



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)

There is a plurality of resistances, each of them a special case. . . . By definition, they can only exist in the strategic field of power relations. . . . They are the odd term in relations of power; they are inscribed in the latter as an irreducible opposite (96).

Incessantly and ineluctably, then, inequalities of power operate strategically in Foucault’s analysis in tandem with their rightful resistances, here and there converging transversally and getting systematized into a more enduring and overarching hegemony, occasionally trading places as one subverts the other.¹⁷ “Power,” Foucault remarks elsewhere, is “something that circulates . . . that functions only when it is part of a chain . . . exercised through networks,” in which individuals “both submit to and exercise this power” (1976/2003, 29). Thus the play of power finally seems relentless—in effect, one damned thing after another. And the admirable methodological emphasis on the multiplicity, relationality, and restlessness of power with which Foucault begins ultimately turns out to be tantamount to its (re)essentialization. “We have to analyze [power],” he remarks concisely, “by beginning with the techniques and tactics of domination” (34; cf. 1982, 788). His polemical emphasis is on the plurality of techniques and tactics; domination is nonetheless the constant. What at first appeared to be chiefly distinguished by its “strictly relational” negativity, therefore tends to end up, fetishized yet again, as an elusive but ubiquitous positivity.

With these considerations of the limitations of Foucault’s formulation of power in mind, we may better appreciate the reelaboration of his notion of *bio-power*, through which Agamben (1995/1998) postulates his conception of the relation between sovereign power and bare life. For Foucault, the eclipse of premodern (monarchical) sovereignty was deeply entangled with the demise of an authoritarian sovereign’s prerogative to kill with impunity. It was accompanied by the concomitant ascendancy of a more impersonal political power that “had assigned itself the task of administering life,” one “whose highest function was perhaps no longer to kill, but to invest life through and through” (1976/1978, 139), by means of “the administration of bodies and the calculated management of life” culminating in “the control of populations” (140).¹⁸ Biopower refers, therefore, to “the set of mechanisms through which the basic biological features of the human species became the object of a political strategy,” and through which “modern Western societies took on board the fundamental biological fact that human beings are a species” (Foucault 1978/2007, 1). Agamben unreservedly credits Foucault’s analysis with having restored “the natural

['bare' or 'naked'] life of human beings . . . to the center of the polis" (1996/2000, ix), and plainly reaffirms that "politics in our age [have] been entirely transformed into biopolitics" (1995/1998, 120). However, in his various treatments of "disciplinary power" or biopower, Foucault tends to be judicious about avoiding any thematic focus on sovereignty (which retains for him the odor of the *pre-modern*; see 1976/2003, 35–38), in favor of a more dispersed and multifarious notion of power.¹⁹ Agamben often appears to recapitulate precisely what, for present purposes, may be considered to be the weaknesses of Foucault's formulation of power, while yet reinstating it as the specifically *sovereign* power of the biopolitical state.²⁰

In contrast to Foucault, nonetheless, Agamben posits a frankly predatory relation between sovereign (state) power and bare or naked (human) life, which is founded always upon their mutually constitutive *separation* (1996/2000, 4; cf. 2003/2005, 87). Nonetheless bare life—as the reification of a notion of human life that could somehow be merely "biological"—is, for Agamben, precisely *not* a biological given that ontologically precedes sovereign power, as if in a state of nature. Rather, bare life is precisely a "product of the [biopolitical] machine" (2003/2005, 87–88). Bare life, in other words, is for Agamben the debasement of the human specificity of human life. Thus his analysis of this constitutive separation between bare life and the sociopolitical order of sovereign power aspires always to problematize and effectively repudiate that same distinction.²¹ Indeed, politically, Agamben instead seeks nothing less than a life "in which it is never possible to isolate something such as naked [or 'bare'] life," "a life for which what is at stake in its way of living is living itself . . . in which the single ways, acts, and processes of living are never simply *facts* but always and above all *possibilities* of life, always and above all power" (1996/2000, 4; italics in original). Thus Agamben's propositions gesture toward "a *life of power*" predicated upon an emancipation from the very division of sovereign (state) power and naked ("biological") life and an "irrevocable *exodus* from any sovereignty" (8–9; italics in original).²²

The supersession of the sovereign power of the state, therefore, would emphatically not be some kind of romantic return to bare life as an ostensible state of grace. Rather, it would be a concomitant transcendence of the condition of bare life itself—a condition to which, according to Agamben (1996/2000, 5), virtually all human existence has by now been reduced. Hence, in contrast to the quite constant juxtaposition that Foucault finally sustains between (bio-) "power" and "life" (thereby upholding their seemingly immutable analytical opposition), Agamben invokes a notion (not unlike Marx's) of a restitution of human life to its own intrinsic

power (the originary power that Marx characterizes as "sovereign"). The "life of power" that Agamben proposes would *inhabit* precisely the zone of indistinction where the opposition between "life" and "power" collapses, and would thereby effectively suspend and transcend the very distinction. In this sense, Agamben revisits what in Marx (1843/1978) was in fact a radical disarticulation of "*human* emancipation" from all notions of citizenship, rights, the state, and even politics, as such (cf. De Genova 2007).²³ If Agamben confronts us with the abjection of bare life as paradigmatic of our universal condition, therefore, that critical move is not an end but rather, in his words, a *threshold*—one which we must venture to cross. "Criticism has torn up the imaginary flowers from the chain," Marx once admonished, "not so that man shall wear the unadorned, bleak chain but so that he will shake off the chain and pluck the living flower" (1844b/1975, 176).

