throwing rocks at the agents who had been called out to investigate potential drug smuggling. The agents also stated that they suspected a fifth person present on the Mexican side of the border was carrying narcotics (Stuart, 2013). Neither of these claims was proven, but because they could not be disproved, the US department of Justice closed the investigation into the murder.

In October of 2013 another boy, José Antonio Elena Rodríguez, was also shot and killed in Nogales, Sonora. He was within blocks of his home, carrying nothing but a mobile phone. An agent in the United States drew his gun and fired across the border and into the body of José Antonio Elena Rodriguez 11 times (Santos, 2013).

³⁴ Again, drugs and rocks were cited by the agent as the reason for shooting.

³⁴ A list of people killed between 2010 and 2013 by US Customs and Border Patrol, as published by the ACLU (2013): Jorge A. Solis, 28, shot and killed, Douglas, AZ (Jan. 4, 2010); Victor Santillán de la Cruz, 36, shot and killed, Laredo, TX (March 31, 2010); Anastasio Hernandez Rojas, 32, tortured to death, San Diego, CA (May 28, 2010); Sergio Adrian H. Huereca, 15, shot and killed, El Paso, TX (June 7, 2010); Juan Mendez, 18, shot and killed, Eagle Pass, TX; Ramses Barron Torres, 17, shot and killed, Nogales, Mexico (Jan. 5, 2011); Roberto Pérez Pérez, beaten while in detention and died due to lack of proper medical care, San Diego, CA (Jan. 13, 2011); Alex Martinez, 30, shot and killed, Whatcom County, WA (Feb. 27, 2011); Carlos Lamadrid, 19, shot

It is helpful to understand how these two boys were viewed through reference to the white gaze. Faced with the white gaze, they became not young men at home in the eyes of the Border Patrol agents who killed them. Instead, they were overdetermined by a chain of racist associations. Because they looked Mexican, they were seen as dangerous – as rock throwers who were assumed to be attacking or intending to attack people across the border, and as drug smugglers whose friends must be carrying illicit narcotics in their backpacks, and who must be involved in drug smuggling themselves. Walking on the streets of their home, in the eyes of the US border patrol they became illegal immigrants, attempting to storm the US border, who must be stopped with force, and who posed such a threat to the white body and to the US as a nation that they must be shot 11 times from the other side of a 20-foot tall steel fence. In short, these two boys were killed because from the perspective of the white gaze they were dangerous and because racist fears were triggered by the visibility of their bodies. Being viewed as dangerous was fatally dangerous.

Arizona's SB1070 legally authorizes the use of the white gaze and the knowledge it deploys to overdetermine and circumscribes bodies that appear Mexican throughout the space of the state of Arizona. As Josue Cisneros points out in his article on the legislation, SB1070 attaches suspicion and fear to those who are coded as visibly Mexican. The fear that is directed at bodies that are visibly coded as Mexican is not only fear of illegality, but also more broadly fear of the threat posed by the supposed greed of the migrants (a threat to 'our' jobs) and the violence they are suspected of potentially bringing with them - particularly the fear that the violence associated with the drug trade might be transported north with migrants as though this violence is an ontological property of certain bodies (Cisneros, 2012). This fear is then pressed together with a presumed lack of belonging so that the person who appears Mexican is seen as being both a threat (of violence, drugs,

and killed, Douglas, AZ (March 21, 2011); Jose Alfredo Yañez Reyes, 40, shot and killed, Tijuana, Mexico (June 21, 2011); Gerardo Rico Lozana, 20, shot and killed near Corpus Christi, TX (Nov. 3, 2011); Byron Sosa Orellana, 28, shot and killed near Sells, AZ (Dec. 6, 2011); Alexander Martin, 24, died in car explosion that may have been caused by Border Patrol tasers (March 15, 2012); Charles Robinson, 75, shot and killed, Jackman, ME (June 23, 2012); Juan Pablo Perez Santillán, 30, shot and killed on the banks of the Rio Grande, near Matamoros, Mexico (July 7, 2012); Guillermo Arévalo Pedroza, 36, shot and killed, Nuevo Laredo, Mexico (Sept. 3, 2012); Valerie Tachiquin- Alvarado, 32, shot and killed, Chula Vista, CA (Sept. 28, 2012); José Antonio Elena Rodriguez, shot and killed, Nogales, Sonora (Oct. 11, 2012); Margarito Lopez Morelos, 19, shot and killed in the Baboquivari Mountains, AZ (Dec. 3, 2012); and Matthew Simmons, 25, shot and killed just south of Hebronville, TX (March 21, 2013).

contamination, lost jobs) and also as belonging elsewhere. In this way, while being raced as brown is already treated as something that needs to be policed and controlled within the United States (Silva, 2010), Arizona's SB 1070 again locates suspicion of not being legitimate on the non-white body (Elenes, 2010).³⁵

SB 1070 does not target those who are without status, but instead those who are "raced" as illegal – those who *look* like they might not belong. In this way, if attrition through enforcement attempts to harass people until they volunteer to leave, this harassment is carried out on the basis of racism. The non-white body is assumed not to belong, and those who are visually identified as not white are subjected to suspicion. Racial profiling in the service of immigration policing is incapable of distinguishing between the person racialized as foreign (in this case as visually coded as Hispanic), the person who is citizen, and the person racialized as foreign who is undocumented. While the consequences of being stopped and questioned are very different, it is not only the undocumented person, or the non-citizen, who will be stopped and questioned about their immigration status, but all people who fit the racialized idea of what it means to be foreign or non-American and who are therefore the subject of "reasonable" police suspicion. This amounts to the harassment of an entire racially defined group of people who are stigmatized as not belonging in the country in which they live. It is not only a race-based practice of policing immigration, but a race-based policing of population which places all non-white, non-anglophone residents into question, placing them under suspicion and regarding them as uncertain presences within the nation. Citizens who arouse police suspicion based on their accent, skin colour, style of dress or for residing in certain neighbourhoods are subject to harassment, and they are also subjected to the threat of being taken into custody and potentially deported.³⁶ The citizen who appears as Mexican must prove again and again that she does belong.

³⁵ For Kobach, terrorism and so-called illegal immigration are explicitly collapsed. In an interview published in *Front Page Magazine* he is quoted as saying, "The importance of immigration enforcement in the war on terrorism cannot be overstated. As long as the enemies of the United States rely on suicide bombers who seek to murder civilians on U.S. soil, they will need to find ways to enter our country to accomplish their missions. Consequently, our national border is the most important line of defense in this war" (Glazov, 2005).

³⁶ There are cases where US citizens have been wrongly deported because they have been understood as "Mexican" by agents.

No one should be targeted by harassment and suspicion – it is in all cases, regardless of legal status in a country, a violation. In the case of the terrorization of those who do hold legal permissions or who were born in the US and are unambiguously citizens of the country, the continued insistence on policing and exclusion amounts to an insistence upon and enactment of exclusion on racial/racist grounds, so that even legal possession of citizenship does not exempt a person racialized as other from suspicion. It also effectively means that there is no way, regardless of legal status, for a person racialized as Hispanic to escape the suspicion of illegality and the harassment that attends this suspicion.

Locating the border

The state-level immigration laws passed in the United States since 2010 have pushed border policing practices and devices away from the geographical border. Under SB 1070, as with other legislation that has devolved the border to the local level, it is possible for the border to appear in the space of daily life and in the course of daily activities. Therefore, in important ways, the practices of immigration policing that are represented in Arizona's Senate Bill 1070 point toward the question of the location and function of the border. What does the consolidation and intensification of migration policing throughout the interior of national space do, both to conceptions of that space and to the border? As sites of everyday life, such as traffic stops, are increasingly recruited as sites of immigration policing, to what extent is it possible to say that borders are made present not just in liminal spaces, but in the space of daily life? And perhaps most importantly, what is the effect of racialized ideas of belonging in this immigration policing through the invocation of "reasonable suspicion"? What does a racialized and racist immigration policing practice, in which policing can be triggered anywhere and at any time by the ways that a body is coded as belonging or not belonging, do to an understanding of the border and its locations?

As I detailed in the introduction to this thesis, in a very real sense borders can now be thought of as located not only at the borders of the territorial nation, but in the spaces where border functions are carried out, thus defying "a straightforwardly territorial logic" (Vaughan-Williams and Parker, 2009, p.583). These border functions include pre-screening on international flights and the consultation of no-fly

lists and passenger profiles (Salter, 2012, p.736). The spaces of these functions become spaces of the border, so that borders can now be said to be located in airports, at bus and train terminals, and indeed anywhere that these practices are enacted. As I mentioned that Balibar writes, it is possible to think of “*some borders as no longer situated at the border at all,*” but as instead being “in fact elsewhere, wherever selective controls are to be found, such as, for example, health or security checks” (2002, p. 84, original emphasis). As I showed, what is important about Balibar’s contribution to border theory is that he moves the border from a space of territorial limit to a space of administration and control: the border is defined by the enactment of control. When thought of in this way, not only does the border come to exist wherever this control is performed, but in fact there is not one sole border, but as many borders as there are acts and spaces of control.

Balibar’s conceptualization of borders is useful here in thinking about the effects of the Arizona law’s devolution of border policing to the local level. By focusing on the acts performed by borders, as opposed to a particular space identified as the border, Balibar’s work points at the way borders come into being wherever they are enacted. Does this mean, therefore, that if Balibar’s thinking is followed that what SB 1070 does is relocate the border from a discrete space at the territorial limit of the US to *everywhere* in the state of Arizona? After all, SB1070 uncouples the enactment of control from an infrastructure of control. Instead of a moment of control being deployed at a check point, under SB 1070 control can instead be triggered anywhere by a body that looks (in the white gaze) as though it might not belong. Another way of asking this question is to ask where the border is if the border is the enactment of control, and SB1070 explicitly authorises that enactment of control throughout domestic space. Does the border become totalized through the possibility that control could be exerted anywhere?

Strictly following Balibar, relocating borders as present where acts of control take place does not in fact mean that borders are everywhere. As Salter points out, the proliferating appearances of borders throughout national spaces does not mean that borders are everywhere for Balibar: they could be anywhere, but they are not everywhere (Salter 2010, p. 516). Instead, for Balibar, borders are in the precise spaces where control is enacted and only in that space when they are enacted in that

space. This means that what matters is the enactment. However, as controls are increasingly decoupled from concrete infrastructure of control (such as airport arrival terminals), and increasingly materialized throughout daily space in the form of immigration raids or local migration policing in everyday life, the distinction between being potentially anywhere but not everywhere becomes more blurred. In the case of SB1070, for some bodies, the moment of control, and therefore the border, could potentially be any and everywhere. The moment of control, and therefore the border, can materialise unexpectedly, and it can appear for one body without appearing for another in that same space. What does this mean for a theory of borders and bordering?

It is possible to say that as the selective controls associated with migration policing have increasingly been pushed to the local and municipal scale, so that they are no longer only present at the margins of the state, so too has the border been pushed. In that these selective control are increasingly mobile and about policing the space of everyday life, I think it makes less sense to speak of them as existing in discrete spaces than it does to speak of them as potentially, and increasingly, everywhere. Matthew Coleman writes of the practices of devolved immigration policing power that have proliferated in the United States after the events of September 11, 2001, and particularly about the trend toward localized policing of migration, claiming that “these new spaces of immigration geopolitics suggest that the border – and border enforcement – is increasingly *everywhere*” (Coleman, 2007, p.64, original emphasis). His point is that if the border is anywhere selective controls exist, and these selective controls increasingly appear throughout the space of daily life, then the border is increasingly everywhere. However, that these controls are increasingly everywhere, and have the potential to appear in any and all spaces of life, is also not the same as saying that these controls are totalized and are *in fact* everywhere. It is not the case that in all spaces and at all times the population is subjected to practices of control and policing. This is both because the state does not have total control and can not totally police the population (Brown, 2010), and because there are ways to subvert or to resist these acts of control. But what does vulnerability to the possibility that a border control point could appear anywhere do to the experience of the border?

Drawing on both Coleman and Balibar, I want to argue first that the border has to be thought of as increasingly dispersed throughout national space through the enactment of local level policing operations throughout the space of daily life. The subjection to the practices of bordering has increasingly become a *possibility* that could arise at unexpected moments in the spaces of day-to-day life. The possibility of this exposure is different for different people and different bodies. Unlike Balibar, I do not see these bordering practices as located in discrete sites. The border does not appear only in the instance when it is triggered, nor only in the moment of administrative review. Instead it is also enacted through the vulnerability to this enactment, which means that thinking only in terms of the concrete and enacted instance isn't enough and doesn't tell us enough about how borders are experienced and lived. If the social vulnerability of our bodies is part of the way that we are politically constituted, as Butler (2003) has argued, we are certainly not all exposed to power in the same ways, and so vulnerability is not lived in the same ways by all. Borders are enacted through this differential vulnerability: for some bodies, borders structure the way they move through space and occupy social space regardless of whether the moment of administrative review is actually encountered or not. For other bodies, borders are no less formative in the way that space is occupied, but they function to allow movement and passage. In this way, to think about borders and bordering, it is necessary to take into account bodily vulnerability to practices of bordering and the ways the threat of administrative review anywhere works as a restrictive force everywhere, changing the way space can be occupied for some, and dividing those who move freely from those whose movements are monitored, checked and their presence put into question.

Because different bodies have different experiences of the border, the most important questions about borders and bordering are not only where the border is, or whether the border is everywhere, but also for whom the border potentially is everywhere. Within a system of dispersed, localised policing the border could appear anywhere, and yet it is much less likely to appear for some than for others. Some bodies do not trigger the border. In particular, the body racialized as white in the space of the United States is very unlikely to trigger the border outside of the institutionalized spaces of border control. For these bodies, passports and admission permissions must be shown when entering the country, either through an airport or

via the land border, but the internal moments of border control are very unlikely to appear once they have been admitted to national space. This is because the belonging of bodies racialised in this way is presumed; it is read as evident from the body. To think the border only in terms of stable sites of institutionalized control is therefore to think only in terms of the white body and only from the perspective of those who experience whiteness. When thinking about the ways that the border moves away from these predetermined spaces and into the space of everyday life it becomes necessary to think about who is affected – indeed targeted – by this regulation.

What Arizona's SB 1070 has made exceptionally visible in its reliance on racial profiling, and in its recourse to histories of racial profiling, is that the non-white body is placed under suspicion of non-belonging. This amounts to the racialization of both belonging and non-belonging. Arizona's SB 1070 further³⁷ institutionalizes race as a trigger for moments of border review and border control through recourse to federal standards that institutionalize the use of race in immigration policing and through reference to regional histories of using racial markers as a means to police belonging. The legislation legally formalizes a collapse between racialized markers of the body and evidence of status and engages in race-based policing of migration status throughout the space of everyday life. Another way of phrasing this would be to say that the act represents a means of legally codifying racialized presumptions of national belonging so that national belonging and acts of bordering are enacted at the level of the body. "Looking foreign," and in particular looking "Mexican," is treated as grounds for suspicion that a person may not be legally present in the country. This racialized suspicion triggers border control. The border appears inside of the territorial nation, in a space of daily life and removed from a space dedicated to border control, because the body itself is treated as if it could be the source of evidence of status or its lack in the country.

