NICHOLAS DE GENOVA *and* NATHALIE PEUTZ, *editors*

THE DEPORTATION REGIME

SOVEREIGNTY, SPACE, *and the* FREEDOM *of* MOVEMENT

THE DEPORTATION REGIME

NICHOLAS DE GENOVA *and*
NATHALIE PEUTZ,
editors

The Deportation Regime

SOVEREIGNTY, SPACE, *and the* FREEDOM *of* MOVEMENT

Duke University Press Durham & London 2010

© 2010 Duke University Press
All rights reserved
Printed in the United States of America on acid-free paper ∞
Designed by C. H. Westmoreland
Typeset in Warnock with Magma Compact display by Achorn International, Inc.
Library of Congress Cataloging-in-Publication Data and republication
acknowledgments appear on the last printed pages of this book.

Contents

Acknowledgments vii

Introduction
Nathalie Peutz and Nicholas De Genova 1

PART ONE *Theoretical Overview*

The Deportation Regime: Sovereignty, Space, and the Freedom of Movement
Nicholas De Genova 33

PART TWO *Sovereignty and Space*

1. Deportation, Expulsion, and the International Police of Aliens
William Walters 69

2. Immigration Detention and the Territoriality of Universal Rights
Galina Cornelisse 101

3. Mapping the European Space of Circulation
Serhat Karakayali and Enrica Rigo 123

PART THREE *Spaces of Deportability*

4. From Exception to Excess: Detention and Deportations across the Mediterranean Space
Rutvica Andrijasevic 147

5. Deportation in the U.S.-Mexico Borderlands: Anticipation, Experience, and Memory
Victor Talavera, Guillermina Gina Núñez-Mchiri, and Josiah Heyman 166

6. Engulfed: Indian Guest Workers, Bahraini Citizens, and the Structural Violence of the *Kafala* System
Andrew M. Gardner 196

7. Deportation at the Limits of "Tolerance": The Juridical, Institutional, and Social Construction of "Illegality" in Switzerland
Hans-Rudolf Wicker 224

8. Deportation Deferred: "Illegality," Visibility, and Recognition in Contemporary Germany
Heide Castañeda 245

9. Citizens, "Real" Others, and "Other" Others: The Biopolitics of Otherness and the Deportation of Unauthorized Migrant Workers from Tel Aviv, Israel
Sarah S. Willen 262

10. Radical Deportation: Alien Tales from Lodi and San Francisco
Sunaina Maira 295

PART FOUR *Forced Movement*

11. Fictions of Law: The Trial of Sulaiman Oladokun, or Reading Kafka in an Immigration Court
Aashti Bhartia 329

12. Exiled by Law: Deportation and the Inviability of Life
Susan Bibler Coutin 351

13. "Criminal Alien" Deportees in Somaliland: An Ethnography of Removal
Nathalie Peutz 371

PART FIVE *Freedom*

14. Abject Cosmopolitanism: The Politics of Protection in the Anti-Deportation Movement
Peter Nyers 413

References 443
Contributors 483
Index 487

Acknowledgments

This project, devoted to the critical study of deportation and its global ramifications, arose from shared interests that were already well established in our respective intellectual and research itineraries. It is animated by a deep and growing concern, shared not only between us but also by all the contributors to this volume, that both scholarly and public discourse about deportation has been terribly disabled. Deportation has jealously been protected as a precious arena where state power's more despotic proclivities may be exercised without inhibition while largely shielded from robust critical scrutiny. On the one hand, deportation has been obscured by the complete or partial segregation imposed by the multiple boundaries of the legal, administrative, and enforcement regimes of nation-states. On the other, it has been parochialized by the relative myopia and mutual inscrutability that characterize the insularity of academic disciplines.

In an effort to surpass these impediments to greater analytical rigor, theoretical clarity, and political imagination, it has been our extraordinary privilege to bring together scholars and activists from a variety of intellectual fields, social contexts, and political geographies. Although this anthology, like most scholarly publications, has ultimately been a few years in the making, our contributors have been consistently enthusiastic, energetic, responsive, patient, and, above all, intellectually inspiring. Thus our greatest gratitude extends primarily to each and all of our contributors and to the felicitous circumstances that enabled this exciting collaboration.

We also thank Ken Wissoker, our editor at Duke University Press, for the keen interest and friendly encouragement he exuded from very early on, and then for ushering the project through to fruition. In addition, Ken's editorial assistant, Mandy Earley, guided us steadily during the final

stages of the book's production. Two anonymous reviewers for Duke University Press gave much of their time to read carefully through the lengthy manuscript. Their invaluable suggestions and thoughtful critiques have made this a better book, and we only regret that we cannot thank them by name.

Additionally, we would like to acknowledge the institutions that supported us as we worked on this volume. During the most crucial period in the genesis of the book and the preparation of his own contributions to it, Nicholas De Genova enjoyed a generous Marie Curie international fellowship from the European Research Commission, sponsored by the Centre for Research in Ethnic Relations at the University of Warwick in England. Nathalie Peutz is thankful to the Princeton Graduate School for extended support during the early phases of the project. The Council on Middle East Studies at the Whitney and Betty MacMillan Center for International and Area Studies at Yale University provided generous support and an engaging intellectual environment during the year that she was contributing most directly to the shaping of the book. Nathalie is especially grateful to Ellen Lust-Okar for the opportunity to be part of the council and thanks Lindsay Benstead, Daphna Canetti-Nasim, and Greta Scharnweber for stimulating and sustaining conversations throughout this period.

Nicholas De Genova would like to acknowledge that the impetus and catalytic ingenuity behind the project may be attributed fully to Nathalie Peutz, who suggested the idea of this volume in a rather casual e-mail exchange at the beginning of 2006. We had never met in person, but I had previously had occasion to read and comment on an early draft of Nathalie's fascinating and insightful article (published shortly thereafter) about a prospective anthropology of deportation, which, in somewhat revised form, appears as her chapter in this book. Truly inspired by her work, I initiated a collegial exchange. Encouraged by my enthusiasm, Nathalie provisionally suggested the concept of something remarkably close to what has taken shape as the present volume. Confronted with an idea that was too compelling to discount or disregard, I was quite effortlessly convinced of the value and necessity of such a volume and readily embarked with Nathalie on this editorial project. This book is the fruit of the collaboration that ensued. Nathalie's original vision and subsequently her creative intelligence and critical acumen, her admirably meticulous editorial care, and her sheer energy have been deeply rewarding. My greatest debt of gratitude and appreciation is due to her.

Nicholas De Genova would also like to express his deep appreciation for the inspiration afforded by the courageous example of Elvira Arellano,

whose struggle he discusses in part 1 of this book. Although I have never met her, Elvira's bold defiance of the deportation regime has been a resounding source of hope and has attracted my abiding admiration. I also owe a special note of appreciation to Ken Wissoker in his capacity as the chief editor at Duke for our enduring professional relationship. In addition, I had the benefit of presenting various ideas developed in relation to this work to colleagues and students in Britain at the Birkbeck Institute for Social Research (University of London), Cardiff University (Wales), the American Studies Seminar at the University of Manchester, and Oxford University; in the United States at the University of Texas, Austin, and Wellesley College; and in Switzerland at a special thematic doctoral seminar on mobility and migration, sponsored by the Swiss Ethnological Society. I am thankful in particular to Anastasia Karakasidou, Martha Menchaca, Dimitris Papadopulous, Eithne Quinn, Sasha Roseneil, Nina Glick Schiller, Brian Ward, and Hans-Rudolf Wicker for their gracious invitations and intellectual engagement on these occasions. Finally, as always, Magdalena Rodríguez—my partner in all that matters in life—has my most enduring gratitude for her loving persistence in challenging me to pursue the sorts of intellectual projects that aspire toward a way of life in which human freedom is paramount. I have learned much about both mobility and freedom from her.

Nathalie Peutz's initial involvement in this project owes much to the guidance from, and interactions with, much of the faculty and several graduate cohorts of Princeton University's Department of Anthropology. Specifically, I wish to recognize Carolyn Rouse, James Boon, Carol Greenhouse, Abdellah Hammoudi, Liz Hough, Kavita Misra, Rachel Newcomb, and Carol Zanca. My ethnographic research on deportation in Somalia and in Yemen was supported by the Social Science Research Council, the American Institute for Yemeni Studies, the Princeton Council on Regional Studies, and the Princeton Graduate School. Steve Caton and David Buchman gave me useful advice and necessary encouragement at a pivotal juncture. My husband, Justin Stearns, devotedly accompanied me on my first, admittedly unnerving boat trip from Yemen to Somalia, a passage across the aptly named Bab al-Mandab (the Strait of Tears), where, to this day, so many migrants perish. I have been very fortunate that ours was a safe crossing and that his loving companionship has been keeping me afloat ever since.

Most importantly, Nathalie Peutz is exceedingly grateful to Nicholas De Genova for diving with no reservations into a joint project with a then graduate student whom he barely knew. Nick's engaged scholarship,

enthusiastic collaboration, generous advice, and, in the process of our work together, genuine acts of friendship have been and are exemplary; in addition to the larger message of this book, it is his fine example that I strive to take away from this endeavor.

Finally, together and in collaboration with all the contributors to this volume, we have learned much and sharpened the acuity of our critical skills as scholars through this project. We remain hopeful that this work may serve to refine the precision of the intellectual tools with which we and you, our readers, might aspire together to enhance the power of struggles to subvert and ultimately dismantle the deportation regime.

NATHALIE PEUTZ

AND NICHOLAS DE GENOVA

Introduction

Undocumented migration and allegedly "bogus" asylum seeking have widely become the central and often constitutive preoccupation of immigration politics and policy debates in migrant-receiving states during recent decades, on a global scale. The practical effect of such immigration lawmaking has not only meant that so-called "illegal aliens" are more or less explicitly deemed unsuitable for citizenship and increasingly criminalized but also that the specific deployments of immigration law *enforcement* have rendered ever greater numbers and ever more diverse categories of migrants subject to arrest, detention, and deportation. But *deportation*—the compulsory removal of "aliens" from the physical, juridical, and social space of the state—is seldom recognized to be a distinct policy option with its own sociopolitical logic, as well as far-reaching effects. Whereas deportation should reasonably be considered merely one conceivable response to "unauthorized" or "irregular" migration, it has come to stand in as the apparently singular and presumably natural or proper retribution on the part of state powers to this apparent "problem." Yet persons found to be either traversing state borders (and thereby transgressing a state's territorial jurisdiction) or simply living and most commonly working (earning a living) without "permission" never present a state with such a severe crisis or pose such a dire threat that sudden and summary expulsion should appear to be the only logical response. How precisely does deportation come to be so ubiquitously regarded as a self-evident recourse of statecraft and law enforcement? How, indeed, has undocumented migration become effectively defined, enforced, and lived as a more or less categorical susceptibility for deportation?

If deportation has been fashioned as a paramount means of defending, enacting, and thus verifying state sovereignty against those who have

allegedly violated the material and symbolic boundaries of "the nation," then it cannot be apprehensible as merely the unfortunate but predictable consequence of an "illegal" migration gone awry or a "failed" petition for refugee asylum. A deportation tends to be profoundly disruptive and plainly debasing for all who are immediately affected. Yet there is indubitably something greater at stake in such practices of "removal"—notably, the formulation and emphatic reaffirmation of state sovereignty itself. Concomitantly, deportation entails the production and reconfiguration of political subjectivities for "natural" and "naturalized" citizens, all manner of "immigrant" and "foreign" denizens, and, of course, the deportees themselves. Likewise the wider communities from which deportable members are abruptly and forcibly commandeered, as well as those to which the deported are more or less coercively "returned," become sites (distributed across the planet) where the expansive and punitive ramifications of deportation insinuate the inequalities and excesses of state power and sovereignty into the everyday production of social space and the disciplining of mundane social relations.

This book explores the contentious relationship between sovereignty, space, and the freedom of movement through a critical analysis of deportation. As its point of departure, it addresses three primary intellectual and ethical concerns. First, although conventionally considered a "natural" or inevitable response on the part of sovereign states exercising their prerogative, if not obligation, to control their borders and regulate entry based on membership, deportation is in fact the expression of a complex sociopolitical *regime* that manifests and engenders dominant notions of sovereignty, citizenship, public health, national identity, cultural homogeneity, racial purity, and class privilege. Second, the practice of deportation and the sociolegal production of deportable populations are not limited to bilateral transactions between "host" and "sending" states but rather must be comprehended as an increasingly unified, effectively *global* response to a world that is being actively remade by transnational human mobility, in which state power can only perceive the freedom of movement as the index of a planetary social order that is ever more woefully "out of control" and "insecure." Within this global arena, territorially defined ("national") states compete to reassert and extend their spectral sovereignty vis-à-vis a volatile world of restless bodies whose human impulses, needs, desires, and capabilities seem to ever increasingly surpass and defy the capacities of nation-states to define their subjectivities, command their loyalties, and contain their energies.

Branding this human mobility as "illegal" is merely part of the larger strategy of these states and the incipient planetary regime constituted by

their concerted efforts to regulate the freedom of movement. Therefore, critical scholars cannot abide by the commonplace notion that these migrants or their movements may be understood in any simple sense to be "illegal." For this reason, throughout this book, we consistently deploy quotes wherever the terms "legal," "illegal," or "illegality" refer to migrants or migration in a persistent effort to emphatically de-naturalize the reification of this invidious distinction.

The "security" of the privileges and prerogatives of the planet's relatively affluent zones—exceeding the territorial borders of any single nation-state, while also always rather more restricted and exclusive than any given "national" space—comes to appear ever more besieged and thus contingent upon the regulation of human mobility and concomitant illegalization of particular migrant movements. Finally, therefore, as the third preoccupation of this collective inquiry, it is necessary to recognize this global deportation regime, as policy and problematic, to be as much about the freedom of movement as it is about border control and the ostensible exclusion of "undesirable" foreigners. The deportation regime, then, requires scholars, advocates, and activists—citizens, denizens, and deportees alike—to engage politically and theoretically in renewed ways with questions of *freedom*, in one of its most basic and meaningful senses: the freedom to traverse space and to make a place for oneself in the world.

This anthology addresses these concerns by staging a broadly interdisciplinary and international dialogue across boundaries of academic disciplines, nation-states, and global regions. It marshals the diverse critical insights, theoretical perspectives, and research methods of scholars variously situated in anthropology, history, political science, sociology, and legal studies. Moreover, it examines its subject through the empirical investigations and critical energies of researchers working on deportation and deportability in a range of national, regional, and international contexts: the U.S.-Mexico border; the European Union; Bahrain; Canada; Israel; Switzerland; Nigeria; Germany; Italy, Libya, and the broader trans-Mediterranean space; El Salvador; Somalia; and the United States. The contributions to this unique collection together represent a remarkable conjuncture of research from multiple fields of intellectual inquiry, directed toward the legal, sociopolitical, and historical specificities of numerous immigration and asylum regimes. What emerges from this diverse array of distinct case studies, nonetheless, is an empirically robust and heterogeneous evidence for the ascendancy of deportation as an ever more pervasive and increasingly standardized instrument of statecraft. As a routinized and entrenched state practice, forced removals (and also the anti-deportation struggles that they increasingly provoke) therefore

provide an instructive occasion and vital impetus for the critical reexamination of dominant conceptions and conceits regarding the privileges and practices of citizenship, and the constitution of state sovereignty itself through the universal distinction between "alien" and "citizen."

A DEPORTATION REGIME?

With the advent of the post-September 11, 2001, global preoccupation with border "security," deportation has achieved a remarkable and renewed prominence as a paramount technique for refortifying political, racial, and class-based boundaries and purportedly allaying (while in fact further inciting) socioeconomic *in*securities "at home," within the "domestic" spaces of nation-states. This is the case not only in the United States, where antiterrorism has become a veritable creed, but also (owing largely to the singular political and military power of the United States) increasingly on a global scale. In the United States, any and all matters of immigration law enforcement, as well as all procedures regarding migrant eligibility for legal residence or citizenship, have been explicitly and practically subordinated to the imperatives of counterterrorism and Homeland Security. Consequently U.S. immigration authorities have declared a ten-year strategic enforcement plan (2003–12), whose stated mission is to promote "national security by ensuring the departure from the United States of *all* removable aliens" (USDHS-ICE 2003, ii; italics added).[1] This severe and, frankly, unattainable aspiration toward mass deportation on an unprecedented scale is performatively framed as a matter of "national security." However, there ensued a rather steady campaign of targeted enforcement (especially since the likewise unprecedented upsurge of "immigrants' rights" protests in the spring of 2006), characterized above all by large-scale workplace raids against innocuous undocumented workers. Predictably, these targeted enforcement operations generate a mass-mediated spectacle of enforcement "results." In Europe, where asylum petitions have decreased since the levels of the early and then the late 1990s (when claims rose owing to the wars in Yugoslavia and Kosovo, respectively), state officials have nevertheless been pressured to meet predetermined record-high targets for the detention and deportation of "failed" asylum seekers, including families and even unaccompanied children (Fekete 2007b). Concurrently, the European Commission has been coordinating joint expulsions between two or more member states while also seeking to prevent asylum seekers and refugees from crossing into the Eu-

ropean Union in the first place—by warehousing them in Transit Processing Centres (detention camps) located in the regions of origin or transit of these migratory movements (Fekete 2005; Andrijasevic, this volume; Karakayali and Rigo, this volume).[2]

Efforts have also been on the rise to extend the spaces of interception and expulsion. EU member states are now routinely collaborating with neighboring "transfer" or "sending" countries to expand the purview of their detention and deportation powers. For example, Italy has financed the construction of camps for "irregular migrants" entering Libya from Egypt and Sudan and has paid for the repatriation of these migrants from Libya to sub-Saharan Africa (Andrijasevic 2006, this volume; Cornelisse, this volume). The Moroccan government, furthermore, has been deporting sub-Saharan Africans to the Algerian frontier, keeping its "foreigners" from migrating to Europe, even as its own citizens depend heavily on the remittances of those who migrate (de Haas 2005). Similarly, in the early summer of 2001, through Mexico's Plan Sur (the Southern Plan) and Guatemala's Venceremos 2001 ("We Shall Overcome") initiatives, both sides of the border shared by those countries became the stage for large-scale militarized police actions aimed at stemming the flow of "illegal" migration from Central America headed for the United States. These actions were part of a regional program, sponsored and financed by U.S. authorities, coordinating efforts by Mexico and the countries of Central America and the Caribbean Basin, which resulted in the deportation of more than 6,000 Guatemalans, Hondurans, and Salvadorans from Mexico, as well as another 3,666 people (predominantly Hondurans and Salvadorans) from Guatemala.[3] The overall intent of such internationally coordinated mass deportation schemes, plainly, is not only to remove "illegal" migrants, "suspect" refugees, and "bogus" asylum seekers from the borders of the United States or Europe but to remove them even from the borders of their borders, through the creation of an expanded buffer zone of graduated securitization.

Although deportations have attracted an increasing scrutiny from activists, a greater but nevertheless always ephemeral incidence of mass-media coverage—as with the dramatic case of Elvira Arellano in the United States (see De Genova, this volume)—and also some noteworthy scholarly attention, it is evident all the same that the social and political ramifications of deportation and the attendant condition of deportability remain very much underexamined and insufficiently explored. In recent years, social scientists, cultural critics, and historians (notably including many of the scholars who have contributed to this volume) have indeed

begun to direct sustained critical energy toward deportation as something more than a prosaic or inevitable conclusion to various ostensibly "failed" migrant or refugee aspirations. Many of these provocative advances have considered deportation as a *disciplinary* practice while also an instrument of state sovereignty that renders certain populations "deportable," regardless of their practical connections or affective ties to the "host" society (cf. Bhabha 1998; Coutin 2003a, 2003b; De Genova 2002, 2005; Goldring, Berinstein, and Bernhard 2007; Hindess 2000; Nijhawan 2005; Zilberg 2004). Others have demonstrated that the current increasingly punitive deployment of deportation is long foreshadowed by comparably draconian (and equally global) histories of labor subordination, ideological suppression, and ethnic and racial discrimination (cf. Caestecker 2003; Cole 2003; Davies 2001; De Genova 2005; Kanstroom 2007; Kingston 2005; Ngai 2004). And several have situated deportation in relation to other kinds of coercive movement, such as forced dispersal or displacement, extradition, and rendition, as well as forced sedentarization, involving detention or encampment (Bloch and Schuster 2005; Cunningham and Heyman 2004; De Genova 2007; Dow 2004; Schuster 2005; Simon 1998; Walters 2002a; Welch 2002). Additionally, a number of scholars have interrogated the "paradox" that deportation apparently poses for the liberal-democratic state (Gibney and Hansen 2003; see also Fekete 2005, 2007b; Hing 2006a; Khosravi 2009), while others have focused on its enduring effects on deportees, their families, and the communities from which and to which they are "repatriated" (Burman 2006; Coutin 2007; Human Rights Watch 2007, 2009; Núñez and Heyman 2007; Peutz 2006, 2007; Willen 2007d; Zilberg 2007a, 2007c). And yet deportation—as an exceedingly normalized and standardized technique of state power and thus as an effectively global regime—continues, through its routinized practice, to obscure the historically particular political and administrative processes by which deportability, or the very possibility of being deported, is produced and imposed. This book builds on and consolidates many of the important contributions of this recent scholarship on deportation and deportability while emphatically situating the question of deportation in direct relation to the problem of a more elementary human freedom of movement.

DEPORTATION, CITIZENSHIP, AND THE FREEDOM OF MOVEMENT

Writing in the United States just a decade after the infamous Palmer raids (which had targeted thousands of noncitizens as alleged "subversives" for summary deportation from the United States in the wake of the extra-

ordinary labor insurgency and strike wave of 1919), and during a period of renewed hostility toward "foreigners" (triggered, in part, by the avalanching economic depression that began in 1929), the legal scholar Jane Clark interrogated what she called the "increasingly prominent deportation scene" (1931/1969, 16), wherein deportation had become "emphasized in the press and in Congress as a cure for the ills of the country" (28). She lamented: "We are still in a day . . . when the socially inadequate are passed from country to country as they formerly were from town to town. The day may arrive when the individual will be regarded internationally and will be thought of as the product of more than the country where he happens to have his legal citizenship and nationality. But then, it seems, millennium may have come" (491). Eighty years later, the lessons of the World War II internment camps and postwar *making* of refugees and stateless persons notwithstanding, Clark's doleful vision of an improbable future in which the individual might amount to something more than a mere product of the largely incidental vagaries of her legal citizenship and nationality appears to remain immeasurably remote indeed. In recent years, numerous configurations of "postnational" (Soysal 1994), "flexible" (Ong 1999), "cosmopolitan" (Linklater 1998a), or "global" citizenship (Dower 2003; Falk 1993) have been variously identified, theorized, or cheerfully promoted by academics and activists alike. Nevertheless the continuing significance and ever-intensifying magnitude of deportation as a presumptively legitimate and merely "administrative" state practice seriously challenge any theoretical advances and undercut even empirical evidence toward an alternative world, or way of life, in which membership, entitlement, and virtue would *not* be always already inscribed in one's relationship to the spaces of (nation-)states, their borders, and their appalling inequalities of wealth and power.