This means that to understand the sort of bordering enacted by SB1070 we have to think in terms of the body and of the white gaze and of how the colour of skin 'colours' experiences across the power relations enacted by the border (Brah, 1999, p.23). As Avtar Brah writes, "colour-based racialisation is not merely under the skin. The colour of our skin is exactly what 'colours' us, our very being, across

³⁷ I say "further," because racist ideas of belonging and racial profiling have an ample history and present in the United States.

assymetrical power relations” (1999, p.23). Therefore, I want to argue that it is helpful to think of SB1070 as not only engaging in practices of internal policing and racial-profiling, but as locating the border on the body. It is the body that triggers border policing, wherever it is, or wherever it comes into contact with enforcement. Placing the border on the body in this way depends on coding and reading bodies in terms of belonging: namely, on racializing bodies as either belonging or not belonging in the national space. The border can only be present on the body when racialized ideas – that is, racialized notions of which bodies belong and which do not – are enacted. For this reason, it is not passage across a fixed geographic space that determines whether an encounter with the border occurs. For those upon whom the border is placed, the border is encountered not only at the territorial border and not only at the hands of border agents, but is instead carried throughout life in the form of perpetual exposure to suspicion and to moments of administrative review (DeChaine, 2009). This means that the border for the non-white body is carried by that body so that, as Flores has written, “These [suspect] bodies, even when present at physical locations quite distant from the geopolitical border, are susceptible targets” (2003, p.381).

For the person whose body is marked in a way that triggers the border the threat of the border cannot be left even when the territorial border is physically distant. There is no such thing as completely crossing the border or of being on one side of it or the other. Instead the border is carried with a person and becomes a condition of life. As Kent Ono has observed (2012), moving past a physical border cannot guarantee substantive entry to the nation, and even gaining citizenship does not mean the border has been fully and finally crossed. Given that the border placed on the body has to do with the way the body is coded and read in national space, and that the body does not change whether it has legal permission or not to reside and remain in that country, the border remains firmly in place regardless of legal status. As Ono writes, “The border already exists, sometimes incipiently and sometimes manifestly, where migrants move and on all of our bodies. The border moves with migrants into those social spaces where they live: in the interior of the nation, their workplaces, and their homes” (p.24). This placement of the border on the body fits not only within contemporary histories that have increasingly come to rely on local policing mechanisms and racial-profiling in the service of immigration policing, but

also within the much longer history in the United States that has produced “Americanness” as something possessed by white bodies.

What is key to the placement of the border on the body is not only the exposure to administrative review – i.e. the moment of the enacted border – but susceptibility to it. It is not only the enactment of the border in the instance of the traffic stop review, or the moment of document check on the basis of racist suspicions termed reasonable, that is important. It is also the possibility of these moments – the potential for them to occur and the likelihood that they will. Those who fear the eruption of this surveillance and these checks must move differently and live differently than those who do not. This is especially true if the perception matches the legal condition: if the body read as evidence of not belonging in fact has no legal status. In this way, what SB 1070 shows is that the border has to be thought of in terms of vulnerability: there is vulnerability to suspicion, as the body is read by the white gaze as out of place, and there is the legal vulnerability to removal from one’s life world. This experience of vulnerability is a structure that shapes life. It shapes what people do and how they move not only at a territorial point of passage, but throughout and beyond national space.

This means that the border does not map onto land; it is not enough to describe it as a territorial limit. Instead, the border is enacted upon – and in being enacted upon, placed upon – the body. Some bodies, through looking out of place, encounter this border potentially everywhere. Those whose bodies are read as not belonging, as being illegal regardless of their factual legal status, are subjected to the suspicion and controls of the border not only in the spaces explicitly marked as sites of border control, but throughout the space of their life. This changes the way they move and live, just as it changes (by allowing) the way that those whose bodies are read as evidently in place move and live. This is what SB 1070 legalises: the treatment of the body as a border.

Conclusion

In this chapter I have argued that by allowing local police officers to check immigration status, and furthermore by allowing them to do this throughout the space of everyday life and particularly on the basis of racialized suspicions, SB 1070 does

more than authorize authorities to engage in racial profiling: it attempts to locate the border on the body. In other words, through the use of a “reasonable suspicion” provision, Arizona's SB 1070 works as a means to (further) legally codify racialized presumptions about and constructions of national belonging at the level of the body, so that not only is belonging constructed as something that can be evident on the body, either through appearance or behaviour, but that the absence of this evidence is sufficient to trigger the moments of administrative review that enact the border. Policing migration in this way amounts to an enactment of the border at the level of the body, so that it can be said that SB 1070 places the border not in a geographic space, but directly on the human body.

The outcome of this intersection of provisions is that, for some bodies, the border can potentially materialize any and everywhere. Physical distance from the territorial border is not a guarantee that the border will not materialize, and legal status in the country is also not a guarantee that the border will not continue to appear throughout the space of everyday life for the body marked as “foreign.” This means that the border comes to be lived through the experience of vulnerability to the border. This vulnerability to the border, the likelihood that it appears and that it reshape life drastically, is the border. This vulnerability is not confined to any fixed site and does not appear only in the moment of a document or police check. It lives in the possibility.

Chapter 5

Representations of Monstrous Tragedy

My question in this chapter is how to represent the violence at – and of – borders. What are the politics of representing migration as a site of intense suffering and violence? What happens when projects that want to challenge or contest the violence of borders describe these borders predominately in terms of the suffering and the deaths they cause? Representation, visual or linguistic, is not an innocent, politically neutral project, as many have pointed out (for example, Fanon, 2008; Said, 2001; Spivak, 1988). Instead, representations shape our understanding of the world and our encounter with it. In this way, just as representation is capable of making violence visible, it is also capable of further inscribing and perpetuating violence. In what ways do representations of violence contribute to the re-inscription of violence, and what are the modes and forms of such re-inscription specific to the context of migration? How might it be possible to represent the violence of the border – and of borders more broadly – without the representation itself becoming violent?

The Violence of victimization

One of the major problems in representations of migration is that migrants are made to appear as victims. Victimizing language around the violence of borders denies agency to migrants and can also work to obscure the wider political dynamics shaping a situation. As Rutvica Andrijasevic points out in her work on representations of women migrants (2003), sex trafficking in Europe and the work of NGOs in this area, representations of the violence of migration often rely on victimizing images and discussions of migrants which can have mixed effects, possibly contributing to paternalism and an objectifying relation to migrants. In making these arguments, Andrijasevic works specifically through a critique of the International Organisation for Migration's (IOM) campaign against sex trafficking. Through a series of readings of the images used in the IOM's campaign against sex trafficking, Andrijasevic considers the exclusion of women's agency from their depictions within the images circulated by the campaign (2003, p.256). She shows

that the campaign constructs a simple duality between the trafficked victim and the criminal trafficker who exploits her, in which the trafficker becomes a predator of female vulnerability and the woman herself a passive victim. These alarmist portrayals, Andrijasevic points out, “obscure the relationship between illegal migration and the juridico-material creation of borders on the one hand while they deploy a particularly gendered image of migration on the other” (2003, p.257).

What Andrijasevic’s work usefully shows in the context of this thesis is the way that a discussion of the suffering of migrants can fail to understand the relation between the structures which make migration necessary and the direct mechanisms of the violence that is experienced. The failure to grasp this relationship enables the representation of migrants as helpless victims, as opposed to people navigating a global system of exclusion in the ways available to them. In her example, she specifically argues that the IOM’s campaign fails to understand the complexity of the relationship between those who occupy the roles of trafficker and trafficked and the formative role played by restrictive and tightening EU immigration policies that produce the conditions for trafficking and exploitation (2007, p.32). The separation of the representation and construction of trafficking from its material and historical context amounts to a form of violence. By treating trafficking as though it happens in isolation, and not as a consequence of government migration policies that restrict human movement and create the conditions for exploitation, it hides the role of borders in constructing the situations. Depicting smugglers as criminals also serves this representational politic because it allows blame to be placed on those who move people rather than the structures that prohibit human mobility.

If treating the violence that many experience in migration as an effect of criminality, for which governments and global structures are not responsible, obscures the fact that borders are responsible for producing these conditions, then it becomes necessary in discussions of violence in migration to shift away from depictions of criminality and toward the role of immigration policies and global capitalism in constructing situations and experiences of violence. As Nandita Sharma argues in her paper “Travel Agency,” denying national status to migrants (and, in her work, women particularly) should be recognized as “the *main factor in creating[the] conditions of vulnerability of undocumented migrants*” (2003, p.57, original emphasis). Working from her specific example of the trafficking of women, she

shows that the exploitation experienced by women who are described as "trafficked" often does not take place at the hands of those who help them to move from one country to the next, and these women often do not desire to return "home." Instead of being moved against their will, Sharma points out that these women migrate in a global context where capitalist processes of dislocation such as damming, privatization, trade liberalization, mining and structural adjustment programs have caused poverty and homelessness throughout the world, and the wealthy countries of what she calls the Global North, toward which migrants move as a consequence of these capitalist policies, have barricaded themselves against migrants with restrictive migration regimes. As Sharma writes, "the ideology of anti-trafficking does not recognize that migrants have been displaced by practices that have resulted in the loss of their land and/or livelihoods through international trade liberalization policies, mega-development projects, the loss of employment in capitalism labor markets, or war" (2005, p.89). It is these practices that make migrants vulnerable and expose them to violence. Therefore, the violence of migration has to be addressed in the context of the violence of capitalism, colonialism, and the xenophobia of the countries that legally prohibit migration.

The shift in emphasis in understanding how conditions of violence are produced and sustained has important implications. In failing to grasp the context of global capitalist exploitation, Sharma argues that anti-trafficking campaigns become complicit with state mechanisms of power that render women vulnerable by perpetuating the violence of exclusion. Anti-trafficking campaigns paradoxically call for exactly the thing that will make matters worse: they turn to state authorities and call for the tightening of border controls in the name of ending criminal trafficking. In this way, Sharma shows that anti-trafficking campaigns "serve to enforce nationalized border-regimes and tighten immigration regulations by legitimating the interception and deportation of undocumented migrants" (2003, p.61). Perversely, in this construction deportation can even be positioned as helping the victim by returning her home. As Sharma shows, to ignore the essential role of the nation-state and practices of border policing in producing these conditions of migration ultimately serves to treat the fact of migration, and exploitation away from home, as the central problem of trafficking, thus participating in wider societal discourses that treat migration, and not migration restrictions, as the problem that needs attention.

While the work of both Andrijasevic and Sharma is written primarily as a critique of the politics of anti-trafficking campaigns, it is possible to find resonances with the wider questions of the politics of representing violence in migration. Their work stresses the importance of understanding migration in the context of global capitalism and racist policies of exclusion. Therefore, discussions of the violence of migration have to understand the experiences of violence not as the work of criminal outliers, but as a structural position of exposure to violence produced by the actions of wealthy states. Those who are exposed to violence in this way during their migrations are not passive victims, moved against their will – or without will. Instead they are grappling with a violent situation, attempting to find a way to lessen their experiences of violence. In short, illegalized migrants are not merely victims who are preyed upon by criminals, but are people involved in their own journeys, navigating difficult and exploitative relations that are maintained by the state and which put them at risk.

The argument for representing migration in the context of global capitalism, and for locating the violence of migration as a product of these global structures, while important, leaves unanswered the question of exactly how to represent violence in migration. Sharma and Andrijasevic both seem to imply that if we write of migration and the violence that it produces as a structural effect of global capitalism, then the problem of representing this violence is no longer a problem. But is this actually the case? How do we write of this violence, and these experiences of violence, when trying to expose them? In what ways might even accounts that explicitly locate political responsibility with global capitalist imperialism draw on and reproduce troubled constructions of migrants as victims? How might it be possible to write of violence without contributing to the representation of those who experience violence as victims?

Betrayals of representation?

One of the most high-profile recent books to make the case that violence in fact simply cannot and should not be described in work on migration is the book *Escape Routes: Control and Subversion in the 21st Century* (2008) co-authored by Dimitris Papadopoulos, Vassilis Tsianos and Niamh Stephenson. Due to the provocative

articulation of the argument and also the interest generated by the book, I will dedicate this section to considering the argument of *Escape Routes* as it applies to the representation of violence in migration.

In the book, Papadopoulos, Tsianos and Stephenson express extreme skepticism about the possibility of representational responses to the violence of migration. Instead of seeing a project of further representation as capable of subverting the politics of the border, the authors provocatively claim that representations of migration as monstrous tragedy cannot help but supply xenophobic politics. They ask, “Is it a coincidence that the widespread images of migration in the media and public discourse as monstrous tragedy supply *equally* the ubiquitous humanitarian discourses as well as the xenophobic and racist politics of forced repatriation?” (2008, p.220, original emphasis). The implied answer to the question is that, no, it is not a coincidence that discussions of migration as monstrous tragedy are prevalent across supposedly divergent political projects. Instead, this shared representation is seen as signaling a secret solidarity³⁸ between supposedly divergent perspectives, and therefore a problem for those wishing to counter the current regime of mobility control and its violence through representation of this violence.

To situate this critique, in their work Papadopoulos, Tsianos and Stephenson take issue with what they broadly call the regime of representation. They conceive of representation as a form of governmentality that inevitably contributes to the project of controlling populations. This critique of representation begins with an analysis of

³⁸ In particular, Papadopoulos, Tsianos and Stephenson take issue with Agamben’s work. They write that Agamben’s “fixation on bare life and the camp” is “pathetic,” and that his description of the violent relation between modern sovereignty and life is reductionist, failing to understand the agency of the excluded (2008, p.7). However, and confusingly, Agamben makes a critique of representation that is very much in line with the one offered in *Escape Routes*. Agamben warns in *Homo Sacer* that representations of migrants (in his work, specifically refugees) can express a “secret solidarity” with state power when they rely on an image of the migrant/refugee as a desperate being whose biological life is in danger. When this happens, Agamben warns it is a sign that human rights organisations are increasingly capable only of grasping “human life in the figure of bare or sacred life, and therefore, despite themselves [they] maintain a secret solidarity with the very powers they ought to fight” (1998, p.333). To appropriate the figure of the migrant or refugee as bare life to humanitarian work meant to counter this condition is, for Agamben, a failure of politics: it fails to politically counter the treatment of migrants by state power, instead conforming to and extending this treatment, and it is a failure to politically respond to the widespread experience of violence. Sounding very much like Papadopoulos, Tsianos and Stephenson, he writes, “A humanitarianism separated from politics cannot fail to reproduce the isolation of sacred life at the basis of sovereignty, and the camp – which is to say, the pure space of exception – is the biological paradigm that it cannot master” (1998, p.134).

the role that rights and representation, which the authors refer to as the Double R-axiom, play in liberal democracies. In their understanding, “sovereign power mobilizes representation to organize and contain social conflict. Representation is nothing other than a means to render the forces partaking in a social conflict visible to the gaze of power” (2008, p.56). Thought of as a form of political machinery, Papadopoulos, Tsianos and Stephenson see representation as fundamentally a means to produce a subject and insert her into the dominate regime of power and control. This subjectification makes social actors more easily managed by power by making them representable within the regime, and in this way exposed to the power of the regime. In this model, therefore, representation is inextricably bound up with control. To be represented is to be controlled.

The link between representation and control poses a problem for any political action that attempts to increase the visibility of a person or group of people who is understood to be oppressed or marginalized in some way. In this line of thinking, instead of redressing a situation of inequality or exploitation, efforts to make social struggles more visible in fact further expose those who are represented to the mechanisms of power. Pointing toward feminist theories of representation, and particularly the work of Irigaray, the authors of *Escape Routes* insist that politics must go beyond the fight for inclusion within a regime of control. Just as within feminist theory, “inclusion is exposed as inclusion within a patriarchal regime of control, an expansion of patriarchy,” the authors argue that representation is always a form of inclusion within the predominant regime of control (2008, p.64). For this reason, seeking representational inclusion is alone not a viable avenue for politics and political responses that seek to transform relations of power.