Deportation, then as now, is premised on a normative division of the world into territorially defined, "sovereign" (nation-)states, and within these states, the ubiquitous division enacted between more or less "rightful" members (citizens) and relatively rightless nonmembers (aliens). This regime of nation-state sovereignty and citizenship has become the conventional determinant of an individual's liberty to move into, out of, or across various national, international, and sometimes even subnational spaces. This point is so evident as to seem banal, and yet it invites more than just casual or momentary reflection. Much of the world's political, economic, and geographical landscapes have been dramatically transformed and even integrated in recent decades—consider only the end of the polarizing Cold War and subsequently the "unipolar" military dominance of the United States, which has culminated in the proclamation of a

so-called *Global* War on Terror; or the calamitous demise of protectionist welfare states and the feverish spread of the neoliberal order. In both examples, the formerly supposed sanctity of national sovereignty, the presumed inviolability of nation-state borders, and the ostensible insulation of "national" economies afforded by such boundaries and barriers—or at least, the highly charged geopolitical stakes of their transgression—have all been radically destabilized. Yet the now effectively global deportation regime continues to meticulously allocate individuals to their designated spatial locations in accord with what would appear to be a stubbornly anachronistic perception of their decisively if not definitively "national" places in the world. Simultaneously, the inequalities of citizenship modulate individuals' differential access to national and transnational labor markets through the regulation of migratory movements (Anderson 1994). Critically, this heavily restricted and thoroughly regulated access to global space tends to be enforced by the same capricious limitations that the sovereign "protection rackets" of national states pretend to provide and ensure for their citizens (Tilly 1985). In fact, the inscription and embodiment of human liberties within the inescapably nationalist mantle of citizenship serve precisely to *confine* human freedom.

In part 1 of this volume, Nicholas De Genova frames the wider theoretical project of the book as a whole. Revisiting Hannah Arendt's suggestion (1959/1968, 9) that the freedom of movement is truly prototypical for any further consideration of liberty, De Genova contends that adequate theoretical reflection upon this freedom has nevertheless been sorely neglected, while its formulation as a practical problem for politics, predictably, has likewise been disregarded. At the same time, the relentless and suffocating regulation of human mobility has become an ever-greater obsession of states in their quests to fortify their spectral control over space and territory as the supposed manifestation of their "national" sovereignty. In this regard, De Genova poses a fundamental question: "What, in the end, is *movement*—and therefore, the freedom of movement—if not a figure par excellence of life, indeed, life in its barest essential condition?" In his effort to elaborate the problem, De Genova insists on the analytical and political necessity of distinguishing between the *freedom* of movement—as an ontological condition of human life, as such—and anything that might be glossed as a *right* to move. "Rights," he argues, assume their meaning and substance only insofar as they have been stipulated within one or another normative or juridical framework. Rights are therefore inseparable from some form of political regime.

In this regard, the freedom of movement may best be understood, precisely, *not* as a right. The freedom of movement must be radically distin-

guished from any of the ways that such a liberty may have been granted, circumscribed, and domesticated within the orbit of state power. Instead De Genova stresses that human life, in its socially undifferentiated or unqualified (animal) sense, is inseparable from the uninhibited capacity for movement which is a necessary premise for the free and purposeful exercise of creative and productive powers. The exercise of these vital powers is, after all, the foundation for all properly social life. Thus, he argues, the freedom of movement is inseparable from that still more basic human power which is generative of the very possibility of social life, namely, *labor*—the capacity to creatively transform our objective circumstances.

By critically engaging the concept of "bare life," as elaborated by Giorgio Agamben in his work on sovereign power, De Genova resituates bare life in relation to living labor and examines the indispensable disposability of ever deportable migrant labor not in terms of exclusion but in terms of its *incorporation* within the mutually constituted regimes of global capitalism and territorially defined and delimited ("national") state sovereignty. From the critical vantage point of deportation and deportability, he reflects, moreover, on the state's productions of space, citizenship, nativism, and national identity. With recourse to a consideration of the constitutive role of labor in the genesis of both capital and state power, and the centrality of formally *free* labor in the global social formation of capital accumulation, he elaborates the significance of the enigmatic *freedom of movement* for further theoretical inquiry and empirical research into migrant deportability and deportation as crucial sites for the constitution and preservation of state power, sovereignty, and space.

SOVEREIGNTY AND SPACE

Migratory movements across space are central to inquiries into the problem of sovereign (state) power. Beginning from this insight, the three chapters that make up part 2 of this collection are devoted to historicizing and theorizing the theme of sovereignty and space. While each of these essays (as well as a number of the volume's subsequent chapters) points to ways in which the contemporary deportation and detention of noncitizens are being transformed, their authors focus primarily on subjecting the deportation regime and its components—expulsion, detention, and mobility control, respectively—to historical-genealogical analyses. In so doing, they reveal the underlying and abiding violence of a spatial-political order that most states today, in spite of an abundance of evidence to the contrary, accept and defend as immanent and immutable.

In his previously published landmark essay "Deportation, Expulsion, and the International Police of Aliens," the political theorist William Walters argues that modern deportation is "a legalized form of expulsion" that must count among its genealogical antecedents the classical Athenian and Roman practices of political banishment and exile, the expulsion within and from Europe of the poor and of variously constituted corporate groups (based on religion, for instance) during the Middle Ages, the mass transportation of convicts up through the early modern period, and the population transfers of "minorities" that plagued Europe throughout the first half of the twentieth century and peaked—but did not end with—the forcible resettlement and ultimately genocidal policies of Nazi Germany. Although today's deportation of so-called "illegal" or "criminal" *aliens* would strike many as more benign (if not absolutely necessary and categorically legitimate), deportation law remains founded on a series of legalized discriminations, variously based on class, race, or belief, that are no less disturbing than were those that animated these earlier episodes of enforced exclusion.[4]

Modern deportation law—whereby immigration enforcement became a matter of *national* sovereignty—emerged from the particular confluence in the late nineteenth century and the early twentieth of sovereign nation-states monopolizing the legitimate means of movement (Torpey 1999); the post–World War I enactment of the *citizen*, not the individual person, as the only formal bearer of inalienable rights (Arendt 1951/1966); and the concomitant production of "illegal" migration as a threat to, while also the result of, sovereign power (Ngai 2004). Significantly, Walters argues, it was during this period that deportation was not only nationalized but also socialized. In other words, states increasingly used deportation as a way of governing the welfare of their populations, both by excluding the socially "undesirable" (paupers, prostitutes, anarchists, criminals, the insane, excludable races, etc.) and by removing foreign labor (as a market-regulating mechanism) during periods of economic recession. By the end of World War II, however, the categorical and legal emergence of "the refugee" and "the stateless" had revealed the disjunction of the ostensibly seamless union of state sovereignty, territoriality, and the nation (or people) (Arendt 1951/1966; see also Kerber 2007; Macklin 2007; Malkki 1995). Those who could no longer be repatriated or deported to a state of ostensible origin or presumably proper belonging were relegated to internment camps, detention centers, or third countries—an unsavory "solution," at best, which remains without remedy today.

Indeed, it has widely been recognized that both internment and deportation pose a fundamental challenge to the liberal self-image of Western

democratic regimes. Walters addresses this problematic by showing deportation—and, by implication, the camp—to be part of an older regime of *policing* that operates as a form of governmentality, both on the national scale and globally, effectively allocating all populations to their respective sovereign powers and territories. More recently, starting with the heightened anxieties regarding the perceived influx of potentially "bogus" asylum seekers and "illegal" migrants produced by the end of the Cold War and the subsequent ongoing restructuring of the global economy since the 1990s, further aggravated by the renewed emphasis on securitization after the events of September 11, 2001, states in the West have become even more preoccupied with the regulation of migratory movements. And yet deportation is not only a technique by which governments exert their sovereign power over bodies, space, and "the nation"; it has become a mechanism by which governments measure and signal their own effectiveness.[5] Most importantly, Walters emphasizes that deportation not only is a consequence of a world partitioned into territorial nation-states but is "actively involved in *making* this world."

The legal scholar Galina Cornelisse builds on Walters's insights by examining the historical development, steady entrenchment, and critical consequences of *territoriality*—the articulation of sovereign power and the framing of individual rights by territory—as an organizing system. Cornelisse reveals the detention and deportation of migrants to be the inevitable outcome of this system, which continues to curse the application of any semblance of a truly universal human rights regime. Deportation and detention therefore constitute the "litmus test," Cornelisse argues, for the way in which territoriality "shapes the world and the life of its inhabitants."

Although both deportation and immigration detention are technologies used to preserve and tidy the division of the world into separate, sovereign, territorially based national states, detention in particular enacts and affirms this territorial ideal in at least two distinctive ways. First, this spatial confinement and sedentarization within the state's domain provide what Cornelisse calls "a territorial solution" to the so-called problem of migrant movements that are seen to transgress, and thus to resist and challenge, the territorial order. Second, immigration detention camps, as brutal and "exceptional" as they are, have remained immune to any of the presumably corrective mandates of international law and human rights discourses, both of which are founded on and uphold the territorial sovereignty of the modern state. Cornelisse's treatment of territoriality leads her, finally and necessarily, to consider the detention camps currently set up beyond the political borders of the European Union, which many have

held up as examples of the "externalization" or "deterritorialization" of the EU's frontiers. And yet, here again, the logic of territoriality and the consequent impotence of contemporary human rights imperatives serve only to legitimate the routine imprisonment of untold thousands of migrants, "not on account of what they have done, but merely on account of what they are."

It is not, however, these externalized or deterritorialized borders that constitute the legal and political space of "Europe," contend the anthropologist Serhat Karakayali and the political and legal scholar Enrica Rigo, as much as the *movements* of the people who cross them. Moreover, they argue, the European space exists only to the extent that it is thus circulated. With this as their theoretical starting point, Karakayali and Rigo reject any strict separation between "citizens" and "aliens" in Europe and look instead to the government of human mobility, both inside and outside the European Union's geographic borders, and the discursive construction of the various migrant figures that have animated European migration regimes since World War II: the "labor migrant" (whose mobility was mediated through short-term rotations and his exclusion from the welfare state); the "refugee" or "asylum seeker" (which emerged after the end of formal labor recruitment programs in 1973 as the only administratively recognized and thus the exclusive legal means of migration); and, since the turn of the millennium, the "undocumented migrant." This current, illegalized figure of migration gained prominence, on the one hand, through the lack of any comprehensive migration policy, which thereby produces these movements as clandestine, and on the other, through the externalization of the EU frontier, which predefines a migrant as "illegal" even before she or he has crossed a border of the European Union. And yet, rather than aiming to keep migrants on the supposed outside, the authors demonstrate, the European authorities *expect* migrants to circulate through the European political and legal space and thus dedicate their regulatory energies to governing these circulations accordingly. Indeed, controlled circular migration has been promoted as a successful model in that it, like the detention camps at Europe's borders, regulates the (continued) *temporality*—and thus the ultimate disposability—of migrant labor. Moreover, although the European Union's external borders have been extended or made virtual and its internal borders have been lifted, the "real" borders of Europe now exist anywhere migrants may come to experience their crossing and hence, at least potentially, everywhere they move.

The sovereign power to regulate and restrict human movement through space is thus never simply a matter of "administration" or "belonging." It is

the imposition of a power over life itself. If this claim seems exaggerated, one needs only to confront the excessive and utterly avertable fatalities that occur routinely as migrant bodies wash up on shores or perish in desert crossings. Furthermore, inasmuch as migratory movements expose the limits of the discourses (such as citizenship, international law, and human rights) which have variously sought to constrain the violence inherent in the exercise of sovereign power, as Cornelisse demonstrates, they compel a reconsideration of the very meanings which have, over time, ensnared human freedom within the constrictions of state power and its regimes of territoriality. And yet new spaces and practices are emerging through which the sovereign power of the state is being challenged. Karakayali and Rigo argue that circulation itself is an act of citizenship, much as Walters looks to the sanctuary movement as a social formation for the articulation of new political claims (see also Nyers, this volume). In these and other practices of migration, therefore, we may identify and theorize potential spaces of freedom. Much as these migratory movements may be constituted within the diverse spaces of deportability, which, after all, are never merely physical sites of confinement or geographic zones of obstruction, they nonetheless remain persistent reminders that freedom is never given its substance as a right, but only as a practice.

SPACES OF DEPORTABILITY

If, for over a century, the deportation of "illegal" or "undesirable" aliens has consistently been deployed by modern states as a prosaic technique for controlling the putative integrity of their spatial domains and memberships, then its continuing *ineffectiveness*, as practice and policy, must be accounted for and made sense of. In the early 1990s, worldwide, the number of national laws and regulations concerning migration grew exponentially—as did the number of countries that became host to foreign labor (United Nations 2002). Despite the increasing restrictiveness of migration policies everywhere and, in conjunction, the staggering numbers of individuals deported each year from both traditional and new labor-importing countries, deportation enforcement, as scholars as well as anti-immigration pundits never tire of insisting, remains "ineffectual." Indeed, deportation is in most cases time-consuming and expensive, and sometimes politically controversial. It hinges on the proper identification (with documentary evidence) of the individual to be deported, as well as the agreement and cooperation of the individual's country of origin;

moreover, it is almost always hampered by lack of funds and personnel, implausible goals, and generally the simple incapacity to actually stop or even control the flow of migratory movements (Gibney and Hansen 2003; Schuster 2005, 612; Hing 2006a, 148–52; in this volume, see also Castañeda; Cornelisse; Wicker).

Departing from the literal-mindedness of such observations, however, and interested instead in the veritable *effectiveness* of regimes of immigration lawmaking and border enforcement, Nicholas De Genova has argued that "it is deportability, and not deportation per se, that has historically rendered undocumented migrant labor a distinctly disposable commodity" (2002, 438; 2005, 242–49). It is *deportability*, then, or the protracted possibility of being deported—along with the multiple vulnerabilities that this susceptibility for deportation engenders—that is the real effect of these policies and practices. *Deportation regimes are profoundly effective*, and quite efficiently so, exactly insofar as the grim spectacle of the deportation of even just a few, coupled with the enduring everyday deportability of countless others (millions, in the case of the United States), produces and maintains migrant "illegality" as not merely an anomalous juridical status but also a practical, materially consequential, and deeply interiorized mode of being—and of being put in place.

The recent critical literature on migration (including the work of many contributors to this volume) has been ever more attentive to the ways in which "illegality" and deportability are produced through law and border enforcement, both within the geopolitical space of the nation-state and also "external" to it. Much of this scholarly work elucidates ways in which deportable migrants serve capital accumulation through their flexibility and tractability as an often docile labor force and similarly serve the sovereign state through their embodiment of the elementary distinction between citizens and others, "insiders" and "outsiders." In some of these analyses, especially those that draw on Giorgio Agamben's theorization (1995/1998) of the camp as a space of sovereign exception, deportable or detained populations are conceptualized as the "bare life" that is excluded from the juridical-political order of citizenship, only through its inclusion within it (see De Genova, this volume). As such, today's migrant detainees and deportees emerge as the figurative progeny of the post–World War II "stateless," who, having been stripped of their citizenship, effectively came to lose, as Hannah Arendt famously proclaimed, the very "right to have rights" (1951/1966, 296). As Linda Kerber elaborates, the stateless, cast as the "citizen's other," in fact become constitutive of the state: "The stateless serve the state by embodying its absence, by providing frightening models of the vulnerability of those who lack the sufficient awe of the state. The

stateless serve the state by signaling who will not be entitled to its protection, and throwing fear into the rest of us" (2007, 31). Inasmuch as citizens in most nation-states today cannot legally be deported, the deportable are similarly pressed to "serve the state" as "the citizen's other," marking an apparently absolute and durable separation between the security of one condition, aligned with the state, and the other, indefinitely if not permanently expelled from its grace.

In contrast with the stateless, however, deportable populations do not embody the supposed absence of the state but rather become the object of its sovereign power to exclude, even while it incorporates them. After all, the deportable may only become such to the extent that they are already counted *within* the purview of a state's power, as an effect of their inclusion in the space of the state as an abject population, usually as eminently disposable labor. Indeed, it is important to recall that even "legal" migrants, despite other comparative advantages, substantive entitlements, and ostensible protections, remain ultimately deportable.[6] Additionally, the deported are (as a rule) "returned" only to the jurisdiction of a state that will claim or accept them, meaning that many "stateless" individuals are in fact indefinitely detained rather than deported, while others may be handed over directly to the punitive indiscretions of an illiberal state (cf. Bach 2001; Fekete 2005). Thus deportation and deportability are thoroughly saturated by the presence of the state and infused with state power (see De Genova, this volume; see also De Genova 2002).[7] It is precisely this ambivalent and, in fact, intimate relation between deportability, citizenship, and the state that the chapters of part 3 explore. As each author explores the historical and regional particularities of his or her respective case study, these contributions respectively illuminate the significant recent developments in each of the states examined, specifically over the past decade.

With the end of the Cold War and the subsequent opening of the borders of the former Soviet bloc, the reconfiguration of the internal and external borders of the European Union in the wake of its expansion, and the occurrence of several high-profile civil wars and ensuing humanitarian crises that produced large numbers of refugees and asylum seekers from sub-Saharan Africa and southeastern Europe (most notably Rwanda and what was formerly Yugoslavia), states became increasingly anxious about controlling migratory flows across their borders. In Germany, soon after its transformative reunification in 1990, a xenophobic reaction to the surge in migrants and asylum seekers convulsed the newly reconstituted nation, and by 1993 the right to asylum was severely restricted (Castañeda, this volume). Switzerland, too, had had a relatively tolerant history toward

guest workers and other migrants that was surely grounded, at least in part, by its unique role as a politically neutral advocate of international human rights; and yet, following the practices of its EU neighbors, Switzerland introduced stringent and exclusionary measures toward "illegal aliens" in the early to mid-1990s (Wicker, this volume). Especially as northern European countries imposed more severe restrictions on migration, Italy underwent a remarkable shift over just the last two decades from its historical status as a migrant-sending country to a significant destination for migrants in its own right, which is pivotally situated nonetheless as a gateway to Europe more generally (Andrijasevic, this volume).[8] In Bahrain, as in other petroleum-rich Gulf States, the recruitment of guest workers that had skyrocketed in the 1970s—in contrast to the states of northern and western Europe, where this form of labor migration was brought officially to an end with the global recession provoked by the 1973 oil embargo—flourished until the early 1990s. It was then rendered increasingly precarious by the outbreak of the Gulf War (1990–91) and the subsequent concerted efforts throughout the region to nationalize (in this case, "Bahrainize") the labor force (Gardner, this volume). Meanwhile, the mounting allegations that "illegal" migration threatened to incapacitate the welfare system of the liberal democratic state were given voice nowhere more clearly than in the United States with the concurrent passage in 1996, within only weeks of each other, of two major laws (one concerning immigration and the other dramatically restructuring public assistance to the poor) which stigmatized welfare recipients and undocumented migrants alike—imposing severe restrictions and penalties on both, and on "immigrants" generally, regardless of legal status (Talavera, Núñez, and Heyman, this volume; Maira, this volume).

It is Israel that provides the instructive counterexample to this rough chronology, for it was there, in the early 1990s, in response to the political and social crisis instigated by the Palestinian insurgency against occupation (1987–93), that a guest worker program was instated as a (temporary) "solution" to the ever more aggressive expulsion of Palestinian workers from the Israeli labor market and body politic. In recent years, countries such as Germany and the United States have debated various legalization schemes, guest worker programs, and other means to ease some of the restrictions that in fact have exacerbated the "problem" of "illegal" migration. In contrast, Israel abruptly reversed its relatively liberal policy from the mid-1990s of enthusiastically recruiting transnational labor migrants and, in 2002, initiated a criminalizing mass deportation campaign targeting both "legal" and "illegal" migrants, whom it now blamed for the stagnation of the Israeli economy and the escalation in unemployment

(Willen, this volume). As Sarah Willen's essay helps to demonstrate, the legal regimes of national states are always preconditioned by the historically specific and uneven tempos of various forms of social struggle and in fact institutionalize the political strategies designed to intervene in and ultimately contain those disruptive forces. Indeed, Israel's violent criminalization of the migrants whom it formerly recruited for their labor ultimately bears a striking resemblance to the fiercely anti-immigrant climate which has accompanied and facilitated the increasing prominence and political viability of guest worker schemes in the United States. Thus, far from merely focusing narrowly on their respective national contexts, the chapters brought together in part 3 achieve still greater critical force in concert and add comparative depth to the everyday practices and embodied experiences within these various spaces of deportability.

The comparative perspective facilitated by these chapters into the production of deportability across these diverse "national" spaces of state power and their distinct immigration regimes sharpens our understanding of the deeper political interconnections of various states' attempts to control and structure global migrant flows. Notably, six of these seven cases are distinguished as "receiving" countries exhibiting either exceptionally high levels of migration (in absolute numbers) or a preponderant and decisive dependency on foreign labor. While the United States and Germany are among the three countries with the largest absolute number of migrants or foreign-born residents according to the most recent UN International Migration Report, Israel and Switzerland are among the ten countries with the highest proportion of foreign migrants relative to their total populations (United Nations 2002). Bahrain, although not included in the UN report owing to its considerably smaller population, follows the pattern of the other oil-producing countries of the Persian Gulf region (and even exceeds much larger countries like Saudi Arabia) in that, as of 2005, at least 40 percent of its population comprised foreign labor migrants.[9] In this respect, Italy provides the instructive counterexample as a country with a history of relatively recent (and therefore lesser) migration, where migration has rapidly been increasing, and situated at one of the more critical ostensible frontiers of the larger European sociopolitical formation. In addition, four of these six countries—Italy, Bahrain, Germany, and Israel—have sociopolitical regimes deeply informed by an overtly "ethnonational" model of belonging, for which the "naturalization" (nationalization) of "foreign" migrants (or their children) is distinctly impeded by perceived divergences from the presumed "ethnic" (and religious) character of the nation. Even where there are relatively less restrictive requirements regarding eligibility for or access to citizenship, however, as in the

cases of Switzerland and the United States, there is ample evidence that the logic of deportation remains similarly undergirded by a more diffuse but no less racialized or "ethno-national" biopolitics through which the state's deportation regime fashions its citizenry only by sorting and ranking the greater or lesser "foreignness" of various migrant others.