Writing specifically of the attempt at humanitarian representations of migration, Papadopoulos, Tsianos and Stephenson are particularly damning. They see representations of suffering and violence in migration as incapable of contributing to any sort of transformative politics, even when this is the stated intention behind the deployment of the representations. Instead, they write that all representations of this sort inevitably contribute to the political projects of control and exclusion maintained by the border regime. In particular, they feel that these representations all too often slip toward treating migration (i.e. the movement of people) itself as a problem. In their account, even when these representations of

violence in migration are deployed with the intention of exposing violence, as opposed to as means to justify the closure of the border or further defense at the border, this latter purpose is unwittingly served. Migration itself comes to be treated, objectionably, as humanitarian scandal. For the authors, this also entails treating it as “a deviation from the human rights doctrine of Western modernity (p.220),” or in other words as a marker of deviation and inferiority. These treatments run the risk of again normalizing and reifying the superiority of the West, while again constructing migration as a problem that must be addressed. Therefore, in this particular case, the problem with representation of violence in migration is one of reinserting those represented within a regime of control, as in the more general critique of representation the authors advocate, but it is also and particularly a problem of reinforcing a particular construction of migration as problem, as unfit, as deviation, and of the West as superior and right-granting.

As is evident from this description, in their critique of representation, the authors of *Escape Routes* assume a link between representation as political representation (i.e. representation as speaking for another) and representation as depiction in writing, art or other mediums. In fact, particularly in their criticism of representation in regards to migration, the two forms of representation are collapsed. This produces a problem because as Gayatri Spivak has explained, while the two senses of representation are related they are “irreducibly discontinuous” (Spivak, 1998, p.70). For Spivak, if a “critique of “ideological subject-constitution within state formations and systems of political economy” is to have a life, then we must not ignore or destroy the distinctions between representation within the state and within political economy (*vertreten*, as it appears in German in Marx's *The Eighteenth Brumaire of Louis Bonaparte*) and representation as re-presentation, or depiction (*darstellen*). What, then, are the consequences of the collapse of these two senses of representation for a theory of representation, any theory of representation and not just the one articulated in *Escape Routes*, for a politicized and political engagement with the violence that is attached to migration? Does this collapse in their work undermine the usefulness of the critique they make and the model they propose? It seems that it does introduce some difficulty for the critique they propose. If representation (as speaking for) is shown to be tied to control, then representation (as depiction) is assumed to be tied to control in the same way, though this is never fully described,

nor the possible differences between the two forms considered or theorized.

On the basis of their criticism of representation as inevitably contributing to a political project of control, Papadopoulos, Tsianos and Stephenson argue that we must break with representations of migration and with the project of representation entirely. Firm in their articulation of the necessity to leave behind projects of representation when it comes to the violence directed against migrants, they focus particularly on the need to stop representing (this time in the sense of depicting) migrants as suffering violence. They advocate, at least at the level of explicit statement, that in fact representing the violence experienced by migrants in relation to the border runs such a strong risk of treating migration as a humanitarian disaster that it must not be done at all. For example, they write:

When we visited the camps in Lesbos, the detainees immediately referred to the scandalous and inhumane living conditions and explicitly requested that we photograph the inadequate sanitary facilities. However, a militant research project and analysis of the border space cannot afford to replicate in its research the usual imperatives of political control which are implicit in the association of camps with battlefields or with humanitarian disasters (p.195-96).

For this reason, the authors of *Escape Routes* refuse to represent or discuss the conditions of the camps (other than through reference to their refusal to describe it, as given in this passage). Instead, they say that their project is, and must be, one of “producing a conceptual framework to elucidate how the spatialisation of social relations functions in the relation between camp and regulation” (p.196). Again, this seems to echo the analysis provided by Sharma and Andrijasevic, in that there is a call to move from a description of violence and toward a more systemic analysis of the production of this violence. However, in this case, the articulation of a need for this analysis comes along with an injunction against describing human suffering, even when this description is explicitly requested by those who live it.

Instead of continuing with a project of representation, the authors propose escape as a mode of creative subversion of regulatory power and as an attack on the subject form and its coherence. This escape is thought of as an intervention in the field of representation that allows for subversion and freedom beyond regulatory control. The authors of *Escape Routes* write that the politics of escape must not negate representation: escapes of the regime of representation are not alternate representations, but are instead betrayals of representation. Representation must be

used against itself in order to develop a means of revealing “absence, multiplicity, simultaneity and non-identity” (Papadopoulos et al. 2008, p.63). Betrayal of representation is presented as a means of tracing the ruptures and sites where representation is exceeded, where indeed embodiment is excessive of the categories that constitute subjects, and where this excessiveness allows it to escape from the project of control. The authors of *Escape Routes* describe these betrayals and escapes as related to the fictional, and to the policing of the boundary between the fictional and the literal. They see it as possible to bring new modes of being into existence through appeal to the imaginary and the fictional, arguing that when representation insists upon capturing the actual, as opposed to the possible, it polices the boundary between fiction and “the real” and contributes to re-producing only what is already real. In the fictionalized accounts of escape advocated by the authors, they are particularly interested in treating “migration as constitutive moment of the current social transformation” (Papadopoulos and Tsianos 2007, p.6). This is an effortful recasting of debates in migration in which the authors intentionally focus on the agency of migrants and the ways in which migrants and migration are constantly engaged in becoming and in reshaping social and political landscapes. Instead of engaging with migrants as oppressed and helpless bodies, the authors want to recognize migrants as agents in social life, as people with agency who reshape the world around them. In the treatment the authors advocate, migration is a social movement, in both possible senses of the term social movement. It is a social movement of people between different spaces, and it is a movement with the capacity to unsettle the political and social order that attempts to regulate and contain this movement.

Several narratives of escape are included within the text, and these narratives help to better illustrate what the authors have in mind. One is a description of the migrant called “Sir Alfred Mehran,” whose origin and destination, in any conventional understanding of those two terms, are intentionally left out of *Escape Routes*. Sir Alfred Mehran appears in the text only within the Charles De Gaulle Paris airport. Denied entry to Brussels, France and the United Kingdom, he remains within this transit space. Finally granted a new passport, he takes on this new name of Sir Alfred, abandoning the one with which he entered the airport. He is presented by Papadopoulos, Tsianos and Stephenson as existing in the transit space, reshaping

it and how we understand it, and not moving from origin to destination in any sort of linear transit. Another example offered in the text is a description of the migrants who burn their identification documents before crossing the Strait of Gibraltar, and in this way obscure their country of origin in an effort to avoid deportation. These migrants become burners practicing “dis-identification” in Papadopoulos, Tsianos and Stephenson's terminology. They elect for a voluntary “de-humanisation” in stripping themselves of name and of documentation that identifies them within the nation-state governance of the world, and they run. These migrants are all becoming, new shapes who exist in transit and in novel states. They are full of action. They break with the politics of control, claim Papadopoulos and Tsianos, by voiding the logic of representation, and in this way escape the normalizing regimes of representation. They do not ask to be included in representation, but in fact strategically employ a destruction of their own juridical representation in order to subvert systems of governance and to move and live more freely.

In reading the descriptions of migrants offered by Papadopoulos, Tsianos and Stephenson it becomes apparent that the particular modes of writing about migration are important. That is, in practicing a betrayal of representation not only is what is selected for representation important, but also, precisely, how these selections are represented. The authors choose to shift their focus temporally from the moments in which migrants undertaking unregulated crossings are stranded at sea or are lost in the desert, to the moments when they are instead waiting in airports, or when they are burning all papers that identify them before they embark. They also choose, however, not to focus on the suffering that the indefinitely extended incarceration in the airport might evince, or the sense of desperation that may have fueled these burnings of documents, and the experiences that await these migrants setting out across the Mediterranean. Instead they write of the actions, the positive motions, of the migrants themselves. They write of these experiences and actions as productive. In particular, they look at how these experiences and movements reshape the space of migration. More specifically, the authors are interested in moving from a consideration of how migrants are shaped by the space of migration, which might be the more traditional perspective, to one that considers how migrants shape that space. In the case of the narrative of Sir Alfred Mehran, remaining in the airport indefinitely becomes not evidence of violation and exploitation, but instead as a space of

productive reconfiguration of the social world. It is also worth noting that in these descriptions of escape the two forms of representation are being connected and perhaps blurred. Those who burn their national origin documents are obscuring which state is legally meant to represent them. In describing these migrants in an unorthodox way, the authors are also insisting on representation as depiction that doesn't conform with most familiar descriptions of these experiences.

While I am sympathetic to the critique put forward in *Escape Routes* of representations of migration that treat it as "monstrous tragedy," and in particular to the claim that these representations participate in violence, victimization, paternalism, and a politic that conspires to consolidate the national borders, I am less convinced by the assertion that it is therefore impossible to write about the violence in migration, and so we must instead write of violent migrations in celebratory ways. Are victimizing representations, which do violence themselves via their modes of discussing violence, and this new model that seems almost a denial of conditions and experiences of violence, the only available alternatives? And doesn't this new model for representation also risk doing violence, exactly by ignoring conditions and experiences of violence and focusing only on the productive forces of migration, thus normalizing and obscuring the mechanisms of power that do produce huge amounts of suffering? Papadopoulos, Tsianos and Stephenson point out that representations do things, that they are not inert mirrors held up to the world, but that as creative and constructive forces they can engage in producing new terms of experience. However, does this mean that it is flatly impossible to discuss the violence that is attached to the experience of migration? And importantly, instead of "escaping," might a refusal of representation (of violence, in particular) not produce the new and emancipatory social relation that is sought, but instead produce a new social configuration moving in the opposite direction – one in which the violence done by the politics of control and the border regime is further consolidated by its representation as a rosy arena of social transformation and agency?

I am not even convinced, reading *Escape Routes*, that Papadopoulos, Tsianos and Stephenson intend to be taken seriously on their reactionary claim. This is because, despite the authors' literal insistence to the contrary, the experience of violence remains marked in *Escape Routes*. Even as they write their alternative

visions of migration and migrants, they see it as necessary to leave a trace: they mention that they have made a deliberate choice not to present migration as humanitarian scandal in their text, even as they find it necessary to mention that they know that migration too often “involves pain, suffering, hunger, desperation, torture, even the death of thousands of people in the sunken ships into the oceans of the earth” (220).³⁹ This marks that the authors do in fact find it necessary to make reference to the violence of migration, even if they only make reference to it through negation. Similarly, the authors tell us that they have deliberately chosen not to present migration in the way that they present it in the passage I quoted above: the authors insist that researchers must not again make reference “to the scandalous and inhumane living conditions” of the detention camps in Lesbos (Papadopoulos et al. 2008, 220) due to the politics of making this reference. Yet of course in making this statement they do in fact make this reference themselves. It seems that instead of literally advocating that no one ever write again of violence in migration, the authors instead exploit the fact that their audience will be well versed in the violence of migration. In this way, readers are forced to read both with them and against them – that is, to both register the insistence on agency and yet also to read what is not explicitly there through exposure to and knowledge of myriad other representations of suffering migrants. It is only for this reason that the authors can refuse to speak of the violence themselves. In this way, Papadopoulos, Tsianos and Stephenson insist upon a particularly educated and socialized reader in order for their piece to not slip into absurd violation and denial – a reader who is already well versed in the tragedy and violence of migration.

Because the book solves the theoretical problem by avoiding it, what this leaves unanswered is the question of how to write of violence and suffering in migration without further victimizing migrants. In order to think further about how this might be possible and also the specific ways that representation of the violence of migration may politically reinforce projects of xenophobia and Western superiority thereby contributing to discourses of victimization, in the rest of this chapter I will look in detail at two examples of representations of experiences of

³⁹ This particular description of migration shows that the authors are likely thinking in the particular European context, even while not marking this. While in European space the spectacular means of entry for illegalized migrants is to cross the Mediterranean, many illegalized migrants globally do not travel via water.

violence in migration. Given the arguments around the representational effects of politicized accounts of migration, I am particularly interested in the ways representations of violence which belong to political projects explicitly interested in contesting the violence of the border may ultimately – if unintentionally – reproduce violence. To what extent are projects that seek to politically challenge the border relying on the very mechanisms of distinction that they might wish to challenge? In what ways might they be implicated in perpetuating, or reproducing, the violence they set out to address? The examples I have selected are two reports published by well-respected groups working to challenge the violence of borders. Both reports were published as an exposé of violence in migration, with the stated intention of revealing and confronting this violence.

Humanitarian Crisis: Migrant deaths at the US-Mexico border

The first example I have chosen is the report *Humanitarian Crisis: Migrant Deaths at the U.S. Mexico Border*. It is an October 2009 joint publication of the American Civil Liberties Union of San Diego counties and Mexico's National Commission of Human Rights. The seventy-six-page document, written by María Jiménez, describes the experiences of migrants who cross the US border through remote desert locations. In large part, it describes this experience in terms of death: the risk of death, the number of deaths, and the possibility to prevent death. These morbid statistics are compiled first in the section titled “A Failure to Calculate the Dead,” which reports death totals by year and by section of the border. The causes are then analyzed in the following section, “The Deadly Journey.” The report is illustrated with a number of images taken from the film, “The 800 Mile Wall.” Given that the images are taken from a film, they work as loosely affiliated illustrations of the text. The images are largely of memorials left to those who have died while attempting to cross from Mexico into the United States. Other images show the bodies of migrants who couldn't finish the journey, and still others depict the injuries sustained by those who did survive. Death remains the organizing motif.

The report firmly locates the experiences, potential deaths, and actual deaths of those who cross the border through clandestine desert journey as products of US government policy. In this way, the report gives a political account of the

experiences in and effects of the desert that takes into account history and political context. Statistics are included that number the deaths that take place each year in the desert. These are drawn together with a history of the policy changes that have pushed migrants unable to enter the US at official ports to increasingly remote sites, leading to lengthier and more dangerous passages. Testimonies of migrants about their own experiences in crossing the border are included as inserts alongside this material. The point that is developed and supported by this material is that the US border policy changes that have led to increased policing at the geographic border have also led to an increase in migrant deaths at the border. The report even includes a section that calls out border patrol search and rescue activities for being hypocritical, due to the agency's position as the cause of the experiences that expose people to harm in the first place.

Following the extended presentation of death and the US-Mexico border, the report describes the work of humanitarian organizations active in the region. It dedicates fifteen pages, or 25% of its total length, to this description. The section is titled, "Saving Lives: A Humanitarian Urgency to Reduce Deaths and Suffering," and it celebrates the importance of the interventions of these groups as "life-saving" and noble. The work of the organizations is treated as a possible solution, and certainly as a counterforce, to the suffering and death that has so far been described in the report. The migrant solidarity organizations that are mentioned include Angeles del Desierto, Water Station, Humane Borders, Samaritan Patrols, No More Deaths, and Paisanos al Rescate. Because these groups are presented as being so significant within the context of the report, their particular projects are also important to my analysis of the report and the politics of its representation.