Despite the preponderance of these extensive and overlapping migration restrictions, each of these chapters also emphasizes the ways in which deportability, as lived experience, is both suffered and also surmounted. Indeed, the women's studies scholar Rutvica Andrijasevic challenges the prevailing theorization of the detention camp as a zone of migrant *immobilization* and exclusion. Considering the example of the Lampedusa camp (off the coast of Italy), Andrijasevic demonstrates how detention camps at the European Union's external borders play a pivotal role in directing and differentiating migratory movements both within the territorial boundaries of the European Union and in the transnational spaces that exceed it. Instead of depicting detention camps as *spaces* of exception, Andrijasevic points to their *temporal* function in the deceleration of migrants' admission into the Italian and broader European labor markets (see also Karakayali and Rigo, this volume). Migration may be interrupted temporarily at Lampedusa or be diverted through deportation to Libya, which collaborates with the Italian government in its detention and deportation efforts. The camp thus serves to mediate and modulate migratory movements as they continue in multiple directions, at various tempos, and at alternating speeds. Building upon the insights of Enrica Rigo (2007) and others, Andrijasevic argues that the detention camp, like deportation, is therefore not primarily a manifestation or reassertion of state sovereignty but rather an example of the deterritorialization of European space, the delocalization of border control and the "sharing" of sovereignty, and the reorganization of European citizenship. By considering the temporal dimensions of detention and deportation, Andrijasevic effectively casts off the rigid dichotomization of movement "inside" and "outside" EU territory and instead draws attention to migrants as integral actors in the transformation of the European polity and space.

Turning to another border region, the U.S. anthropologists Victor Talavera, Guillermina Gina Núñez, and Josiah Heyman discuss how deportability reconfigures and reconstitutes various spaces over time. Based on ethnographic fieldwork in two areas (one urban, one rural) in El Paso County, Texas, their chapter demonstrates how the collusion of federal and local agencies in the enforcement of U.S. immigration laws through "processes of entrapment" engenders a pervasive and acute sense of de-

portability among individual migrants and within their broader communities. Although these deportable populations are internally varied and are not all equally subject to the palpable risk and visceral fear of deportation, their anticipatory anxieties and painful memories of deportation—of their own, or of their family members' or other acquaintances'—are widely shared, internalized, and accumulated. Deportability is thus a distinctive presence in the everyday lives and maneuvered spaces of all undocumented migrants, enduring even into legal residency (which, after all, remains subject to revocation and deportation). And yet the entrapment of deportability itself does not render its target population passive or docile. While the authors constructively focus on deportation as a persistent presence, they nonetheless demonstrate that their informants' narratives are additionally replete with a ghostly absence that haunts households, networks, communities, and their larger sociopolitical landscape—yet also mobilizes individuals toward collective action.

In the following chapter, the anthropologist Andrew M. Gardner draws from ethnography on both skilled and unskilled foreign labor in Bahrain to demonstrate how, as in other national contexts, "illegality" is in fact produced by the very system responsible for the management of foreign labor. Through the *kafala* system, however, every foreign laborer is sponsored by, and thus also beholden to, a private citizen or corporate entity that maintains complete (and effectively despotic) control over laborers' working conditions and legal status. Deportability, in this context, is thus produced and sustained not primarily by the state—although the state is, of course, complicit in its support of this system—but by the individual citizen and his or her whims. Consequently deportability is experienced equally by documented and undocumented migrants alike, all of whom can ill afford to lose the job for which they have indebted themselves (through the costs of visas, travel, and intermediaries) to acquire. Gardner's recognition that the structural violence of the kafala system extends to *all* noncitizens challenges the common assumption that deportability is inherently tied to "illegality" or to the unlawful actions of individual migrants. It also provides an instructive example of how the deportation regime extends into spaces (both geographic and political) beyond the putative sovereignty of the state.

The anthropologist Hans-Rudolf Wicker considers the deep and contradictory ethical ambivalence surrounding deportation for Switzerland as a self-consciously democratic and constitutional state with a pronouncedly liberal self-image. And yet, especially with the development of legal frameworks for the regulation of migration, which have increasingly

legitimized deportation practices, what has emerged is a whole range of distinct categories of persons who are or might be subject to expulsion. Although their common denominator is predictably their status as noncitizens, this group is not at all homogeneous, resulting from a panoply of parallel regulatory regimes regarding sojourn, work, and residence permits, as well as criminal law. Through this proliferation of legalities, the Swiss state is able to assert its firm stance against "illegal" migration while also remaining distinctly unconcerned with its actual enforcement. For example, many of these various types of "illegal" migrants are "tolerated" by the various Swiss authorities, but only insofar as they remain inconspicuous. In delineating the various constructions of "illegality" in Switzerland, Wicker exposes the ambivalences of the dominant notion of "tolerance" and the ambiguities of social and political visibility and invisibility.

The themes of "tolerance" and visibility are revisited by the anthropologist Heide Castañeda, who focuses on the temporary suspension of German deportation orders and the complex ambivalence—toward state coercion, but also "illegality"—which they reveal. Castañeda examines how these "exceptions" are framed as examples of benevolence on the part of the host society, even as they highlight the intolerant and arbitrary nature of deportation practices. Ironically, those who receive a suspension during the maternity protection period or due to illness are in fact subject to even greater restrictions and come to "inhabit a state of hypervisibility" until they are ultimately deported or, in rare cases, granted residency on humanitarian grounds. Although Germany is home to a number of prominent anti-deportation campaigns, its policies rest on its citizens' ultimate complicity (and even outright participation) in producing this protracted state of exception that generates and sustains migrant "illegality." Castañeda argues that the suspension of deportation (or *Duldung*) thus becomes merely another mechanism for ordering migrants, in the combined sense of both disciplining them and differentiating between them.

As the anthropologist Sarah Willen demonstrates, the biopolitical production of otherness is historically situated and locally configured in ways that simple binary oppositions tend to obscure. Examining an aggressive deportation campaign organized in Israel in 2002, Willen analyzes how the state relied on a (tacit) governmental template of biosocial profiling and threats of physical violence to cast its undocumented transnational migrants as criminal, threatening others—analogous, in many ways, to its indigenous and constitutive others: the Palestinians. Notably, both groups (the Palestinians and the undocumented migrants) had come to

be racialized, targeted, and expelled in a strikingly similar manner, albeit profoundly informed by their disparate positions and particular histories vis-à-vis the Israeli state. Willen argues that we cannot adequately comprehend the exclusion of one group without relating it to exclusion of the other; whereas the deportation campaign against migrants had been promoted as a "solution" to Israeli unemployment, it was in fact clearly part of a broader project to secure the demographic contours of the Israeli state as a Jewish "nation."

The anthropologist and Asian American studies scholar Sunaina Maira further analyzes deportation as a form of biopolitical regulation framed and legitimated by a concern for protecting national "security" against both internal and external threats. Maira emphasizes the convergence between the neoliberal deployment of deportation as an economic strategy that disciplines transnational labor and the imperial use of deportation as a political instrument for repressing ideologies or movements that oppose U.S. policies "at home" and abroad. By focusing on the impact of post-September 11, 2001, acts of surveillance, detention, and deportation targeting South Asian (Muslim and non-Muslim) and other migrants in the greater San Francisco Bay Area, Maira demonstrates how these particular forms of intimidation have affected entire migrant communities. Through its surprisingly intimate reach, the state is implicated in redrawing the boundaries between public and private spaces and aspiring to constrict the possibilities for any form of shared dissent. Nevertheless, as Maira and many of the other authors here demonstrate, it is precisely from within these spaces of deportability that disparate migrant individuals and collectivities have begun to form alliances to contest the deportation regime.

FORCED MOVEMENT

> Anne Hutchinson: "I desire to know wherefore I am banished."
> John Winthrop: "Say no more, the Court knows wherefore and is satisfied."
> —General Court of Massachusetts, 1637 (quoted in Morgan 1999, 136)[10]

The "nationalization" of deportation policy and enforcement, the formulation and codification of deportation law, and the strict differentiation between the legal status of citizen and alien, in the United States as elsewhere, were only fully established and institutionalized toward the end of the nineteenth century. Thus when the Puritan theologian, protofeminist,

and dissident Anne Hutchinson was brought to trial by the General Court of Massachusetts, declared a heretic, and banished from the Massachusetts Bay Colony under the governorship of John Winthrop in 1637, this early colonial incident of distinctly premodern expulsion was not simply notable for its naked display of arbitrary and despotic power but also is quite striking, from the perspective of deportation law and practice today, for other reasons. This episode, like countless others of its era, is remarkable for having been carried out under the jurisdiction of an entity other than a comprehensive English colonial authority, which might have been analogous to the subsequent federal government of the U.S. nation-state. Thus this case is likewise noteworthy for the absence of any clear and all-encompassing deportation or immigration law to which Hutchinson could appeal. Furthermore, it is a stunning reminder of a person's vulnerability, historically, to banishment despite having been a long-established legal resident and ostensible "citizen."

In his recent history of deportation in the United States, Daniel Kanstroom emphasizes an additional and significant dimension of deportation practice during the period of its initial nationalization: the mounting use of deportation law as a form not only of "extended border control" but also of "post-entry social control" (2007, 92). This utility of deportation for social control was not entirely new, of course; Anne Hutchinson, for instance, was banished precisely on the grounds of her unorthodox beliefs and unauthorized conduct. Nevertheless, at the beginning of the twentieth century, U.S. deportation law was rapidly expanded and transformed to determine not only what categories of "foreigner" would be permitted to enter and reside in U.S. territory but also what practices, predicaments, and predilections constituted grounds for removal. Specifically, the increasing implementation and regularization of deportation policies were accompanied by a proliferation of stipulations about which juridical statuses (such as various early formulations of migrant "illegality" or "criminality") or subsequent types of conduct (as in the vague catchall category of crimes involving "moral turpitude" or retroactive evidences of the likelihood to become a "public charge") would count as susceptible for deportation. If, by the 1990s, various long-standing ideological or behavioral bases for exclusion or removal (such as the espousal of communism or homosexuality) had officially been relegated to the same rubbish bin as earlier racial or national-origin exclusions and prohibitions against anarchists, new and still more amorphous ones (such as "terrorism") arose in their stead.

By the beginning of the twenty-first century, we can point to three fur-

ther trends in immigration and border control, both in the United States and globally: the increasing securitization of borders and with it the increasing restrictiveness of immigration and deportation law, as already discussed; the proliferation and expansion of deportable offenses based on various sorts of (mis)conduct; and consequently the escalating "individualization" of deportation procedure (De Genova, this volume; Walters, this volume). That is—despite the continued collective targeting of groups based on their racialized national identities or "inassimilable" religious or political beliefs—deportation, at its point of application, tends to operate as a radically individualizing and thus also atomizing and isolating event, through which the full force of the sovereign power of the state is wielded against an individual life and deployed to circumscribe it. And yet, as the chapters of part 4 reveal, regardless of the many administrative and bureaucratic developments that have rigidified the deportation regime since the days of Hutchinson's banishment from Massachusetts, the enduring arbitrariness and sheer despotism of this distinctly undemocratic operation of the Rule of Law continue to be experienced by individuals deported today—as absurd.

The three chapters of part 4 tackle the actuality of deportation, head-on, in a variety of ethnographic efforts to capture the lived consequences of "removal" as *forced movement*. Whereas many of the previous chapters have primarily concentrated on the material and discursive productions of alienage and "illegality" through the diverse spatial configurations, metaphors, and controls surrounding deportability, the chapters here focus primarily on the ways in which the law and its execution—through the event of deportation—have rendered individual lives enduringly "illegal" and truly "inviable" (Coutin, this volume). The majority of the individuals whose cases are analyzed in this part were "legal" residents of the United States until the acute convergence of criminal justice and immigration policies in 1996 made them subject to retroactive policies of mandatory detention and removal. Generally faced with criminal convictions or charges and thus divested of their "right" to remain in the United States, these individuals were forcibly removed to their (supposed) countries of origin—"returned," in many cases, not to their homes but to sustained violence, the threat of torture, or the very conflicts which they (or their parents) had originally sought to escape. As Susan Coutin points out in her chapter, and as reiterated by some of the interlocutors in Nathalie Peutz's, many individuals experience deportation "not as a *return* but as a *departure*" from the country they consider their home. In other cases, such as the ordered removal of a previously authorized foreign student

who has committed no offense, discussed by Aashti Bhartia, the forced movement of deportation is experienced as a banishment from "justice" itself.

Bhartia, an activist-scholar and journalist, traces the remarkable documentary record of a single deportation. In March 2003, Sulaiman Oladokun, a native of Burkina Faso but a long-term citizen and resident of Nigeria, was arrested by the U.S. Joint Terrorism Task Force on charges that soon thereafter were revealed to be fraudulent. And yet during a trial that eerily evokes Kafka's fictional account of an "empty law" or the suspension of law, Oladokun's visa was revoked, and he was removed to Nigeria. Indeed, it was the immigration proceedings themselves that had rendered Oladokun "guilty" and thus potentially subject to torture upon his arrival in Nigeria. Bhartia demonstrates that the juridical extension of state power over migrant bodies not only incriminates migrants but also elides the state's role in producing the conditions of their migration, as well as the very circumstances of their need for state "protection." Paradoxically, it was the threat of torture and Oladokun's subsequent plea for protection from torture that became his last and only (but ultimately failed) recourse for remaining in the United States.

In the following chapter, the anthropologist Susan Bibler Coutin narrates the story of Alex Sanchez, a former street-gang member and the director of a gang violence prevention program in Los Angeles who in 1994 had been deported to his native country of El Salvador for gang-related activities, after which he reentered the United States. Coutin draws attention to the ways in which deportation is a transformative event for individuals whose "belonging" is far more complex than their actual citizenship may reflect. Once deported to El Salvador, "criminal alien" deportees such as Sanchez find themselves in an environment that is largely unfamiliar and even hostile, making their unauthorized and now-criminalized return to the United States one of their only viable options. Moreover, such so-called "criminal aliens" deported to El Salvador are subject to the same sorts of zero-tolerance antigang policies that they faced in Los Angeles, "security" policies that El Salvador has adopted from the United States (see Zilberg 2007c). Deportees with criminal convictions are thus stigmatized and rendered "illegal" in both states, and their deportations serve to exacerbate the very lawlessness that deportation was purportedly designed to remedy.

Nathalie Peutz examines a parallel situation of "criminal aliens" who have been deported to a postwar environment in which they similarly encounter great suspicion and stigmatization because of their forced "return."

Peutz recounts the experiences of a group of thirty-one Somalis deported from the United States and Canada to war-torn Mogadishu. Significantly, many had been ordered removed years before their deportation in 2002 but had been detained indefinitely owing to Somalia's lack of a functioning state. After the events of September 11, 2001, however—with the renewed emphasis on "national security" and consequently the newfound priority placed on removing Arabs and other Muslims with outstanding deportation orders, and also in the context of an official fear that stateless Somalia could become a harbor for terrorist operatives—these Somalis experienced their sudden, summary deportation as an exceptional event, which endowed their personal suffering with seemingly global significance. Yet, as both Bhartia and Coutin also argue, instead of reconciling them to their presumably "natural home" and their apparently proper juridical identities, their deportations dramatically unsettled them, effectively denied them any recourse to the law itself, and seemed to render them the irredeemably abject refuse of a global deportation regime.

FREEDOM

Finally, part 5, comprising just one quite poignant chapter, theorizes social and political movements against deportation in a concluding attempt to resume the volume's focus on an agonistic but profoundly meaningful configuration of the problem of *freedom*. In his important (previously published) chapter, "Abject Cosmopolitanism: The Politics of Protection in the Anti-Deportation Movement," the political scientist Peter Nyers considers the radical political act (radical because this kind of agency is conventionally consigned exclusively to citizens) of abject migrants engaged in an audible and visible challenge to the sovereign state's claim to monopolize the parameters and possibilities of their protection. The politics of "protection"—regarding who will or will not be protected and thereby included (through asylum), or conversely who may be denied such protection (through deportation), as well as who may authorize the protection, and who will execute it—are normally governed by the state as a critical, if not constitutive, component of its sovereign power. Anti-detention and anti-deportation campaigns around the world have increasingly come to contest these national and transnational deportation regimes, struggling to assert or even re-*take* the right to unrestricted movement and migration. By analyzing a significant anti-deportation campaign in Canada through which nonstatus Algerians in Montreal contested the

government's reversal of its policy regarding deportations to Algeria, Nyers demonstrates how these refugees risked making claims and taking rights by demanding their political recognition and regularization of their status.

The abject diaspora of deportable or deported asylum seekers, refugees, undocumented migrants, "criminal aliens," and others constitutes a veritable *deportspora* that encircles the planet. That same global deportspora, which Nyers theorizes, tragically informs all the chapters of this volume. But, as Nyers contends, the deportable of the planet must be considered not only in relation to the figure of a cosmopolitan political subject (whether as its inverse, or its constitutive other) but also *as* properly cosmopolitan, rights-taking subjects in and of themselves. Nevertheless, this reinvigoration of political speech and space—indeed, of freedom—is precisely *unprotected* and ever vulnerable to being (re)captured by the sovereign power of the state. Very much in accord with the freedom of movement itself, as elaborated by De Genova in part 1, the rights-taking modes of being political, which Nyers identifies as the abject cosmopolitanism of the deported and the deportable, even as they remain distinctly circumscribed and utterly unprotected, are crucially *practices* of freedom.

DEPORTATION: FROM MARGIN TO CENTER

The essays in this collection address some of the most vital questions that have challenged recent scholarship in migration and citizenship studies, and embody an audacious but still emergent research agenda. By foregrounding the historical and contemporary significances of deportation, this volume seeks to open new avenues of intellectual inquiry and to map new directions for future scholarly research. These essays are empirically rich, analytically rigorous, and theoretically ambitious contributions to the elaboration of a sociopolitical problematic that has scarcely begun to receive the kind of serious intellectual and ethical scrutiny that it commands. The central concerns of this anthology, then, have profound ramifications for advanced research—across several interdisciplinary fields, in multiple academic contexts, and around the world—on the fundamental relation between deportation (and migration more generally) and the complex intersection of state sovereignty, citizenship, national identity, and the social productions of (nation-)state spaces. Precisely as deportation might appear to be a relatively marginal matter—ostensibly a trivial business of human refuse disposal, involving only "disposable" and seem-

ingly inconsequential people who have presumably transgressed the outer borders of states or otherwise violated the law—the contributions to this collection demonstrate and theorize the veritable centrality of deportation and deportability to any further critical inquiry into the urgent questions and struggles surrounding the constitution of state power and sovereignty, the global sociopolitical production of space, and the freedom of movement that remains to inspire and provoke us as one of the very foundations for any conception of human freedom.

NOTES

1. In the United States, "removable aliens" include, among others, undocumented migrants who have been laboring in the country for years ("illegal aliens"); lawful permanent residents who have committed a crime of "moral turpitude," including minor offenses such as shoplifting or the possession of marijuana ("criminal aliens"); lawful permanent residents who have, for instance, made charitable contributions or donations in support of the legal and public activities of organizations which have been designated unilaterally by U.S. authorities as "terrorist," and therefore have been charged, even if only retroactively, with "providing material support" to a terrorist organization (de facto "enemy aliens," who in fact tend not to be deported but rather may be subjected to indefinite detention); and any noncitizen found to be in violation of numerous technicalities of immigration law, namely, administrative procedures, such as failing to submit a change of address to the immigration authorities. Under the USA PATRIOT Act, the Immigration and Nationality Act of 1952 was amended to expand the power of the federal government to detain and deport aliens. For example, under title IV ("Protecting the Border"), section 411, a noncitizen may now be deported as a *terrorist* for merely committing a crime using a "weapon or dangerous device" or for having provided support to an organization even before it was officially alleged to be a terrorist organization. Section 412 permits the attorney general to detain or deport individuals solely on his word that he has "reasonable grounds to believe" that a person is engaged in terrorist activity (Abele 2005; see also Cole 2003; De Genova 2007). These retroactive charges are not new. In 1996 the U.S. Congress enacted two laws—the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)—that had already instated mandatory deportation and detention, even for legal permanent residents, who had been convicted of "aggravated felonies" (now defined as any conviction with a sentence of one year), whether or not the conviction and sentencing had occurred before the passing of these laws (Morawetz 1998, 2000; J. Hafetz 1998).

2. In 2004 the European Commission established the European Agency for

the Management of Operational Cooperation at the External Borders (Frontex), which, among other border control provisions, coordinates multistate expulsions from Europe. Notably, the United States has similarly been collaborating with the Canadian government to conduct and share the costs of joint U.S.-Canadian deportations from the North American continent.

3. Of the 6,000 deported by Mexico, 50 percent were Guatemalan, 28 percent Honduran, and 22 percent Salvadoran. Guatemala deported more than 1,600 Hondurans, 1,500 Salvadorans, 100 Nicaraguans, and 400 from other countries, including Ecuador, Peru, Pakistan, India, and Iran. Similar operations were conducted in Honduras and El Salvador, where approximately 1,000 additional "illegal aliens" were apprehended (Jaramillo 2001). U.S. supplemental financing of Mexico's deportations is reported to have been discontinued with the creation of the Department of Homeland Security in 2003. On October 22, 2007, however, George W. Bush announced his request to fund the Mérida Initiative, a new "security cooperation initiative" with Mexico and the countries of Central America, principally directed toward more militarized border enforcement, to "combat the threats of drug trafficking, transnational crime, and terrorism in the Western Hemisphere. See U.S. Department of State, Bureau of Public Affairs press statement, available at http://www.state.gov/r/pa/prs/ps/2007/oct/93800.htm.

4. Walters (this volume) and others have demonstrated that deportation law can be traced at least as far back as the 1662 Law of Settlement and Removal mandating the forced relocation of the poor to their "settlement" (in many cases, their place of birth) and consequent laws against vagrancy and transients who were to be exported to the colonies along with other "criminals." As much as these early forms of forced movement and exclusion targeted the poor and the socially undesirable, they also explicitly targeted slaves and free people of color. In the United States, for example, it was only with the Alien and Sedition Acts of 1798 that the distinction between citizen and alien was sharpened, and aliens, as such, became specifically susceptible to deportation. Notably, from its inception, U.S. deportation law has been animated by race-based policies, its doctrines honed through the successive efforts to remove or exclude indigenous populations (the 1830 Indian Removal Act), freed slaves (the 1850 Fugitive Slave Act), Chinese laborers (the 1882 Chinese Exclusion Act), and other "racially ineligible" groups (the 1924 Johnson-Reed Immigration Act) from the U.S. body politic (Kanstroom 2007; see also Calavita 1984; Ngai 2004).

5. Fekete argues that deportation from the European Union "is designed more for global consumption than anything else" (2005, 10); that is, it is meant to discourage potential refugees from even attempting to seek asylum in Europe. This use of deportation to send a signal—to a nation-state's citizens as well as its "outsiders"—has become blatantly evident, both in words and in practice. For example, a former managing director of the Dutch Immigration and Naturalization Service claimed, "Charter [deportation] flights are important for the public image. The image in the Netherlands should be that people living here illegally are really going back" (quoted in Fekete 2005, 10). Fekete provides a

similar example of the UK government "explaining that a film crew videoed the forced deportation of approximately two dozen Afghans from Gatwick airport so that the film could subsequently be broadcast in Afghanistan as part of a programme warning against refugee flight" (2005, 20).