The seven groups the report mentions are humanitarian organizations. They represent a mix of approaches, politics and religious affiliations. Some of the groups explicitly collaborate with Border Patrol, while others imagine themselves as left activist groups that challenge the abuses of border patrol. There is a general tendency amongst the groups toward intervening at the level of the physical survival of migrants. There is an even stronger tendency toward emphasizing intervention at this level in the report. Most of the organizations are described as seeing it as their responsibility to provide water (in one way or another) to migrants who make the desert crossing. The provision of water can be seen as providing for a basic and

essential physical need of migrants, but also as a minimal intervention. The provision of food and medical supplies is a similar mode of basic intervention that is concerned with the support of the physical life of the migrant. Other forms of work, such as advocacy and interviews, work toward an intervention on humanitarian grounds that is also a form of political contestation. These interventions have a different politics in that they contest the conditions faced by migrants, as opposed to only helping to make the conditions survivable.

Because the groups are different from one another, I will briefly describe what each group does. The first group, Angeles del Desierto (Desert Angels), is one of the organisations that aligns itself with border patrol. It is a cross-border search and rescue organisation, and it collaborates both with Border Patrol and with Grupo Beta. Grupo Beta is an organisation run by the Mexican government and dedicated to providing (minimal) material aid to migrants. It also assists migrants with returning home when they have been deported or detained.⁴⁰ The second organization mentioned in the report, Water Station, is an example of an organization that works to keep migrants alive during their journey. Water station, true to its name, places water stations throughout the desert in California, so that migrants crossing have access to water during their journey. Given the temperatures and arid climate, dehydration during the crossing can be deadly. At the time of the report's publication, Water Station reported maintaining 340 water stations in California. The third group, Humane Borders, is Arizona's faith-based version of this project, and at the time of the report's publication it maintained 100 water stations. In addition to dispensing water, Humane Borders also leaves clothing and medical supplies at the stations, advocates for immigration reform, collaborates with the University of Arizona on projects that attempt to map the deaths of migrants and also provides cell phones to migrants so that they can call for help when in danger. The maps the group produces are printed and displayed in migrant aid stations throughout the border region (see figure 1). They show the sites of recorded migrant deaths, the number of days walk to reach these points, and say in Spanish: Do Not Go! There is not enough water! It is not worth it!⁴¹

⁴⁰ http://www.inm.gob.mx/index.php/page/Grupo_Beta

⁴¹ The smaller text on the left hand side provides more practical information. It reads: Information for migrants: Crossing the border by walking through the desert is dangerous and can result in death. If you decide to cross the border on foot, prepare yourself well. Go with people you know

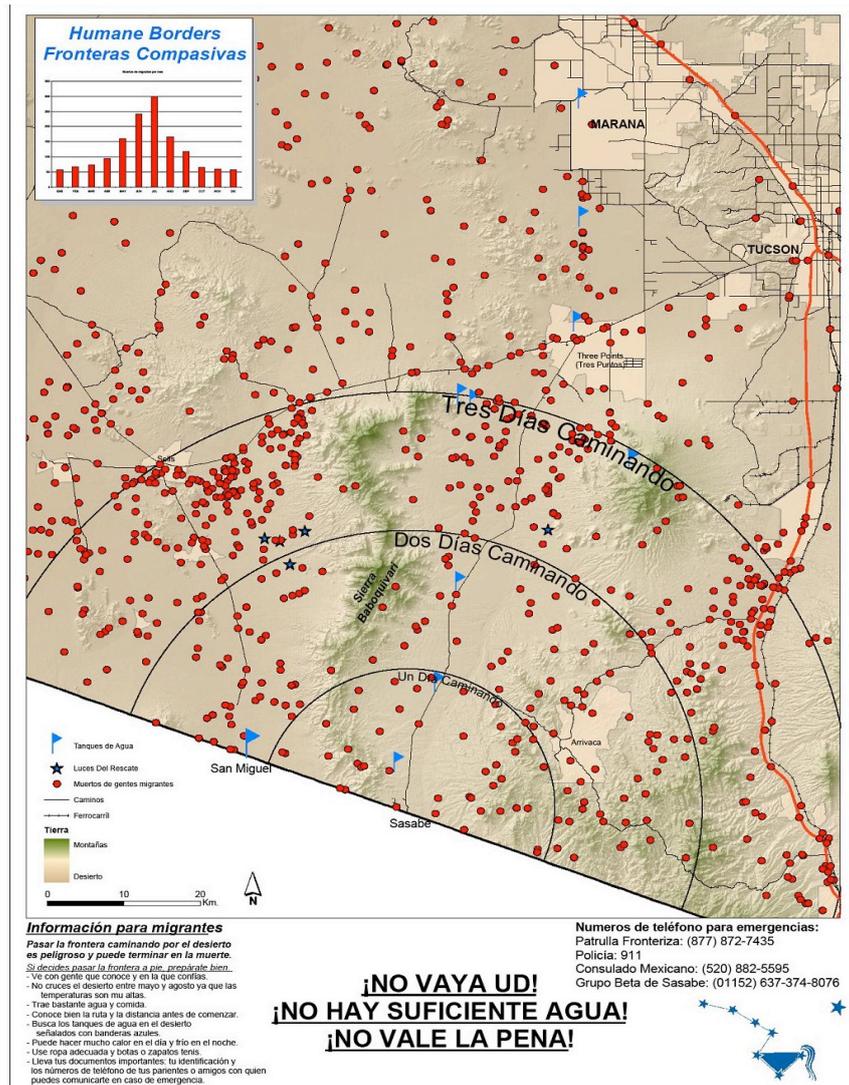


Figure 1: Map produced by Humane Borders

The fifth group, the Samaritans, is located in Tucson and describes itself as an “interfaith ministry of volunteers.” The Samaritans patrol the desert in marked vehicles, with medical supplies, food, water, and with at least one person fluent in Spanish. When needed, they transport migrants to the nearest medical facility, first notifying border patrol. The sixth group, No More Deaths is also an Arizona-based organisation, formed by faith leaders and social activists. The group maintains desert and border aid stations, providing food, water and medical assistance. The

and trust. Do not cross the desert between May and August because it is very hot during this period. Bring enough food and water. Know your route well and understand the distance you must travel before beginning. Look for the tanks of water in the desert marked with blue flags. It can be very hot in the day and very cold at night. Wear adequate clothing and boots or sneakers. Bring your important documents: your identification and the phone numbers of your parents or friends you can contact in case of emergency.

organisation also works to document human rights abuses of migrants, primarily by interviewing migrants and producing reports that document the abuses. No More Deaths is the most left-wing of the various groups and sees its mandate as engaging in direct humanitarian action to address the emergency caused by border and immigration policy. Finally, Pasionos al Rescate is based in Texas. Founded by an amateur pilot, the group flies over the desert, dropping water bottles attached to parachutes to migrants spotted in the desert.

In the report *Humanitarian Crisis*, following the description of these seven groups and their activities, there is a discussion of the way the dead are mishandled in migration and then a concluding section. The report's conclusion includes recommendations for policy changes which, in the language of the report, "provide legal and safe avenues for crossing the border" to migrants (Jimenez, 2009, p.56) and which would allow for humanitarian organizations to do their work unhindered by government intervention. The policy changes which the report imagines as leading to improved crossing conditions for migrants include demilitarization of the border, the legalization of those who are undocumented and already living within the United States, increasing the number of visas available to people from Mexico, and the development of a guest worker program, among other things.

Who is the migrant?

In thinking about how this report describes migration and the politics of its choices, I want to start with the question of how it imagines and positions the migrant. Who is the report written about, who is it not written about, and what are the consequences? The report's subheader informs us that it is a report about death: specifically, about "migrant deaths at the US-Mexico border." Who are these migrants who are described through their relationship to death?

In *Humanitarian Crisis*, a very narrow and highly specific type of migrant appears, even though this person is referred to, in a sort of shorthand, as an undifferentiated "migrant." This particular migrant is someone who has entered or will attempt to enter the United States without legal permission to do so; who will make this attempted entry across the geographical land border from Mexico; who will do so on foot; and who is, possibly, Mexican by nationality. This migrant is understood as the person in desperate need of water in the desert; the person preyed

upon by *bajadores* and *coyotes*; and, above all, the person who is stalked by death in attempting to cross from one national space to the next. Not only is who is counted as migrant very limited in this treatment, but the conception of the migrant who does inhabit this position is stereotyped and limited in particular ways which make vulnerability and exploitation hyper-visible, while obscuring other dynamics. The focus is on death and on the need for water in the face of immediate risks to life. If it is clear that this perspective on migration is narrow and limited, then who or what is excluded and what are the consequences of this exclusion? How do these representations of migration both reflect and shape not only who is thought of as migrant, but how migration is conceptualized? Migrants do not all travel in the same way, do not all enter into illegality in the same way, and indeed do not always enter into illegality. Instead there are many ways of traveling, of becoming illegal (or legal), and of residing in a state where one is not a citizen – in other words, of being migrant.

The most obvious effect of focusing on migration that involves people moving clandestinely across the geographical border from Mexico into the United States is to make this particular type of migration hyper-visible. In this way, a particular stereotype of who the migrant is in the United States recirculates: poor, without documentation, Mexican. Focusing on this particular type of migration makes other forms of migration disappear. Migrants move between nation-states in many different directions and in many different ways. International students are migrants; those who immigrate in order to take up a professional job are migrants; and the children these workers may bring with them are migrants too. However, as Bridget Anderson has observed in her paper “Troubling Illegality,” “As much for research as for enforcement agencies and the tabloid press, the wealthy and the white rarely figure as migrants, let alone illegal migrants” (Anderson, 2011, p.4). The exclusion of these migrant groups (the wealthy and white) from the conception of the category of migrant points to the ways that in fact the term “migrant” is generally used to refer to racial and economic features of mobile populations, rather than to mobility itself. In other words, the term migrant works as a category name that tends to obscure what it names. Those who are termed migrant are not only *not* representative of migrants in general, but what is being named is not their status as migrants, but something else. What is this something else?

It is even more pointedly the case that the name does not name what it claims to mark for those who are termed “illegal migrants.” In her book *Making People Illegal* Catherine Dauvergne observes that while the category of the illegal migrant is in fact empty of content, in that it describes merely a legal relationship and nothing about the identity of those to whom it is applied, it is imagined as applying to a specific group of people who are determined not, in fact, by their having violated immigration law, but by other features. She explains, “While any number of people may infringe migration laws and regulations, the label adheres better to some than to others. We imagine illegals as poor and brown and destitute. The backpacking tourist who overstays her visa and the businessperson who fails to renew papers on time are not who comes to mind” (Dauvergne, 2008, p16). In actual legal fact, those who are imagined as “illegals” are not those who are disproportionately and factually without legal status in a country. For example, Dauvergne mentions that in Australia in the years of 2005-2006, the largest number of people who were officially illegal in the country were tourists who had overstayed their visas and that Americans represented the largest nationality group amongst these illegals. This points to the gap between what is technically identified as illegal migratory practice by the state and the identity that has been stereotyped as belonging to the so-called illegal migrant.

If the category names of both migrant and illegal migrant are not in fact generally used to name what they seem to name, and if it is not in fact illegality in relation to the law that is referenced when someone is labeled an “illegal migrant,” nor living outside of the country where one holds citizenship that makes someone a “migrant,” then what does? What happens when migration is discussed only in relation to a particular group, with a particular experience? What is being discussed, in fact, is not really migration at all. Instead when the terms “migrant” and “illegal migrant” are invoked, those who are addressed are generally defined by features of race, class and, to a lesser extent, gender (migrants tend to be strongly identified as male, in most instances). In this way, the terminology of “migrant” works as a sanitizing cover, claiming – through foregrounding - that human mobility is the issue, whereas what in fact is enacted is a highly charged race and class-based set of exclusions. The continuing discussion of this sort of migration could reflect an obsession with the mobility of some, and in some cases, even an attempt to control this mobility. We see this mobility; this mobility is a problem; this mobility must be

controlled. Concern with migration can become a convenient means of speaking about racist fears – of invasion, conquest, and most directly of US (and European) national spaces becoming less white.

The depiction of “migrants” in the report conforms to the general, exceptionalising treatment of migrants in terms of who it identifies and upon whom it focuses. In *Humanitarian Crisis*, those who are migrants are those who are undocumented, forced to travel on foot across the desert, risking their lives. They are non-white and imagined as impoverished and desperate for survival. In this way, the report could be seen as feeding into a dynamic of allocating disproportionate attention to a certain type of migration, making this sort of migration exceptionally visible. A generous interpretation of the reports and their choice of subject matter would be that the extremity of the situation faced by migrants who move in clandestine ways across a closed and militarized border has elicited a well-meaning response: a desire to foreground this experience so as to challenge it. I would like to assume, and indeed the reports both make statements to this effect, that it is because the described conditions are so concerning that they have been selected as deserving of exposition. In other words, the publication of the reports could be seen as an attempt to draw further attention to violations faced by a particular group of migrants in order to counter these violations by showing them to be scandalous. The problem, however, is that the tactic inadvertently extends the problematic stereotyping of migrants by contributing to the hyper-visibility of certain migrant experiences.

Migrant deaths: mourning and agency

In addition to a narrow focus on a particular subset of migrants (as migrants), the report also engages with this group of migrants in a very narrow way. In particular, what is emphasized about these migrants is their relation to death. They are depicted as helpless (and hapless) bodies in the desert, stalked by death, and quickly becoming corpses. In this way, the report presents a very specific account of even this undocumented and clandestine passage and renders it in a very specific way. What are the effects of describing the deaths of migrants and of describing migrants primarily in terms of their relation to death?

It is likely that the description of migrant deaths is meant to speak back to the cultural acceptance and normalization of the deaths of migrants. After all, part of the

point made in the report is that migrant deaths are built into policy and are made possible through the de-facto official toleration, if not sanctioning, of these deaths. Culturally, these deaths tend to be forgotten, ignored, or otherwise not treated as important. Judith Butler has described in her work the way that whose life is considered grievable is also bound up with whose lives are counted as lives (2003, 2004, 2010). In this way, noticing where a life is not grieved may mark where life is not grievable, and therefore also not recognized as a life. Butler points to the way that there is a hierarchy of grief, in which some lives are treated as counting more and are also grieved more, while others do not count in the same way. Their lives are treated as unreal, and the violence that is committed against these lives is also considered unreal. These lives “cannot be mourned because they are always already lost or, rather, never were” (2003, p.22). Racism is one of the ways that some lives are produced as ungrievable, their loss not regarded as a loss (2010, p.24). If we think of the lives of the migrants who die while crossing the US Mexico border as people whose lives are not treated as recognizable lives, and whose deaths are ungrieved and ungrievable, then does focusing attention on these deaths (an attention that is often absent) begin the work of addressing this problem? Does it, in beginning to attend to these deaths, mark that a life has been lost, and that this is a loss?

It could. What I think *Humanitarian Crisis* does well is make the case that the deaths of these migrants matter by insisting that these deaths be written, read and thought about. Instead of passing without comment, the deaths appear and their occurrence is described as a crisis. However, what concerns me in the report is that migrants fail to come out of the discussion of death described in any other way than through this relationship to death. This poses a problem that can also be thought of through Butler’s work. In Judith Butler’s work on grievability, she uses the obituary as a point of reference. The possibility of an obituary shows us something about the possibility of mourning a life, and therefore also about that life. She writes that if it is impossible to publish an obituary for a Palestinian killed by Israeli troops, and instead Palestinian deaths appear not in memorial of individual lives but in death statistics, it is only too possible to publish an obituary for every single US citizen who died in the towers on September 11th, 2001. What is included in an obituary is not a detailing of death, but a memorial of life. In fact, obituaries do not, as a rule, discuss the conditions of death. On the other hand, for those without obituaries, if the

death appears at all, it will appear only as a death: as a tally in a death count or in a description of the conditions of death. Therefore, if what is needed is to recognize that deaths matter because there are lives lost that matter, then it is important to do more than list death statistics and descriptions of the violence a person was (and if still living, may still be) exposed to. And yet this is what *Humanitarian Crisis* primarily does: it describes death and tragedy, not life.