6. In the United States, for example, 20 percent of the 897,099 noncitizens deported between 1997 (when stringent new deportation laws went into effect) and 2007 had been "legally" present in the country and were deported for having committed nonviolent offenses (Human Rights Watch 2009, 2).

7. Deportability, in this sense, represents what Kerber, referring to the cosmopolitan existence of multiple citizenships, in contrast to statelessness, calls a "state*full*ness" (2007, 7)—but, in this case, it is a negative image of state*full*ness, an abject state*full*ness with devastating effects on already vulnerable migrants (see also Nyers, this volume).

8. Indeed, of the approximately four million migrants "legalized" and granted residency documents in Europe over the last twenty-five years, roughly two-thirds of the total have been accounted for by Italy and Spain alone (DeParle 2008).

9. This estimate is taken from the United Nations Population Division database on "world migrant stock," available at http://esa.un.org/migration/p2kodata.asp (accessed June 10, 2008). According to the CIA World Fact book's July 2009 estimate "nonnationals" currently make up 44 percent of Bahrain's population in the fifteen-to-sixty-four-year age group (see https://www.cia.gov/library/publications/the-world-factbook/geos/ba.html). Because the 2005 UN report concerns itself specifically with migrants and refugees, as opposed to the more ambiguous term "nonnationals," we employ the UN figures.

10. We are indebted to the work of Daniel Kanstroom (2007, 30), from which this exchange was drawn to our attention.

PART ONE *Theoretical Overview*

NICHOLAS DE GENOVA

The Deportation Regime

Sovereignty, Space, and the Freedom of Movement

> Of all the specific liberties which may come into our minds when we hear the word "freedom," freedom of movement is historically the oldest and also the most elementary. Being able to depart for where we will is the prototypical gesture of being free, as limitation of freedom of movement has from time immemorial been the precondition for enslavement. Freedom of movement is also the indispensable precondition for action, and it is in action that men primarily experience freedom in the world.—Hannah Arendt, "On Humanity in Dark Times"

> To be a human being in the true sense of the word, one has to be unsettled. —Vilém Flusser, "To Be Unsettled, One First Has to Be Settled"

If the freedom of movement is truly "elementary" and "prototypical"—and, furthermore, if it is fundamental—for any serious reflection on or practice of liberty, it is revealing that such a basic freedom has been relegated to an ominous political neglect as well as an astounding theoretical silence. Indeed, various formulations of such a freedom have been intermittently institutionalized since ancient times and then, after the founding of the United Nations in 1948, enshrined in article 13 of its Universal Declaration of Human Rights. Yet one can scarcely encounter a reference to the freedom of movement that is not immediately encumbered with the pertinent qualifications, limitations, and restrictions. Notably, the ineffable fault line in modern times for the positing of such a freedom has been the primacy, prerogative, and presumptive sovereignty of

territorially defined ("national") states. If the freedom of movement has remained utterly beleaguered, its persistent and pernicious regulation has nevertheless become an ever-greater preoccupation of these states in the reentrenchment of their spatial jurisdictions. This ever-increasing attempt to control human mobility tends to be promoted, in fact, as nothing less than a putative manifestation of these states' ("national") sovereign power.

Amid proliferating spectacles of increasingly militarized border policing and the expanding purview of securitization in all aspects of travel and transit, globally, deportation has thus recently achieved an unprecedented prominence (see, e.g., Bloch and Schuster 2005; De Genova 2002; Fekete 2005; Hing 2006a; Kanstroom 2007; in this volume, see also Peutz; Walters). Associated with the ascendancy of an effectively global, neoimperial sovereignty (and a more general rescaling of various state functions and capabilities), a decidedly inverse relation may be detected between the distinctly waning fortunes and diminishing returns of nation-state sovereignty, as such, and the exuberant attention to ever more comprehensive and draconian controls that states seek to impose upon the most humble cross-border comings and goings—and settlings—of migrants (cf. Bosniak 1998, 2006; Dauvergne 2007; Nyers 2006a). At the beginning of the twentieth century, it was commonly considered to be frankly unconscionable, even by some immigration judges, to inflict the plainly punitive, "barbarous and cruel" hardship of expulsion on unauthorized but otherwise lawful long-term migrants and their families (see Ngai 2005, A21). By century's end, deportation had become utterly banal.[1] Indeed, despite the inevitable and irreducible historical specificities of particular states' legal bulwarks concerning the regulation of immigration (De Genova 2002), the practice of deportation has nonetheless emerged as a definite and increasingly pervasive convention of routine statecraft. Deportation seems to have become a virtually global *regime*.

DEPORTABILITY AND STATE SOVEREIGNTY

A paramount task of social criticism, according to Giorgio Agamben, concerns identifying "where, in the body of power, is the zone of indistinction (or, at least, the point of intersection) at which techniques of individualization and totalizing procedures converge" (1995/1998, 6).[2] Plainly, deportation is precisely such a point of intersection. In deportation, the whole totalizing regime of citizenship and alienage, belonging

and deportability, entitlement and rightlessness, is deployed against particular persons in a manner that is, in the immediate practical application, irreducibly if not irreversibly individualizing (see Walters, this volume; for further examples in this volume, see especially the essays by Bhartia; Castañeda; Coutin; Gardner; Maira; Peutz; Talavera, Núñez, and Heyman; and Willen).

The extravagant and truly unforgiving individualization that comes with deportation may nowhere more tellingly be illustrated, however, than in the breach. Here it is instructive to consider the case of Elvira Arellano. Previously deported in 1997 and then arrested during an immigration raid in 2002 at Chicago's O'Hare International Airport, where she worked "illegally" cleaning the passenger cabins of commercial airliners, Arellano would appear an improbable candidate for *Time* magazine's list of "People Who Mattered" in 2006, where she was counted alongside George W. Bush (as well as Dick Cheney, Donald Rumsfeld, and Condoleezza Rice), Hugo Chávez, Pope Benedict XVI, and Kim Jong-il, among others. Thus Arellano was aptly depicted in 2007 as "perhaps the most famous undocumented immigrant" in the United States (Terry 2007). Yet even her tireless anti-deportation activism seems unlikely to have ever garnered such renown. On August 15, 2006, however, in defiance of a final order to report to the U.S. Department of Homeland Security for deportation to Mexico, Arellano (with her eight-year-old son, a U.S. citizen) publicly took refuge in Chicago's Adalberto United Methodist Church, where it was proclaimed that she and her child would be provided "sanctuary." Arellano's humble but courageous act of civil disobedience forcefully challenged immigration authorities to storm the premises and apprehend her.

Arellano remained confined to the storefront church and a small apartment above, as well as its modest enclosed parking lot and garden, for the year that followed. Her captive deportability arose amid a spectacular escalation of workplace and community immigration raids (initiated in April 2006 in response to the mass protests in defense of "immigrants' rights" and unabated during the subsequent year). Moreover, Arellano's public act of defiance flagrantly spited the U.S. immigration authorities' bombastic declaration of an avowed but absurdly implausible mission "to remove all removable aliens" (USDHS-ICE 2003, ii). Much as it may seem paradoxical, the deportation regime in which Arellano was embroiled nonetheless reserved its sovereign prerogative, during the year that ensued, to look the other way and bide its time. Confronted with an audacious affront to its juridical order, the sovereign power of the U.S. state

was pressed to decide on the remarkable quandary presented by one Elvira Arellano. In response, the U.S. state tacitly instituted a peculiar state of exception whereby the law was suspended rather than enforced (Agamben 2003/2005). What appeared, however tentatively, to be Arellano's de facto immunity from deportation was indubitably a testament and a tribute to the vitality and potential volatility of the mass social movement from which her bold but desperate act of insubordination arose. It was likewise a measure of the state's prudent assessment of the movement's demonstrable success at garnering significant public sympathy.[3] Undoubtedly the state's reluctance signaled a palpable gain for the movement and also a definite victory (albeit only in the strictest and most narrow sense) for a person prepared to make extraordinary sacrifices *not* to be deported. Nonetheless Arellano incurred not merely a dramatically more excruciating kind of deportability but also a radical *immobilization*—a veritable encirclement, an asphyxiating abrogation of her freedom of movement.[4]

If the law regarding Arellano's actionable deportation was at least temporarily set aside, therefore, the norm of her *deportability* remained rigorously in-force. Thus the "state of emergency" that long defined her more mundane condition as an undocumented migrant worker remained not the exception but rather, precisely, the rule (see Benjamin 1940/1968, 257). For if the state's seeming *indecision* may yet have been apprehensible as a kind of decision, might we not detect that the efficiency of Arellano's deportability was exorbitantly enhanced, under these exceptional circumstances, by the deferral of her actual deportation?[5] It is precisely in deliberations over the exception, Agamben (1995/1998, 2003/2005) would contend, that the sovereign power of the state is constituted. Thus, in the face of imminent deportation, Arellano effectively exchanged the life of an undocumented migrant worker (for whom onerous exploitation was the quotidian price of her routinized legal vulnerability as an "illegal alien") for one of self-selected captivity and a heightened and unrelenting exposure to the unfathomable caprices of the state (albeit accompanied by an improbable sort of individual celebrity). Upon the one-year anniversary of her defiant custody, Arellano announced in a press conference that she would soon abandon her church sanctuary in Chicago by traveling to Washington, D.C., to participate in an immigrants' rights protest as an anti-deportation activist. She then momentarily returned to public life by surreptitiously traveling to Los Angeles, where she addressed a similar rally and then was swiftly apprehended (now as a "high-profile criminal fugitive alien") and summarily deported. Arellano's deportation came, notably, only once she had violated the tacit terms of her voluntary internment.

SOVEREIGN POWER AND BARE LIFE

What, we might ask, do examples such as Elvira Arellano's besieged condition of deportability serve to illuminate, if not the outright and agonistic *politicization* of her (bare) life? The concept of *bare life*, elaborated by Agamben (1995/1998),[6] in its barest distillation, is only apprehensible in contrast to the plenitude of ways in which human beings really live, namely, within and through one or another ensemble of *social relations*. Bare life is thus a conceptual foil for all the historically specific and socially particular forms in which human (biological) life is qualified by its inscription within one or another sociopolitical order. That is to say, "bare" or "naked" life may be understood to be *what remains* when human existence, while yet alive, is nonetheless stripped of all the encumbrances of social location, and thus bereft of all the qualifications for properly political inclusion and belonging (cf. Agamben 1999/2002).[7] Agamben's poignant formulation of bare life has enjoyed a rapid and increasing prominence in critical scholarly discourse, but as is often the case with currency, its accelerated circulation has also entailed a certain inflation and consequent devaluation. That is to say, the concept of bare life has been rather too presumptively reduced to a figure of mere "exclusion." Agamben's formulation is rather more subtle, however, as it revolves around "the zone of indistinction between outside and inside, exclusion and inclusion," whereby bare life is *produced* by sovereign (state) power.[8] Bare life, then, presents itself as the "originary political element." As a "threshold of articulation between [human life as] nature and [human life as] culture," it must be perennially and incessantly *banned* from the political and legal order which is enacted and orchestrated through the state (Agamben 1995/1998, 181). Nevertheless this banishment or abandonment of bare life by sovereign (state) power, which excludes it from all political life and denies it any juridical validity, implicates it in "a continuous relationship" (183). Indeed, inasmuch as it is precisely the regimentation of our social relations and identities by state power that radically separates the phantom of our naked (animal) life from the real (social) lives we lead, bare life perfectly "expresses our subjection to political power" (182).

Surely the politicization of Elvira Arellano's combined condition of deportability and containment did not evoke the iconic figure of bare life that Agamben identifies in the space of the Nazi concentration camps (1995/1998, 166–80), which many (rather too hastily) presume to be virtually dispositive of the concept. Nor did her insubordination resemble at all that of those unfortunates "abandoned . . . to the most extreme

misfortunes" (159), such as the "brain-dead" medical patient sustained by an artificial life-support system and rendered the prospective object of euthanasia (136–43, 160–65, 186). Much less may we discern any correspondence between her quite outspoken and passionate condition and that of the "living dead"—the so-called *Muselmänner*—whose utter loss of sensitivity and personality itself literally embodied the ultimate unspeakability of the Nazi extermination camps (1999/2002, 41–86; cf. 1995/1998, 184–85).[9] Nevertheless, here, in this Mexican undocumented-migrant worker/mother's life, was indeed a life in its barest rudimentary outline, reduced to the most elementary facets with which human existence (as we presently know it) must, under ordinary circumstances, *sustain itself*—which is to say, by its *labor*. And here likewise was the unrelenting and unforgiving politicization of that life. What was at stake, after all, was whether Arellano would be allowed to simply live her life, mother her child, and earn her livelihood without exceptional obstructions and intrusions by the state—whether she would be left alone to eke out her subsistence within the wider (global) regime of the market, that is—or whether this individual migrant, whose real infraction was simply her free (transnational) movement and her "unauthorized" labor, would be coercively removed from the space of the U.S. nation-state.[10] That *space* operates simultaneously as both the setting and the stakes of such struggles, as Henri Lefebvre notes (1974/1991, 386; cf. Isin 2002, 283–84), is a crucial point to which I shall return. As Linda Bosniak notes, "it is . . . the very fact of their *hereness*"—which is to say, their *presence*, their being in space—"that renders [the undocumented] deportable" (2006, 139; italics in original). Relying on a palpably spatial metaphor, Agamben has characterized such a politicization of bare life as the defining "threshold" where the relation between the living (human) being and the sociopolitical order is substantiated, and where sovereign state power therefore presumes to decide upon and inscribe the humanity of living men and women within its normative order (1995/1998, 8). If Agamben therefore posits as his most elementary conclusion the proposition "that the inclusion of bare life in the political realm constitutes the original—if concealed—nucleus of sovereign power" (6), then such an inscription is fundamentally an *incorporation* while nonetheless a negation. Surely, *illegalized* migrant labor—and therefore also deportation—enacts exactly such a constitutive contradiction.

It is precisely their distinctive legal vulnerability, their putative "illegality" and official "exclusion," that inflames the irrepressible desire and demand for undocumented migrants as a highly exploitable workforce—and

thus ensures their enthusiastic importation and subordinate incorporation. And this is above all true because of the discipline imposed by their ultimate susceptibility to deportation, their deportability (De Genova 2002; 2005, 8). And yet the sheer autonomy of migration (Mezzadra 2004), especially that of "unauthorized" migration, remains a permanent and incorrigible affront to state sovereignty and the power of the state to manage its social space through law and the violence of law enforcement. Thus deportation in particular must emerge as a premier locus for the further theoretical elaboration of the co-constituted problems of the state and its putative sovereignty, on the one hand, and that elementary precondition of human freedom which is the freedom of movement.

What, in the end, is movement—and therefore the freedom of movement—if not a figure par excellence of life, indeed, life in its barest essential condition? Here, of course, we must emphatically distinguish between freedom—as an ontological condition—and anything on the order of a "right" that has been so ordained within one or another normative or juridical framework. In this regard, the freedom of movement may best be understood, precisely, *not* as a "right"—and neither as something so juridical (and decidedly modern) as a "human right," nor anything so metaphysical as a putative "natural right." Likewise, the freedom of movement must therefore be radically distinguished from any of the ways that such a liberty may have been stipulated, circumscribed, and domesticated within the orbit of state power ("national," imperial, or otherwise).[11] Instead I am underscoring the fact that human life, in its most apparently "biological" and socially undifferentiated or unqualified (animal) sense, is inseparable from the uninhibited capacity for movement which is a necessary premise for the free and purposeful exercise of creative and productive powers. The exercise of these vital powers is, plainly, the foundation for all properly social praxis. (And social praxis is what makes the life of the human species truly human, after all.)[12] Thus the freedom of movement is inseparable from that still more basic human power which is generative of the very possibility of social life, namely, our capacity to creatively transform our objective circumstances.

This intersection of the freedom of movement with the capacity for work, simply put, does indeed mark a "zone of indistinction" (in Agamben's phrase) between naked (unformed, generic) human life and each historically particular configuration of social relations, or "way of life," in which its distinct humanity is realized. That is to say, it marks the necessary and inescapable point of convergence between bare ("natural") human existence and any viable social formation as such. If this is so, I

hasten to emphasize, then that freedom (to move in the world) and also that power (to transform the world) are grounded in a process whereby human life purposefully mediates its own embeddedness within nature:

> Man, through his own actions, mediates, regulates, and controls the metabolism between himself and nature . . . *as a force of nature*. . . . Through this movement, he acts upon external nature and changes it, and in this way simultaneously changes his own nature. He develops the potentialities slumbering within nature, and subjects the play of its forces to *his own sovereign power*. (Marx 1867/1976, 283; italics mine)

Hence Marx long ago identified the capacity of human beings (collectively) to purposefully transform our objective circumstances as the elementary and constitutive condition of specifically human life, as such, and he designated this power, precisely, as labor.[13]

Bare (human) life, then, can be qualified as "exclusively human" only by its intrinsically social and distinctively purposeful productive characteristics as open-ended creativity, as pure potentiality. If this sort of "purposeful activity" (284) is inseparable from the ontological (natural) necessity of tenaciously mediating our metabolic predicament in relation to external nature, it is also true that this "natural" (or "animal") life of the human species is intrinsically and necessarily *social* life. It is inherently interdependent and collaborative. In this regard, the recuperation of Marx's more expansive sense of the meaning of (living) labor as life-activity—as a creative vocation, which is itself an existential condition—has an enduringly political significance. Its affirmation, as Michael Hardt and Antonio Negri rightly contend, "is the affirmation of life itself" (1994, xiii). Notably, Marx repeatedly glosses this life-*activity* as "energy" (1867/1976, 982), "unrest" (287, 296), "motion" (296)—indeed, as "movement" (982). Furthermore, the productive power and creative capacity that are thus defining—and, in effect, definitive—of the species particularity of the human, as such, likewise are posited by Marx explicitly (and emphatically) as "sovereign power." Thus this restless, energetic, purposeful, free movement (namely, labor) ought to instructively assume a foundational significance for any theoretically viable concept of sovereign power.

Discourse about "power" and "sovereignty" has proliferated among scholars in recent years, but in a manner that seldom if ever does more than recapitulate the one-sided reification of power as synonymous with domination and sovereignty as an exclusive preserve of the state. Thus these discourses tend to fetishize the fetish of "power" (Holloway 1994, 52–53). The fetishism of the state (or power) recalls the fetishism of the

commodity. Power is very much like the seemingly ineffable, eminently social substance of "value" that Marx discerned in the commodity, which assumes the thinglike status of an alien power looming above the human beings who have produced it (1867/1976, 163–77). Similarly, the reified power of the state is nothing if not yet another congealed manifestation of the objectified, estranged productive power and creative capacity of "bare" laboring human life, as that sheer vitality has come to be ensnared in distinctly capitalist social relations (Pashukanis 1929; cf. Holloway 1994). From this standpoint, it is instructive to recall Marx's terse but poignant remarks in his otherwise vexed essay "On the Jewish Question" (1843) about the expressly "imaginary sovereignty" that is "the *sophistry of the political state* itself" (1978, 34; italics in original). What begins as precisely the sovereign power of human life itself—once it becomes ensconced within one or another regime of estrangement and expropriation—necessarily presents itself as the apparently independent and durable but fundamentally illusory sovereignty of the state. However, like the value of the commodity itself—"abounding in metaphysical subtleties and theological niceties" (163)—the power of the state is in fact the fetishized expression of a *social relation* of alienation while yet one also of active, unresolved struggle (Holloway 1994, 52–53). In Marx's account, centuries of outright and extravagant violence devoted to the subordination of labor to capital—for which the state-form is instrumental, and through which it becomes rigidified and institutionalized—eventually secure what comes to appear as merely "the silent compulsion of economic relations," and thus normalize "the requirements of [the capitalist] mode of production as self-evident natural laws." Only thereafter may the sorts of "direct extra-economic force" that distinguish the repressive apparatuses of state coercion come to be reserved for "*exceptional* cases" (1867/1976, 899; cf. 915–16; italics mine).[14] Thus only thereafter, historically, does it become substantially tenable for one such as Agamben (in spite of his otherwise brilliant exegetical recourse to ancient textual sources) to elaborate a theory of (state) sovereignty as crucially involved in the decision concerning "the state of exception" (1995; 1996; 2003).[15]

Power is therefore an elementary facet of human possibility and productive capability that is ontologically prior to, and ultimately autonomous of, the reified power of the sovereign state which captures and cannibalizes it. With recourse to such a critical perspective, it may be possible to retrieve and reclaim power from its ordinarily preconceived, always already a priori, (pre)theoretical status as abject domination. Such an alternative conception may thus provide a much-needed corrective to what

may be called the Foucauldian "iron cage" of power. Perhaps nowhere is Foucault's formulation of power more forcefully and persuasively articulated than in his methodological commentary in the first volume of *The History of Sexuality* (1976/1978). On the one hand, Foucault supplies a refreshing departure from more stultified renditions of power and notably insists on its plurality, proliferation, and productivity:

> The omnipresence of power: not because it has the privilege of consolidating everything under its invincible unity, but because it is produced from one moment to the next, at every point, or rather in every relation from one point to another. Power is everywhere; not because it embraces everything, but because it comes from everywhere. And "Power" [as a group of institutions and mechanisms that ensure the subservience of the citizens of a given state], insofar as it is permanent, repetitious, inert, and self-reproducing, is simply the over-all effect that emerges from all these mobilities, the concatenation that rests on each of them and seeks in turn to arrest their movement. (1976/1978, 93)

Thus Foucault usefully identifies the sovereign power of the state or the normative order of law as merely endpoint "crystallizations" (ibid.).[16] He emphasizes as well the instability of power that is implicated by precisely what we might call the freedom of movement, and consequently the state's dire and constant need to subjugate and suspend that movement. Furthermore, Foucault disavows the reification of power in favor of its immanence within social relations:

> Power is not something that is acquired, seized, or shared, something that one holds on to or allows to slip away; power is exercised. . . . Relations of power . . . have a directly productive role, wherever they come into play. Power comes from below. . . . (94)

> Where there is power, there is resistance . . . consequently, this resistance is never in a position of exteriority in relation to power. Should it be said that one is always "inside" power, there is no "escaping" it . . . because one is always subject to the law in any case? Or that, history being the ruse of reason, power is the ruse of history, always emerging the winner? This would be to misunderstand the strictly relational character of power relationships. (95)

All of this is compellingly subtle and unquestionably supple. And yet:

> Power's condition of possibility . . . is the moving substrate of force relations which, by virtue of their inequality, *constantly engender states of power*. (93; italics mine)