Perhaps *Humanitarian Crisis* serves its policy purpose by drawing attention to the deaths of migrants as a political problem that requires care and attention. A case is made to think of these deaths as a serious problem, and to address this problem. These deaths do deserve that. However, if the report is thought of in terms of its discourse, then by remaining bound to a discussion of death, even while insisting that the deaths of these migrants matter, *Humanitarian Crisis* may not do enough to figure these migrants as people with lives or as people who do more than die. Another way of saying this is to say that the lives of the dead are not humanized in the report – and so the human lives to which they belonged are absent. Instead, the migrants are figured only through their deaths. In order to construct this exclusive relation to death, there is much that is excluded from the report.

One potential problem in the report is that migrants are described only as victims, suffering and helpless. There is no sense of migrants as intelligent people with agency, negotiating difficult situations in ways that require both strength and ingenuity. Putting to the side for a moment that most migrants do not enter countries by clandestine means, and are in fact far more likely to enter with a visa that later expires if they are to become illegal, it is also not the case that all who do enter the country without legal permission do so in quite such desperate circumstances. I say this not in order to downplay the amount of human suffering that takes place at the geographical US-Mexico border, but instead to think about how focus on this suffering feeds a particular account of migrants as victims. How could including differing, complicated stories change the story?

Even when making a migratory journey that would be considered illegal by the border authorities, extended treks across the desert are not the only means of entering the United States. They are not even necessarily the most common ways of entering these spaces extra-legally. For example, one alternate means of crossing the geographical border between Mexico and the US is to purchase documents that will

allow official passage at a port of entry (Castro, 2008). Another is to pay off border guards in exchange for entry, a practice that has increasingly been the subject of media reports in the US.⁴² If representations were to focus on (or even allow for) the ways migrants cannily navigate violent border regimes through creative tactics such as borrowing the travel documents of others and misdirecting the agents who inspect them — and indeed sometimes pay the agents off — a different understanding of migration would become necessary. Instead of seeing migrants as passive victims, unable to protect themselves, it might be necessary to acknowledge the creativity of the tactics used to subvert border regulations and border policing and the bravery required for these acts. Migrants are not passive, dying bodies; they are people who are caught up in a violent system, but who are engaged with this system, and struggling to make their lives work in whatever ways remain possible.

Saviours and superiority

The need to save migrants from the ravages of undocumented passage is articulated as an opening premise of *Humanitarian Crisis*. The preface introduces the report as an attempt to describe “the unacceptable human tragedy that takes place daily” in the border region (Jimenez, 2009, p.3). It is also described as “the sounding of an alarm for a humanitarian crisis that has led to the death of more than 5,000 human beings” (p.7). There is no doubt that the violence generated at and by the border does signify a crisis, and that likewise the amount of suffering generated at and by this border should be a focus of public outrage and political scandal. There is also no doubt that when someone is dying of dehydration the very least that can be expected is that those able to do so will offer water. What concerns me in the description given by the report, however, is the way that treatment of migrants only in terms of death is used to foreground those engaged in humanitarian work as saviours. What is the relationship between the representation of migrants as threatened by death and the positioning of humanitarian organizations as those who rescue migrants? In what ways does a focus on death allow for those working in the United States to be

⁴² For example, see: ‘Corrupted Gatekeepers’ available at <<http://www.pbs.org/frontlineworld/stories/mexico704/history/gatekeepers.html>>; and also ‘Mexico drugs war: Corruption grows on US border’ available at <http://www.bbc.co.uk/news/world-latin-america-13723991>

positioned within the report as uniquely able to "save lives," and possibly even as inherently superior – more able to navigate the world, more able to make rational decisions, more able to know what is best?

The language of saving migrants is explicit in the report. The section of the report that immediately follows the recitation of death at the border (entitled: *The Deadly Journey*) is a celebratory description of the humanitarian organizations that work to prevent these deaths and is entitled *Saving Lives: a Humanitarian Urgency to Reduce Deaths and Suffering*. In some cases, the names of the organizations themselves also use this language. For example, the group "Angels of the desert" (Angeles del desierto) which positions its members as "angels," and the group "Countrymen to the rescue" (Paisanos al rescate), which positions itself as "rescuing" migrants from the desert both do this explicitly. The eight pages of the report offered to the description and celebration of the work of these organization makes it read, momentarily, as a funding appeal, though it is not. The report remains a policy document that urges the United States and Mexico to intervene and to change what the report describes as "the deadly policies that foster these fatalities" (Jimenez, 2009, p.54).

The effect of the celebratory language around the work of humanitarian organisations is to present the violence experienced at the border in terms of two, dichotomous groups. One group is those who are engaged in humanitarian rescue. This group is privileged, unviolated and filled with the possibility to intervene in the border's violence through acts of pity or benevolence. This group's ability to take action against the violence of the border is extensively evidenced in the report, and the report could even be read as an appeal to others (potential humanitarians) to join in this work. The group against whom this group is contrasted is the group of migrants who are the victims of violence. This group, as represented in the report, undertakes long, dangerous and uncertain journeys across the desert. It is a group that needs water, food, medical assistance, and other forms of care. These migrants are targeted by the border, exploited and victimized by it; their agency is either absent from the representation or not presented as extending far enough to include self-care. The group engaged in humanitarian rescue could not exist without someone to rescue. In this way, they are dependent on the migrants, and the migrants' need of care, in order to come into existence.

It seems that a particular engagement with and understanding of migrants as victims who are exploited and vulnerable may perpetuate a position of superiority for the humanitarian actor who, by virtue of the desperation of the migrant, is then poised to come to the rescue. The death statistics and the recitation of the extreme violence enacted by the border both preface and make possible the celebration of intervention that follows. Migrants appear in the report as white crosses, coffins and corpses in an attempt to point to the violence and tragedy unfolding at the border. What does not appear is a live migrant, intervening in these mechanisms of violence. Instead a "civil society" comes to the rescue of the migrants and engages in heroic tasks such as conducting "search and rescue" missions, leaving water in the desert, providing food, medical aid and donated clothing to migrants, and recovering bodies from the desert. In this way, what is set up by the report is a distinction between those who need to be saved and those who are positioned to save.

In her discussion of human rights work, Gayatri Spivak mentions in her essay "Righting Wrongs" (2001) that the project of human rights is not only about having or claiming rights, but also about dispensing rights or "righting wrongs." In this way, Spivak draws attention to the ways that human rights work necessarily relies on two discontinuous groups. One of these groups is charged with righting wrongs and the other is the group "who is perennially wronged" (Spivak, 2001, p.174). This distinction relies upon and reproduces a system of global inequality. The assumed responsibility for righting wrongs relies upon the belief that the project of rights belongs to a particular group that is poised to dispense aid and to redress wrongs. This entails the conviction that this group is indispensable to the project of human rights, and even that it is a group that is more capable, indeed "better," than those who are wronged. In this model, not only does perceived superiority allow one to position oneself as responsible for righting wrongs, but "righting these wrongs" can serve to further entrench and prove this distinction and certainly does nothing to undo the class structure that has positioned one as righter and one as wronged. In a language that intentionally evokes colonial relations, Spivak writes that, "the idea of human rights, in other words, may carry within itself the agenda of a kind of social Darwinism – the fittest must shoulder the burden of righting wrongs of the unfit..." (Spivak 2001, p.524). What stands out in this language is that those who are in need of aid are constructed as the "unfit" because of their need.

When *Humanitarian Crisis* celebrates the work of organizations who are "saving lives" at the US Mexico border, these celebrations are structurally dependent upon understanding migrants as in need of rescue – as the "unfit," using Spivak's language, who must be saved because they cannot save themselves. When a migrant is "saved," it does nothing to alter the structural relations that positioned her as in need of saving. Instead, the humanitarian engagement with migrants as represented in *Humanitarian Crisis* works to further confirm the dependency of migrants and the saving power of the humanitarian aid worker. In this way, the representation offered in the report, at least in this sense, mimics the divisiveness of the border, especially if the border is understood as an instrument that privileges one at the expense of the other. The humanitarian response of pity felt toward the other, along with the celebratory representation of this experience of pity, enables the privileged to once again emerge as superior. It is the humanitarian aid worker who is able to engage in a situation, improve it, and in doing so not only reconfirm her capacity and agency, but also fundamental moral goodness. Those in need of aid, on the other hand, remain passive, dependent on the good will of others who are more capable.

This sort of representation may do more than merely mimic the border. William Walters has suggested that humanitarianism, which might first be thought of as transcending borders, may also produce its own sort of border (2011). Walters understands the humanitarian as the implementation of a moral principle that treats the preservation of (biological) life and the alleviation of (physical) suffering as the highest aims. He argues that the administration of this humanitarian principle creates a "complex domain" that has its own specific forms of governmental reason. The humanitarian border forms around an understanding of the border as a matter of life and death and emerges as a new way to govern the situation. Its emergence is dependent on granting authority to certain expert populations while simultaneously designating others as victims. Certain forms of knowledge are central to the emergence of the conception of the humanitarian border, such as medical and legal knowledges. He writes that the humanitarian border therefore holds "in an uneasy alliance a politics of alienation with a politics of care, and a tactic of abjection and one of reception" (Walters, 2011, p.145). Another way of thinking of the relation staged in *Humanitarian Crisis* between the two positions offered – the migrant victim and the humanitarian saviour – is to think of it as a the staging of a

humanitarian border. This sort of bordering doesn't only mimic the geographical border, but is an important site of bordering in its own right. The representations of situations that explain and provide the rationale for humanitarian work can also be seen as enacting borders themselves.

The dispensation of care by the benevolent European in order to save the suffering other, who is understood as inferior and unable to care for the self, has an imperial history. The project of empire is a civilizing mission that imagines Europe as uniquely prepared to rescue those who are regarded as unable to rescue themselves. This civilizing mission involved violently integrating the colonies into European culture by understanding colonial spaces as lagging behind universal historical progress (with Europe placed as the pinnacle of this progress) and those residing in the colonies as less evolved. As Anne McClintock describes it, "imperial progress across the space of empire is figured as a journey backward in time to an anachronistic moment of prehistory" (1995, p.40). On this basis, those residing in the colonies are understood as prehistoric and irrational, without the faculties to have agency themselves. Given this positioning as savage incompetents, if there is to be civilization, empire-thinking designates the imperial power as uniquely capable of bringing this about. The rescue mission belongs to Europe, because Europe alone has access to rationality and capacity. It is this construction that sets up relationships such as that between Britain and the practice of sati, or widow sacrifice in Hindu law in India, the example Spivak works with to describe the colonial relationship in "Can the Subaltern Speak?" The point she makes is that the British could (can) not imagine the practice of sati as anything other than "victimized women going to the slaughter" (p.298) because they do not understand and cannot imagine the complexity of the practicing communities, and cannot do anything but mute the women involved and insert them into a European script. Because they interpret it in an imperialist way, it also becomes possible for them to position themselves as the saviours of the women. Imperialism presents itself as the establisher of the good society (Spivak, p.299). In this way, contemporary humanitarian discourse uses similar rhetorical techniques to empire.

Representational politics

Humanitarian Crisis is a report that explicitly condemns US government policy for the fatalities that take place each year at the geographical border between the United States and Mexico. It includes a discussion of historical changes in border patrol that have led to the increased danger of crossing this boundary without legal permission to do so that is not dissimilar to the history of these policies that I provided in Chapter Two. The report also clearly states repeatedly that the violence and deaths that take place at the geographical border are an effect of government policy. In this way, the report offers an account of the violence and deaths that take place in the desert at the boundary between the United States and Mexico that is decidedly political.

Despite this historical context, and having identified the violations of migrants as political effects of state policy, the report discusses migrants in a way that overwhelmingly focuses on victimization and that does not challenge the ways that this position is maintained. On page after page, migrants appear as passive and suffering, in need of rescue. These migrants are addressed exclusively in terms of their physical needs for survival or their failure to survive. Intervention becomes about maintaining life, at the level of preventing death through dehydration, exposure, and heat stroke. This preoccupation with physical survival, divorced from a consideration of other measures of life or from the politics of the choices that lead people out into the desert, even inspires one organization included in the report to encourage migrants not to make the journey. There is generally an uncomfortable alliance in the report at the moment when it most strongly emphasizes physical survival above all else with the politics of the border patrol, and with groups that collaborate with border patrol, including Mexico's Grupo Beta. This is despite the report's inclusion of a critique of the border patrol as hypocritical for engaging in some amount of "rescue" activities of those in dire physical need while also persecuting migrants.

Is the victimization and bordering represented in the report a failure of the politics of the report, or a failure of a political and contextualized account of migration to address the broader politics of representation? Does it challenge the idea of Sharma and Anrdijasevic that a historicized and contextualized account of migration which locates the source of violence with the activity of the border is able

to provide a better representational politics or does the report just fail to carry its politics through? The report seems to position humanitarianism, and humanitarian intervention, as a politically pure activity. To cause death is bad; to rescue from death is good; and to cause death and then rescue from death is hypocritical. What the report doesn't consider is the political implications of representing people in terms of their exposure to death or the ways that certain ways of engaging in rescue can produce divisions between people that rely on stereotyped understandings. In this way, the report does not offer a representation of migration that avoids victimizing representations. Instead the representation of violence given in the report reproduces a victimizing discussion and recirculates stereotyped knowledge. There is no doubt that the politics of the report become uneven as it switches from its historical account of border violence to its celebration of humanitarian rescue. It fluctuates between a strongly contestational indictment of the government for its policies that place migrants in danger and a more liberal humanitarian call for relief from death that does not more broadly challenge conditions for illegalized migrants or the implications of border policies on the lives that are lived by migrants.

That this uneven politics can exist, however, points to the inadequacy of addressing the problem of representation only in terms of providing a historicized account or locating blame with government and capitalist practice. As the report shows very clearly, an account of migration that is victimizing can exist alongside an account of the violence of migration as an effect of government policy. It therefore shows that more is necessary in representational practice than merely contextualizing the experiences of violence. Does it, however, mean that representation of this experience of violence is impossible without reproducing a victimizing discourse? Is it necessary to go to the extreme of refusing to discuss violence at all in order to avoid reproducing the violent representation of migrants as (only, and essentially) victimized, suffering populations?

Pushed Back, Pushed Around

In pursuing this question, the second report I want to consider is *Pushed Back, Pushed Around: Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers*. This report was published in

September 2009 by Human Rights Watch, making it a near simultaneous publication with *Humanitarian Crisis*. It moves the discussion from the US-Mexico border to another of the world's heavily defended and closed borders: that at the edges of Europe. The border between Mexico and the US and the space of the Mediterranean that separates Europe from Africa are both sites of major south-to-north migration. In both cases, the boundaries divide regions of economic prosperity from regions that are less prosperous. In looking at human rights reports from both of these regions, I am interested in the ways that the two reports from the two regions compare with one another. This report particularly approaches migration toward Europe by looking at Libya as a site of departure from Africa. The report focuses on the relation between Libya and Italy because at the time of the report's publication, Libya was one of the primary embarkment points for migrants from Africa who took the Mediterranean route toward Europe. As with the previous report, in looking at *Pushed Back, Pushed Around* I am interested in the choices that have been made in approaching and presenting the situation, how migrants have been positioned and constructed, and the relationship of the report's writers and imagined readers to the violence that is described.

In ninety-eight pages, *Pushed Back, Pushed Around* looks at the treatment of migrants, asylum seekers and refugees in Libya. It does this through the use of interviews conducted with those who are now in Italy and Malta. It states its goal as first to hold Libyan authorities responsible for their mistreatment of migrants, refugees, and asylum seekers, and by extension to thus improve conditions for migrants, refugees and asylum seekers in the country. The report's second goal is to hold the Italian government, the EU and Frontex accountable for not assessing the needs of people before they are deported to Libya. In a wider sense, the report presents a case against deportation from Italy to Libya. This makes *Pushed Back, Pushed Around* somewhat different from *Humanitarian Crisis* in terms of both its content and goals. Unlike the first report, it is not the conditions of crossing for those who move by unofficial means between Libya and Italy that are under scrutiny, but instead the conditions of detention in Libya for those who have attempted this journey. However, it still is a report that includes an explicit critique of the practices of governments in producing and exacerbating experiences of violence in migration, and therefore its politics are of interest in terms of the ways this political treatment of

the situation does or doesn't reproduce victimizing language around migration.

Pushed Back, Pushed Around opens with a fifteen-page summary and a photo-essay. Eight photographs, five of which are printed as two-page spreads, are featured alongside the summary of the report's major objectives and findings. The photographs document the encounter between an Italian patrol boat and irregular boat migrants, as the report terms them, that took place on May 6th and 7th, 2009. Incongruously the text printed alongside these images describes the report's aims, methodology, the general migration relationship between Italy and Libya, and conditions in migration detention centres in Libya. In other words, the textual summary offers an in-brief overview of the report's full scope alongside visual illustration of a single encounter between an Italian patrol ship and migrants who were encountered in the Mediterranean. In that the report is primarily concerned with the conditions inside migrant detention centres in Libya, this seems a somewhat odd photographic choice, as the visual and textual material are effectively focusing on two distinct situations without explicit reference to the connections that can be drawn between them.

Following the opening summary, recommendations, research methodology, and terminology are set out. One page of recommendations is directed at Libya and calls for improving the treatment of migrants in the country in a variety of ways. The other page and a half of recommendations are directed at Italy, the EU, Frontex and the UNHCR and generally call for an end to deportations to Libya. Following this, the two-page summary of the report's methodology describes the 92 interviews completed with migrants in a variety of sites (Libya, Malta, Sicily, Lampedusa, Rome). While the report predominately aims to describe conditions in detention centres in Libya, none of the interviews were conducted in these centres. The report does not state what migrants were interviewed about, although given the content of the report it can be assumed that they were interviewed about the conditions of the detention centres where they were held while in Libya. Finally, a one-page section on terminology reflects on and clarifies the usage of the terms "migrant" and "smuggler" within the context of the report. Specifically this section attempts to differentiate smugglers from traffickers, while recognizing that the distinction is not in fact a firm one, and it attempts to clarify the differences between migrants, refugees and asylum seekers.

The rest of the report develops two major themes. The first of these discusses the relationship that has been negotiated between Libya and Italy in policing and controlling migration and corresponds to the second stated goal of the report (to hold Italy, the EU, and Frontex responsible) and to the second set of recommendations set out at the beginning of the report. This material is presented through five sub-sections that consider Italian-Libyan friendship; interdiction and non-refoulement; the approach of the EU to Libya; Maltese and Libyan interdiction prior to May 2009; and failure to rescue boats in distress at sea. The goal here is first to detail the collaboration of Italy with Libya on migration issues, to then situate this collaboration within wider EU policies addressing migration and mobility, and finally to undermine the claim that these projects might be motivated by a sense of humanitarian responsibility toward migrants who cross the Mediterranean in boats. Collaboration between Italy and Libya that is mentioned by the report includes the friendship pact negotiated between the two countries, cooperation on addressing “terrorism, crime, drug trafficking and illegal immigration” and the investment of large amounts of money (80 million euros in July 2009) in Libya in order to aid with "migration management." These measures are put in the context of a discussion of the EU's externalization of migrant detention centers, which has allowed them to be based in Libya. The report also points out that migrants have been returned to Libya even prior to the official policy legislating this practice, and that while interdiction at sea is often reported as "rescue at sea," in fact many boats at sea are not rescued.

The second thematic section of the report corresponds to the report's first stated goal (to hold Libyan authorities responsible). This section presents the findings of the interviews with migrants about their experiences in Libya, detailing abuses in a variety of spaces, with a particular emphasis on those taking place within detention centres. Seven sub-sections develop this material, discussing the lack of access to asylum in Libya; the UNHCR in Libya; the links between smugglers and security and law enforcement officials; abuses against vulnerable migrant groups; abuses entering Libya; the practice of dumping people in the desert; and the conditions and abuses of migrant detention centres in Libya. It is here that the research for the report, e.g. the interviews conducted with migrants, is presented. The report notes the absence of asylum law in Libya, the limitations of the UNHCR in the country and the corruption of police and other figures of authority who abuse and

exploit migrants. The report mentions that police are likely to be in league with those whom the report calls criminals, and that migrants are often uncertain which group their abusers belong to. The report chronicles numerous, very serious abuses of migrants in Libya which take place during migratory journeys, while within Libya, when released from migration detention and –most substantially documented by the report – within detention centres in Libya. Testimonies from migrants are quoted to establish the extent of mistreatment during detention in particular. Migrants report unclean and overcrowded conditions; a lack of access to adequate food, water and medical care; beatings, rapes and other forms of torture at the hands of guards; and extortion for bribes in advance of being released.

Images: alignments and constructions

I will focus my discussion of *Pushed Back, Pushed Around* by looking at the images that open the report. These images allow for a discussion of the relationship of the report to migrants, and of the victimization of migrants in the representation. They frame the relationship of the viewer to the migrants about whom the report is written, and in this way they make reality perceptible in a particular way that may influence how we respond to it (Butler, 2009). I am interested in these images as a staging ground for a particular relationship set-up by the report between the reader and the subject of the materials, and in this section I will think about what that relationship is.

Printed on the cover and alongside the summary of the report, nine photographs of migrants found in a boat in the Mediterranean tell a story of transit and salvation. The images were all taken on May 9, 2009, when the Italian patrol ship the *Bovienco* encountered a rubber dinghy with 80 passengers in the Mediterranean. The pictures show the discovery, interception and detention of the boat. The captions inform us that the boat was filled with Africans, that it departed from Tripoli, Libya, and that it was bound for Europe. At the moment the pictures are taken, the boat has been intercepted by the Italian patrol ship. The report states that the boat has run out of gas and has been adrift for 48 hours prior to being encountered, and that food and water are short. It also states that after taking these migrants into custody, Italy forcibly returned them to Libya without screening any of the passengers. The various images show the crowded boat from afar, adrift in the

Mediterranean expanse with a helicopter overhead; the Italian officers on their patrol ship; several close-ups of the migrants in which injuries or forlorn expressions are foregrounded; and one image of a man on his knees pleading with an Italian guard. I am going to focus my reading on one particular image included in the report (see Figure 2). I want to think about the relationship this image stages between the migrants, the Italian patrol ship, the photographer and the eventual viewer. What does this image show, and what does it mean to look at it? What comes into being in front of the camera lens, and what is its relationship to voyeurism as opposed to the mobilization of public opinion (Keenan, 2004; Sontag, 2003)?

Figure 2: Migrants found in the Mediterranean by the Bovienzo, published in PBPA

In the image I have chosen, the crowded boat is viewed from close proximity. It is tightly framed. The front lip of the boat is visible in the foreground. It is a flimsy-looking black rubber inflatable tube. In the background, beyond the migrants who are tightly packed into the boat, a blue strip of water appears. Between this black strip and this blue strip, the faces and bodies of the boat's passengers are visible in close-up. The exposure of these bodies to the photographer (whose body remains invisible), and eventually to viewers of the photograph, marks an inequality in exposure that allows the viewer the dominant position (Prosser, 2012). The photograph is constructed through its narrow frame and not only selects these bodies

to expose in this way but also chooses to exclude other things. As Susan Sontag writes, in looking at an image it is important to remember that, “it is always the image that someone else chose; to photograph is to frame, and to frame is to exclude” (2001, p.260). In the choices of framing, a construction of an event is formed, so that what is eventually seen by the viewer is already interpreted, or at least set-up, in some ways. Another way to say this is to say that between what is true and what is false, there is also what comes into being through the act of mediation that is necessarily involved in photography (Keenan, 2004). This means that the images printed in *Pushed Back, Pushed Around*, despite their deployment as evidentiary, as acts of witnessing "the real," are also constructions.

To start to approach my question of what these images do, how a particular account of migration is constructed and what its implications are, I want to begin by attending to what is visible in the photograph. The photograph pictures some 35 people, all crowded together in the space of the boat. The text that accompanies the image informs the viewer that the narrow boat carried 80 people in total, and so presumably the majority remain unseen beyond the small frame we are given. Nearly everyone in the photograph is standing and everyone is facing forward, their faces visible to the camera. Every face in the image appears to be black. The boat's passengers are dressed mostly in old jeans and cotton tops or jumpers, and many wear hoods or knit hats. The clothes largely appear dirty and worn and in some places tears are visible in the fabric. The camera is positioned slightly above and to the right of the faces, meaning that as viewers of the image we must literally look down on the people in the boat. The boat's passengers look to the left-hand side of the image and their gazes point upwards. We cannot see what they see. Their expressions are a mixture of pleading and hostility. On the right, a man in a brown jacket with his mouth slightly open has both hands propped on the side of the boat and gazes up with wide eyes. Directly behind him a woman wearing a light-brown hood appears to scowl in the same direction. To the left, two women look like they might be close to tears.

It seems that those on the boat are pushing forward in the moment that has been captured by the photograph; one man is even beginning to climb over the side of the boat. His left knee rests on the black strip of the side of the boat and his hands support him on either side. He looks intently forward, presumably at the place he

climbs toward. Three men are lined up directly behind him, the second of whom has lifted his hand in some sort of greeting or acknowledgement. The forward movement of the boat's passengers appears to be disorderly, and there is a sense that several of the passengers are pushing forward at once. This forward push has knocked at least two people over, visible in the foreground of the image. One of these people is a woman on the left side of the image in a pink top. Her face is visible amongst the legs of those on either side of her, and her hands reach forward. One of her arms reaches over the legs of another passenger, who also appears to be sitting, and whose upper body is cut from the image. On the right side a man in a blue jacket appears to also have been knocked over. From his position squatting on the bottom of the boat, he reaches forward with one hand to the edge of the boat while the men on either side of him crowd forward. There is a rush of motion in this corner of the image, as seven or eight men circle around and press forward toward the edge of the boat. Their faces and expressions are foregrounded, as are their movements and gestures, which reach toward the boat's edge. Behind these men and to the right, more women are visible, although they seem to be stationary. They are not pressing forward, but are waiting. Also, positioned in the second and third row, heads covered with hoods, they are not immediately discernible as women. Instead the impression given by the photograph is one of male presence and male action.

The photograph re-images a variety of stereotypes about migration between Africa and Europe by visually conforming to and supporting these stereotypes. In this way, it contributes to a project of making a subject “knowable” and “visible” in a colonial ideological construction of the Other (Bhabha, 1983). Photography was used in colonial projects as a technology to have power over the colonized by producing indexical claims to knowledge about the colonized (Pinney, 1997). That same dynamic can be seen at work in this image. Those in the boat appear dirty and disheveled, conforming to the stereotyped conception of an impoverished Africa in transit toward Europe. The perception that migration is predominantly a male activity is fed not only by the foregrounding of the men on the raft, but by picturing them as the most active and visible figures on the boat, with the female passengers placed in stationary and receding positions. The photograph has been taken in a way that emphasizes and captures particular facial expressions of those in the boats – namely, it focuses upon looks of despair, anger and supplication. The emphasis on these

expressions dramatizes the positioning of the migrants as suffering victims in need of rescue. Those who are pictured in the boat are represented as victims without a context. This creates a void of agency: in making suffering the focus of the image, the suffering of those presented as passive before the camera can be appropriated. Help is positioned as something that must come from the outside. This is a colonial relationship of power: the isolated victims must wait for help to come from elsewhere (Campbell, 2012). All of these photographic choices and their reference to migration stereotypes are heightened not only by what is included in the image, but also by what is – significantly – excluded from the image.

The narrow framing of the image means that we see nothing of the wider social context. We do not see the sea around the boat. We do not see who else is present in this moment of encounter. We do not even see who or what has caused the boat's passengers to look up or what they are pushing forward to reach. Neither do we see where they are attempting to climb as they try to get out of the boat, as they appear to be doing. We simply look down on the passengers from above. This narrowly focused position does two important things. First, it aligns our perspective with that of the Italian patrol. We too look down on the boat from the safety of our own secure boat – or from our secure desk, home, or library, wherever we consider the image. We are not positioned to identify with the passengers or to imagine what it might be like to have chosen to board the boat and attempt to cross the Mediterranean, and now to be faced with a patrol ship. Instead this perspective positions us as onlookers and aligns us with those who are constructed as capable of and responsible for rescuing those in the boat. This troubling alignment with the dubiously placed guards asks us to identify with those who are both the “rescuers” of the migrants and their violators as they summarily deport them and contribute to the conditions that have motivated a clandestine journey across the Mediterranean.

The second effect of the narrow perspective offered by the photograph is the isolation of this encounter from its conditions of production – both the specificity of the moment that we see and its social context. If many of the compositional choices made in the image restage a particular set of stereotypes about migration between Africa and Europe, selecting this specific moment of the encounter between the Italian patrol ship and the migrant boat to capture a photograph, and then stripping the image of its specificity, augments this effect. An image of one instant is allowed

to stand in for a relationship between African migrants and Europe. That the image is printed alongside a report that details general information about the overall relation between Libya and Italy only further heightens this effect. It is easy to consume the photograph as a depiction of a general migration relationship, instead of as an imaging of a particular moment of encounter between these specific migrants and this particular patrol ship. The lack of visual (and indeed of textual) information is partly supplemented by a caption in small text to the right of the image: “The irregular migrants attempt to grab onto a ladder to climb aboard the *Bovienzo*.” This slim piece of information locates the image as a record of a particular moment and a particular encounter between one Italian patrol ship and one boat of would-be migrants in the Mediterranean. Yet even if this caption gives us a small piece of information to account for the expressions on the passengers faces, their clothing, their positions and the crush forward of the group, it does not undo the work done in the image by the choices made by the photographer in capturing an image of this particular instant and assembling it in this way.

Another stereotype is referenced through the presentation of the migrants as a visually chaotic group, clamoring forward. This advance is so disorganized and forceful as to have knocked some of the boat’s passengers over, so that they appear in danger of being trampled underfoot. This exuberant push is what addresses us as viewers. We cannot see what the boat’s passengers are moving toward, or why, but as we face those on the boat, we are in the position to receive this group of people that rushes toward us. We are positioned as viewers to be overwhelmed by their simultaneous, disorderly approach. The choice to present this moment and this positioning of the passengers makes reference to the abundant discourses and fears about migrants as the clamoring masses pushing toward the shores of Europe – as an invasion that risks overwhelming Europe (Tyler, 2013). It references, for example, Britain’s *Daily Mail* when it bemoans the “overwhelming” immigration numbers.⁴³ It

⁴³ There too many possible examples of The Daily Mail’s immigration fear-mongering. As one, the headline on the front page of the paper on 14 June, 2014 declared, in large bold font covering the majority of the page, “208,000 Passports Handed to Migrants in One Year.” Running a search on their webpage on 15 August 2014 for the word “immigrants” returned the following headlines, all on the first page of returns and published within the three prior days (11 August-14 August, 2014): ‘Mystery of Princessa: Baby girl found abandoned on inflatable refugee boat off the coast of Spain’; ‘Migrants rush Spanish border 3rd day in a row’; ‘10% rise in Eastern Europe workers’; ‘Migrants take four jobs for every one that goes to a Briton: Unemployment tumbles by 132,000 in three months’; ‘More than 600 criminal illegal immigrants were released by officials in 2013 because of budget shortfall, reveals shocking report’; ‘Landlords warned they may be required to

invokes the same fears that Greece's far-right Golden Dawn party use in their militantly anti-immigrant platform.⁴⁴ In their more mainstream forms, these constructions of migration as the perpetual rush toward Europe provide justification for border fortification (in defense against this unrelenting wave), immigration control and the capping of immigration numbers and the limitations set on the number of refugee applications to be accepted annually. As the logic goes, these measures are necessary defences against the wave of people who inexorably press toward Europe, threatening to entirely overwhelm it.

Adding a small note to account for what's presented in the image does not undo the work the image does in conforming to and picturing dominant constructions and fears of migration. Instead, the representational choice – to choose this moment to preserve as a photograph, to publish this photograph as an image that evidences the relationship of migration between Europe and Africa – is informed by, and works to further inform, the prevailing construction of immigration and the fears that follow these representations and discourses. This image and its deployment reconfirm racist stereotypes about migrants from Africa. Particularly, it does this by confining the treatment of the relation to one between migrants adrift in the Mediterranean, and so both in peril and unable to do much to alter their situation.

Victims at sea and their rescuers

In this image the photographer has chosen a moment of encounter in life-threatening circumstances to fix an image of migrants in the Mediterranean. Just as I showed that in *Humanitarian Crisis* migrants appear as bodies near to death, this image visualizes a very narrow slice of migration and the migratory encounter that focuses on the physical suffering and vulnerability of those in the boat. A reliance on the generosity of European intervention is also pictured: Italy's *Bovienco* must find the boat to save

check immigration status of tenants or face £3,000 fine in plan to tackle 'bed sheds' The message is clear: migrants overwhelm the country, live in squalor ('bed sheds'), are criminals, flood the job market stealing jobs from British workers, render British institutions unable to function under the volume of demand, with the added implication that migrants are not rightfully entitled to anything: neither passports nor work nor freedom.

⁴⁴ The Golden Dawn Party describes immigration as directly linked to the problem of deficit and unemployment in Greece. On their blog, they describe their proposed political programme. It includes the following point: "Every foreign worker equals a Greek unemployed: *Deportation of all the illegal immigrants mean hundreds of thousands of new jobs for the Greeks.*" Greek is constructed as imperilled by migrants, who can only make a living at the direct expense of a Greek person. In the 2012 election, the party won 7% of the vote despite members being involved in attacks on foreigners (the result of the xenophobic rhetoric). See: <http://www.bbc.co.uk/news/world-europe-24346993>

the migrants from the sea. The choice to construct the photograph can be seen as conforming to some general assumptions and prejudices about migrants. It can be seen as picturing, for example, the European stereotype of migrants as Africans in dire need and unable to help themselves. It also pictures the idea of Europeans as uniquely positioned to alleviate this suffering. By conforming to these ideas the photograph references and reinforces these general pieces of social knowledge about migrants: their miserable status and their total dependence on European salvation is confirmed.

The deployment of these stereotypes in the construction of the image and the image's isolation from its social context feeds, among other things, a treatment of migrants as victims in need of rescuing. A specific instance of a boat of migrants adrift at sea – which needed either luck or assistance from someone – stands in for the migration relationship between Europe and Africa. This effect is heightened by the use of the images as illustration in a report that discusses not this encounter, but migration between Libya and Italy more generally. The deployment of images matter, and texts that accompany images guide the way that meaning is attached to them (Twomey, 2012). In this case, the extremity of a situation in which people are adrift on the sea without gas, food or water – that is, without, at the moment, the means to either change their position or maintain life – is put at the centre of a general relationship to migrants. Migrants are represented as incapacitated and in desperate need of help. This is help that (it is assumed) only Europe is capable of providing, and the image in turn positions Europe and the European (whether on the guard ship, writing the report, or looking on) as uniquely capable of rescue. Just as *Humanitarian Crisis* first details the suffering of migrants, treating migrants primarily in terms of their own deaths before turning to a celebration of the work of humanitarian organizations, *Pushed Back, Pushed Around* firmly establishes the migrants it details as victims, and while it does this it positions Europeans as rescuers of these migrants. By treating migrants as victims, the report is able to retain the capacity for change as located within Europe, re-performing a division between Africa and the EU that troublingly locates the EU as the better place to be and the place of more humane treatment.

Beyond the image: locating responsibility in Europe

Just as *Humanitarian Crisis* moves from death to saviours, the emergence of the latter depending on the former, in *Pushed Back, Pushed Around* the jump is made from the desperation of exploited migrants in Libya to the saving power of European responsibility. The images that open the report, chronicling the suffering of migrants at sea, are supplemented by the migrant testimonies presented later in the report which detail the horrific conditions faced by migrants while in Libya, and particularly while being held in Libyan migration detention centres. These testimonies of abuse, the corruption of officials and the exploitation of migrants are mobilized in order to call for an end to deportations to Libya. This call rests on two assumptions: first, that Europe is capable of making this change and second that conditions in European detention centres and spaces are markedly less corrupt, and that migrants would be better off in European space. Europe is explicitly positioned as a site of responsibility: patrol ships must be held responsible for evaluating the health conditions of migrants; Frontex, the EU, UNHCR and Italy are exhorted to end deportations to Libya because of the conditions in the centres there. Libyan officials are described as corrupt (police and “criminals” are thought to be in league), but Italian and EU officials are not put into question. The report says that Italy must comply with the European Convention on Human Rights and stop deporting “migrants to a place where they are subjected to inhuman and degrading treatment,” (p.15) but Italian and European treatment of migrants is not critiqued. Instead, in a way that is distinctly colonial, Italy and Europe become responsible for protecting migrants from the violent mistreatment they are subjected to in Libya.

While this report therefore does fault Italy and the European Union, it lacks the contextual and historic account of migration that would locate what happens to migrants – in the Mediterranean, in Libya, in Italy – as a consequence of European border policing. There would be no reason to take to flimsy boats to attempt passage of the Mediterranean, or to travel to Libya in the first place for many people from other places in Africa, were it not for the distribution of wealth that divides Europe from the world outside of its boundaries in ways that serve Europeans, and the practices that then bar entry to many of those who choose it. The report ignores all of this: it faults the EU and Italy only for not doing more to aid migrants once they are in the extreme situation of facing death at sea and it does so in a way that focuses on

exploitation in spaces outside of Europe, instead of also showing an awareness of the exploitation and mistreatment of migrants who are made illegal inside of European space. There may be strategic reasons for this: what is suffered in Libyan detention centres is real, after all, and recourse to human rights frameworks and European responsibility may be able to lessen some of the suffering that occurs in these places. But in failing to situate the experience and the discussion of migration and what people experience when their movement is illegalized by states more widely, the report also, like *Humanitarian Crisis*, reproduces a relationship to migrants as a suffering, desperate group who are reliant on European intervention to end this suffering. This depiction of migrants troublingly overlaps with far-right projects that imagine migrants as benefit scroungers, flooding in to steal from European coffers, and that positions migrants in xenophobic and racist ways that fail to address as fully human those whose movements are illegalized.

Conclusion

Despite some political commitment to addressing the violence of migration, both reports encounter problems in their representations of the violence in migration and, I argue, end up reproducing bordering practices. In my discussion of *Humanitarian Crisis*, I argued that a division between the humanitarian worker and the migrant, and so a perpetuation of the dichotomous understanding of people staged by the border, is enacted by rights organizations when they are represented as responsible for saving migrants. The dynamic that feeds the superiority of the rights organization and its members is fed by representations of migration which unrelentingly focus on violence and suffering. These representations re-establish undocumented migrants who move from south to north as “unfit” and, on this basis, facilitate the emergence of the humanitarian saviour uniquely qualified to right the wrongs of the border. This is, however, itself, a form of bordering between subjects, who are divided from one another and figured in relation to one another. Similarly, in my reading of *Pushed Back, Pushed Around*, I argued that the images used in the report conform to depictions of migrants as suffering victims who can do little more than plead for help at the feet of Europeans. Through these images, the report not only dramatizes a stereotyped understanding of migrants as desperate and incapable, but also positions

Europeans as poised either to commit further violence or to show mercy. In this way, the superiority of Europe is rehearsed and reconfirmed, just as the superiority of those in the United States was rehearsed and reconfirmed in *Humanitarian Crisis*.

Despite the different politics of the reports – *Humanitarian Crisis* traces responsibility for violence in migration to the United States government, and *Pushed Back, Pushed Around* fails to make this type of connection in the European context – both reports reproduce stereotyped, victimizing representations that work as deployments of the border in that they enact power relationships between illegalized migrants and citizens in powerful countries. This suggests that the representational problem is not only a matter of tracing the causes of violence, but that it also has to approach the experience of this violence differently. Locating the causes of violence is politically necessary, but alone it is not enough to reverse representational habits that rely on stereotypes and victimization. What would it mean to produce a discussion of violence in migration that did not reproduce these stereotypes and did not discuss violence in a way that focused on victimization?

Conclusion

This thesis grew over the years out of my engagement with a number of activist projects. This trajectory began long before I knew that I would eventually enroll on a PhD programme and long before this project was conceived of as a project. Of particular importance in my intellectual formation in relation to the questions of migration and of borders was the Montreal-based *Personne n'est Illegal/ No One is Illegal*, which first introduced me to a no borders politic over a decade ago. The group fights deportations and campaigns for the right of all to remain. One of the projects the group is working on as I finish this thesis in September 2014 is a campaign to stop the deportation of the Khalifa family from Montreal.⁴⁵ The family has lived in Montreal for eight years, and while both children were born in the city (and so are Canadian citizens by birth), the parents' application for permanent status in Canada was denied and they now face imminent deportation.⁴⁶ The connection between borders and deportations that structures the work of *No One is Illegal* has fundamentally shaped the way that I think of borders: to call for an end to borders is to call for an end to deportations and to the regulations of belonging that exclude certain people from the space of the nation-state where they reside.

At an early moment in the project, this connection appeared to me as a crisis in my work. I became aware that while I had proposed a project on borders and was ostensibly researching borders, what I in fact was focused on was migrants and migrancy. Surely the two were different: people are not borders, borders are not people. What initially posed itself as a problem ultimately led to an argument. My

⁴⁵ Details of the Khalifa family's circumstances can be found here: <http://www.solidarityacrossborders.org/en/emergency-call-to-action-for-khalifa-family-scheduled-for-deportation-on-friday>

⁴⁶ These sorts of campaigns also have their problems. For instance, the campaign can only work on the behalf of individual families. Instead of making a claim that all should be regularized, they are forced to work case by case. The arguments for each case function through exceptional claims: someone is ill, a family will be separated, etc. The cases cannot be won within the legal system on the basis that no one should be deported from their life as a principle, though this principle is one held by the organisers. The campaigns also risk repeating an imperial relation between countries, in that often arguments also involve the claim that life in Canada is better than life elsewhere, whether it is Egypt, Mexico, or somewhere else.

assumption that thinking about one meant thinking about the other led me to work through more precisely the ways that the two are related – the ways that borders are related to people and people relate to borders – and to consider why I had so quickly jumped from one to the other. Instead of thinking of borders in relation to land or territory, for me borders demanded that they be thought of in relation to bodies and the ways people experience borders in relation to their bodies.

Another moment of tension in the project appeared as I began to think about what I meant by “migrant.” The way I thought about migrants, and in particular who I meant by “migrant,” was shaped by my time in Mexico, both in Chiapas and in Nogales. When I thought of migrants, I largely thought of those who moved in illegalized ways from Mexico into the United States and largely for the purpose of finding a job that would pay them more than what they could earn in the places they were from in Mexico. When I moved to other national spaces, I mapped this understanding on to the circumstances: “migrant” meant the person from a less affluent country who moved without legal permissions to a country where they hoped to earn a higher wage. This understanding of who a migrant was posed more questions than it did answers, and part of what I have proposed in this thesis is that understanding who is a migrant and how that group is formed, is a political and necessary project that can reveal important things about the functions of borders.

In some ways, it is odd that during my time in Mexico it never occurred to me to think of myself as also a migrant. This may not have occurred to me because I was so aware of the differences between my position as a young white woman with a university degree, a US passport and middle-class parents who could fly in and out of Mexico freely, and the position of those whom I met in Mexico who planned clandestine migrations to the United States. “Migrant” was a way to mark this difference in privilege: in my thinking at the time, it referred to what I was not. While writing the PhD in the UK and Germany, this however continued to appear to me as a problem: in fact, I am a migrant too. There are certain things that this means for me and it had meant these things for me in Mexico and in Québec as well. It means that I have to submit to lengthy and expensive bureaucratic processes to secure permission to remain in the countries where I live and that I can be denied this permission. It means I have no right to remain, regardless of how deeply established

I feel my life to be and regardless of whether this means ripping me out from relationships, friendships and employment. Living as a migrant has made me aware of this horizon of threatened violence.

This posed a problem for my research. I was exposed to a certain degree of limited violence through my position as a mostly legal migrant in the countries where I lived, and yet my position was one of a decidedly privileged migrant. For the most part, the filtering systems that required that I submit myself to review and pay large fees to have my application for temporary status considered were designed to admit me. Even if I could not easily afford the fees, it was possible for me to pay them. And even if each application made me fear that I would be rejected – and so removed from my life – I was almost always in a position to be granted permission to remain, so that I have never been denied a visa or deported from a country (though I have had to leave a country because a visa had expired and there was no available legal way to renew it). My situation was and is decidedly different from that of migrants who are excluded via the filtering systems that have admitted me. If it was threatening to me to sit in a concrete room in Croydon on a hard metal bench, held inside the security gates through which I had been admitted while my fingerprints were checked against a criminal records database as part of my visa application, it is still the case that I was released from the room after a time and my visa granted. And if it was intimidating to stand in a disorganized queue in Germany at the *Ausländerbüro* (foreigner's office) day after day while no one clearly communicated what I was meant to do or how long I was meant to wait, and as I struggled to follow the German quickly shouted at me and everyone else (though I did catch the slurs directed at our group, en masse: a stupid group, incapable of even following directions), my situation was such that a case officer would eventually decide to take responsibility for me and usher my application through, thus exempting me from that frightening line and granting me legal status.

Accounting for the difference in my situation and what it points to has taken some thought. An easy explanation would be that I am a so-called legal migrant, and others are maintained as “illegal migrants.” But this sort of explanation is also inadequate to the task of explaining the difference between these migrant positions, as I have suggested in this thesis. Instead of it being the case that my status is legal, I

have decidedly had the impression that these filtering systems have selected to *make* me legal. By this I mean not only that the systems are designed to grant me legal status based on my educational levels, access to capital, nationality and employment prospects, but also that there is repeatedly a choice made to choose to ignore moments when my status might be less than perfectly in order. Even if I was required to return again and again to the office in Germany because my documents were never quite right, eventually someone decided to make what I could provide work and grant me the permission I needed. The agent in Mexico who renewed my tourist visa when it expired at 3 months did not spend too long fussing about the fact that I had held another 6 month tourist visa directly prior to the one I was attempting to renew. He accepted my explanation that I was “learning Spanish” (communicated in Spanish, as this is the language we spoke to each other with), though he did comment that I seemed to speak Spanish rather well already. And when I first arrived to England as a student not having carried all of the documents on my person that I was meant to (no one told me that these documents would need to be inspected again at the airport upon arrival, despite their having been thoroughly checked at the embassy when my visa was issued!), the agent sighed and admitted me anyway.

What these experiences have demonstrated to me is the way that immigration systems appear as complex and bureaucratic processes that leave room for interpretation. In my case, individual agents in different countries have repeatedly decided to let me through and to bend rules so that my case is approved. They could just as easily have used these moments that required bend as grounds to deny my application. While this thesis is not an exploration of the way immigration rules are applied in more and less strict ways to different migrants who are raced, gendered and classed in different ways, my own experiences in these moments helps me to further situate the question of the difference between my migrant status and the migrant status of others in less privileged positions. As I suggested in my discussion of who is the migrant in Chapter Five, the way that some are culturally produced as legal migrants, and some as illegal migrants, does not always have much to do with the law, or even the actual legal status of the person in question. The difference is not simply, and not always, a difference in legal status.

Recently, discussion around the term “illegal immigrant” has been unfolding in the press in both the US and the UK. While discussions about and critiques of this term have been taking place in an academic and/or activist context for over a decade, it is interesting to see them now unfolding in the arena of the mainstream. In spring 2013, the Associated Press announced that it would no longer use the term “illegal immigrant” and that it would also not use the word “illegal” to refer to people. The change affirms that the word “illegal” should now be used, within AP style, to describe an action, but never a person (Colford, 2013). The new entry reads as follows:

Illegal immigration Entering or residing in a country in violation of civil or criminal law. Except in direct quotes essential to the story, use *illegal* only to refer to an action, not a person: *illegal immigration*, but not *illegal immigrant*. Acceptable variations include *living in or entering a country illegally* or *without legal permission*.

Except in direct quotations, do not use the terms *illegal alien*, *an illegal*, *illegals* or *undocumented*.

Do not describe people as violating immigration laws without attribution.

Specify wherever possible how someone entered the country illegally and from where. Crossed the border? Overstayed a visa? What nationality?

People who were brought into the country as children should not be described as having immigrated illegally. For people granted a temporary right to remain in the U.S. under the Deferred Action for Childhood Arrivals program, use *temporary resident status*, with details on the program lower in the story.

What this change reflects is a growing cultural awareness that to refer to someone as “illegal” is pejorative and that illegality is a state of being, not an immutable feature of a person. It also reflects and/or acknowledges that what is specifically illegal are particular actions or acts.

The New York Times responded to the changes in AP style by also altering the way it uses the term “illegal immigrant” in spring 2013, though it has not yet dropped the term entirely. The new guidance at the Times states that while the term “illegal immigrant” can be used to refer to “someone who enters, lives in or works in the United States without proper legal authorization,” there should be a view toward increased specificity, so that the particular kind of illegality and way that illegality

was entered into (overstaying a visa vs clandestine entry, for example) is accounted for. There is also a preference stated for the term “illegal immigration” over the term “illegal immigrant” because, in the language of *The New York Times*, the former term “describes the issue rather than an individual.” They also caution, “Do not use *illegal* as a noun, and avoid the sinister-sounding *alien*” (Mackenzie, 2013). These guidelines are very similar to the new guidance for the AP, marking a shift away from generally referring to some people as “illegals,” and instead attending to the particular actions that are illegal. In addition to responding to the changes at the AP, the alteration also followed a protest asking the Times to stop using the word “illegal” to refer to a person entirely because, as was pointed out at the 70,000 person demonstration, no person is illegal (Haughney, 2013). This marks the changes in style as part of an ongoing cultural debate about how migration is framed.

In the UK, *The Guardian* is involved in a debate about its usage of the term “illegal immigrants” as of September 2014. Migrants’ Rights Network has been involved in the campaign to get the paper to change its usage of the term “illegal immigrants.” The arguments made by Migrants’ Rights Network (MRN) for a change in terminology are made on slightly different grounds than the reasons stated by either the AP or the NYT for changing their use of the term. The network is concerned by the way that tying migration to illegality associates the mobility of some with criminality and the scope this then provides officials to disproportionately police those who are made illegal. In a letter sent to the editor of *The Guardian* on September 3rd, 2014, MRN wrote:

State authorities in different parts of the world have made extensive use of their power to declare the residence and the movement of certain groups of people ‘illegal’. The intended effect is that this terminology legitimises the coercive actions exercised by agents of government over individuals who place themselves in situations regarded by officialdom as inconvenient.

In this way, what MRN objects to is in fact exactly the way that legal treatment of some migrants becomes a way to more easily manage those migrants. This is related to the criminalization of migration in the US that I detailed in Chapter Four. They connect the discursive referral to migrants as “illegal immigrants” to these actions by arguing that when some migrants are understood as “illegal” before a particular

illegal act has been identified, it makes it easier for punitive policy to be enacted against these migrants. They write:

The effect of constantly reiterating the term ‘illegal’ in the public discourse means that state authorities do not have to specify the nature of this threat: it can be taken as a self-evident fact. Our view is that socially-conscious citizens, and the Guardian newspaper, should be sceptical about assertions that some groups of migrants are socially harmful, where there is often an absence of evidence establishing the fact of this harm.

These debates are interesting to me for the ways that they situate and respond to the problem of calling someone “illegal.” While all of the points raised against the use of the term “illegal” are important contributions, the objection I have articulated at different moments in this thesis is not only that describing some migrants as illegal contributes to the policing of migrants, and not only that it is pejorative and often used in stereotyped ways, and not even that migrants are actively illegalized by state policy, but also that the term “illegal migrant” is not applied to all who engage in officially unsanctioned migrations. In this way, what matters is not only the ways that law is actively engaged in producing the illegality of some, but also the way that the cultural uses of illegality disproportionately identify particular groups of migrants and the effects of this identification. When “illegal immigrants” are written of in the newspaper, it is most likely to be in reference to a set idea of migrants from less affluent countries moving in clandestine ways toward more affluent countries. For example, *The Guardian* recently published an opinion piece on “illegal immigrants” in August 2014 that demonstrated exactly this assumption. The piece opens with this description of illegal immigration:

The barriers which keep the global poor out of the rich world are buckling. More and more men and women are throwing themselves at the fences which developed countries have erected to keep them out, risking death by drowning in their efforts to reach more fortunate shores, or sending their children across borders on their own in the hope that somebody on the other side will take pity.⁴⁷

⁴⁷ The full statement from *The Guardian* is available here: <http://www.theguardian.com/commentisfree/2014/aug/04/guardian-view-rising-illegal-immigration>. It places together transit across the Mediterranean, the US-Mexico land border, and the border of Australia. I have many problems with this statement. In Europe, it clearly imagines migration from Africa as illegal immigration. It stigmatizes smugglers as “gangsters.” It describes the situation of migration as one in which limitless hordes of people want to come to Australia, the

I have addressed this problem in my thesis by suggesting that in fact this understanding of who is illegal is itself a deployment of the border in that the ways that illegality is understood are strongly racialised, and policing of immigration status responds to this racist cultural knowledge in policing the bodies of some differently than the bodies of others. What “illegal immigrant” refers to here is not in fact, or not only, illegality, but the illegality of some. It is understood in a way that is both inflected with race and with a colonial understanding of the world: the desperate poor rushing toward the “fortunate shores” of England. In this way, understanding who is meant when the term “immigrant” or “illegal immigrant” is used is essential to understanding how the border functions.

What do borders do?

In this thesis I have asked the question of what borders do? In following this question, I have been particularly interested in the way that borders address bodies and how the positioning of one’s body in relation to the borders of the country of residence changes the experience of the space in which one lives. I have suggested that while, for some, borders are encountered only when entering or exiting a geographic national space, for others, borders (as moments of regulation) may appear within and throughout national space. This means that borders come to be experienced as a relationship or structure to social movement: freedom of movement and freedom from suspicion is granted to some, while for others the legitimacy of presence is questioned and movement interrupted. I have also suggested that this experience of borders is not only about presence that is legally sanctioned in a country, but is also about racialised and racist ideas of belonging. The ways that borders address bodies respond to presumptions about who belongs.

I have followed the question of what borders do by looking primarily at one specific border: the US border as instituted in relation to Mexico. I chose this border as a border to focus on in my research, which has sought to move away from thinking of borders purely as spaces of geographical territorial division between

US and Europe. It makes a case for “fair and thorough” filtering, and for sending migrants “home,” because, the article implies, there is simply not room for everyone who would come were the borders left open. It does not want “deaths on our hands,” but it does little to challenge or reimagine racist discourses of migration.

nation-states, in part because of its overwhelming, undeniable physical presence. As I explained at the beginning of this thesis, the extensiveness of the border as a physical installation between the US and Mexico at this point in history has meant that border scholars have tended to focus on this materiality and its effects. Work on European borders on the other hand, in part because of the dissolution of internal fixed border infrastructure within the Schengen area of the European Union, has had more of a tendency to challenge the idea that a border is a geographical line of division between spaces and to move toward thinking of borders as existing in other spaces and in other ways. In this thesis, I have considered how the US-Mexico border can also be thought of as existing not only at the site of the wall built between the two countries, but in other spaces as well. In particular, I have looked at the ways that this border comes into being and is experienced not only at the territorial divide between US territory and Mexican national space, but throughout and beyond national space. I paid attention to the relation of this border to different bodies, how it situates and interacts with these bodies, and how this changes relationships to national space.

To situate the US-Mexico border, I began by providing a history of the relationship negotiated between US national space and migrants from Mexico in Chapter Two. This chapter placed the current illegalization of many migrants from Mexico in the United States in relation to the historical racialisation of Mexicans in US space. I showed the way that the border has evolved from a founding act of colonial annexation of Mexican land and people and some of the ways the US government and US employers have treated people from Mexico (or racialised as Mexican) as a group of available labourers who can be recruited to work in the country when needed, and also removed when this becomes what is seen as convenient. I detailed some of the major ways that over the past hundred years large US federal programmes have alternately – and sometimes simultaneously – recruited labour from Mexico and deported US residents of either Mexican origin or Mexican descent. I also pointed to the way that legal importation of workers from Mexico has been accompanied by less regulated, but no less encouraged, movements of people from Mexico into the US without explicit legal permission for this passage. I then reviewed the way the physical border between Mexico and the US has more recently been increasingly militarized and (ostensibly) closed to migrations that are not

explicitly legally sanctioned. However, I showed that this closure does not prevent human movement and is unlikely to be designed to do so. Instead, these policies make the border appear controlled while people continue to move across this boundary in ways that are increasingly illegalized and dangerous. The goal of this chapter was to show the ways this border has instituted a particular social, racialised position for migrants from Mexico and for those racialised as Mexican within the US. I focused on the ways that migrants from Mexico have been actively recruited as labourers for over a century, treated as temporary sojourners in the nation regardless of how long they live in the United States, and constructed as racially foreign – in short, as temporary, deportable, and permanently foreign.

What I suggested throughout this chapter and based on this history is that the US-Mexico border must be thought of in relation to the experience of race and not only in regards to passage across a fixed geographic space marked as the border. I developed a theorization of the border as existing through the production of social positions enacted through a relationship of vulnerability to power in Chapter Three. The key argument in this chapter was that instead of thinking of the border as a bounded space, it is necessary to think of the border as an operation of power and as instituted in the space (and for the particular person) where this operation of power is enacted. I argued that a border does not exist in the same way, or even in the same space, for all, but instead has to be understood through the distribution of vulnerability which makes some deportable – and killable – while others are protected. Furthermore, instead of thinking of illegalization as the cause of this distribution of vulnerability, I argued for the necessity of thinking about this power relation in terms of race and racism. This argument marked a departure from much of the theoretical work I engaged with in the chapter and particularly a departure from the way this work has been applied to borders in Europe as an argument that borders address everyone in a national space, without attending to the differences that exist in the ways different bodies are addressed differently by operations of border power.

I continued to develop this argument in Chapter Four through reference to the specific example of the anti-immigrant legislation passed in the US state of Arizona in 2010, known as SB1070. This was the first of the two case studies I presented in the thesis. In this chapter I argued that by mandating that normal police officers make

enquiries about legal status in the US on the basis of what the legislation terms “reasonable suspicion,” the Arizona law not only mandates the use of racial profiling, but effectively relocates the border to the bodies of those who are policed. The border comes into being through the enactment of the vulnerability of some bodies, and has to be thought of as appearing and existing in the site where this vulnerability is enacted, wherever that may be. This enactment of vulnerability draws on histories of racism that understand some bodies as not belonging and polices these bodies differently and disproportionately. One implication of this chapter is that to think of the border as a fixed space, through which one passes and enters national space, is to think of the border from the perspective of a particular body. This is the body of the person who is presumed to belong in national space and so for whom the border is encountered as control only when entry to that national space needs to be granted at a port of entry. For those whose bodies are understood as out of place, the border appears and is experienced differently. This does not mean that the border does not function in all spaces of the nation for all bodies through the coding of national belonging and suspicion of its lack, but it does mean that for some the border is experienced through freedom of movement and the presumption of rightful presence, while for others it is experienced through policing and suspicion and the threat (sometimes enacted) of violence.

In the final chapter of the thesis, I turned to the question of violence in migration. I was particularly interested in how to represent this violence without reproducing it. This chapter includes the second set of case studies in the form of two human rights reports that detail the violence experienced in clandestine crossings of two of the world’s major borders. This chapter allowed me to explore the way that discussing the ways migrants are exposed to violence can also be caught up in reproducing that violence. I looked at who each report positioned as migrant, and how the descriptions of the violence these migrants were exposed to was involved in positioning the US and Europe as a space of agency from which to change the experience of violence or as a space that offered safety from this violence. In this way, I showed the way that colonial relations of power were reproduced in the reports: the Euro-American was figured as the superior and the capable, while migrants from and in other spaces appeared as suffering victims. Therefore, despite their stated intentions to work on projects that could counter the situation faced by

these migrants, I suggested that the reports also could be seen as contributing to the positioning of the migrants they represented as people different from those in US/European space and therefore caught up in a logic of bordering themselves.

The specificity of the US-Mexico border

This project has examined one particular border relationship in order to think about the ways that borders function. The arguments and suggestions made throughout the thesis – that borders must be thought of in relation to racialised ideas of belonging, and to the bodies whose movements they regulate – are made specifically in relation to this border and to its histories. I have also, however, suggested throughout that there are resonances between the way this border functions and the way other world borders function. In particular, I have drawn the borders of Europe and of the United Kingdom into the discussion at various moments in order to show the potential continuities. Attending to the particular ways that the border of the UK, or a European border, situates migrants – and so understanding the “deterritorialisation” of the European border in this way – would be a worthwhile future project. How does even a “deterritorialised” theory of the borders of Europe often assume a white body in its description of the border? In what ways would the theory change were we to try to imagine the border in relation to a body that is not presumed to have legal access to the space? This theory could draw not only on the legislative changes that have integrated the Schengen area, but on the practices and histories of racial profiling used in European countries. Where are the borders of Europe, and for whom are they where? What is the relationship between these borders and bodies?

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