Indeed, it is *citizenship* that remains for us the imaginary and purely deceptive flower dissimulating our subjection and adorning our abjection. In the effort to demonstrate that "biological life and its needs [have] become the *politically* decisive fact," Agamben deftly elucidates how citizenship in particular comes to entail "the primary inscription of life in the state order" (1995/1998, 122, 129; italics in original). Citizenship, in the modern (bourgeois-democratic) era, he argues, "does not simply identify a generic subjugation to royal authority or a determinative system of laws" but rather "names the new status of life as origin and ground of sovereignty, and therefore, literally identifies . . . 'the members of the sovereign'" (129). Such, at least, is what we may consider to be the game of modern sovereignty. The allure of "membership" within (state) power serves precisely as the device for entrapment that is otherwise named citizenship and consecrated as a virtually natural (birth-) "right."²⁴ "The very natural life . . . placed at the foundation of the order" (127) is figured—in its very humanity and by dint of nothing so much as its mere birth (or nativity)—as the foundation and the source of the purportedly democratic state's sovereignty (as "nation"). And yet, through its capture by the state (precisely in the form of citizenship and its putatively inalienable and indefeasible "rights"), this elemental and naked life is thereby expelled from view. "Rights are attributed to man (or originate in him)," Agamben concludes, "solely to the extent that man is the immediately vanishing ground (who must never come to light as such) of the citizen" (128; cf. 1996/2000, 20).

Thereafter ensues, however, a persistent task of regulating and revising the definition of *which* particular human lives could qualify as "natural"

citizens of the nation-state—the task of determining, in other words, exactly whose *nativity* may serve to verify *national* belonging. This is nothing less than an incessant (re)politicization of that same bare life, tantamount to a “constant need to redefine the threshold in life that distinguishes and separates what is inside from what is outside” (131). But the presumptive inside and outside become irredeemably confounded, and their indistinction becomes the site of a cascade of exceptions through which state power aims to ban and expel the bare life that otherwise supplies its very foundation (cf. Nyers 2006a; in this volume, see also Castañeda; Wicker; and Willen). Indeed, Agamben concludes (again echoing Marx) that “every attempt to found political liberties in the rights of the citizen is . . . in vain” (181).²⁵ Following Hannah Arendt (1951/1966, 267–302), Agamben then elaborates the figure of the refugee as “a limit concept that radically calls into question the fundamental categories of the nation-state” (1995/1998, 134; cf. 1996/2000, 22). For it is the refugee “who has become now the decisive factor of the modern nation-state by breaking the nexus between human being and citizen” (1996/2000, x; cf. p. 20). This irruption of the refugee, which confronts the sovereign power of the state with a bare life that cannot readily be subsumed within the normative juridical order of citizenship, therefore has ample implications for our consideration of the figure of the “deportable alien.”²⁶

THE INDISPENSABLE DISPOSABILITY OF DEPORTABLE LABOR

For the “deportable alien,” there is an ever-tenuous frontier between her abject subjection to the state and the imminent peril of her descent into the utter statelessness that signals the refugee as precisely a figure of barest life, naked humanness, humanity shorn of any juridical personhood.²⁷ That frontier is distinguished by the spectral vestiges of some previous (and, in any case, *exterior*) citizenship, a “proper” belonging elsewhere, within the orbit of some other state power. If the refugee may be invoked as an icon of statelessness and therefore also of bare life, then deportability perfectly and precisely marks the zone of indistinction between a condition that is (virtually) stateless and one that is positively saturated with the state. Deportation, moreover, enacts the gambit where this undecidable condition must be decided (for examples in this volume, see Bhartia; Coutin; Peutz). Deportation is, indeed, a premier means for perpetrating, embellishing, and reinstating a “threshold . . . that distinguishes and separates what is inside from what is outside.” It is no mere contriv-

ance or exaggeration, therefore, to say of the “deportable alien” that—like the exiles and bandits to whom Agamben analogizes the figure of bare life (1995/1998, 183–84), excluded from all political life, disqualified from any juridically valid act, and yet in a continuous relationship with the power that banishes it—no life is more “political” than hers.

Indeed, it is precisely in the “illegal” migrant’s deportability that we may encounter anew the centrality and constitutive role of *labor*. Her ever-vexed placement within the juridical order of citizenship, while always by definition outside it, precisely as its most abject “alien,” is no mere logical conundrum or normative inconsistency (in this volume, see Cornelisse; Gardner; Karakayali and Rigo; Nyers). Rather, this peculiar sociopolitical relation of juridical nonrelationality is the material and practical precondition for her thoroughgoing incorporation within a wider capitalist social formation, in which an effectively global market is fractured systemically into a political order of territorially delimited nation-states (Holloway 1994; cf. Hindess 2000; see also Walters, this volume). The “illegal” migrant is conscripted, after all, for the raw productive capacity of her human life as living labor (commodifiable, in Marx’s telling formulation, as *labor-power*). This sheer productive and generative capacity of human life (the power to transform itself, as well as its always already *social* configuration, by transforming its objective/external circumstances), becomes *politically* apprehensible, in Agamben’s terms, as bare life. And as bare life, it must thus be subsumed to (and mediated by) the constituted sovereign power of the state. If this is so, this raw life-force is nonetheless *immediately* apprehensible, *economically*, as a constituent and constitutive power—(living) labor—which must assiduously be subordinated to the everyday mandates of capital accumulation.²⁸ The exquisitely refined legal vulnerability of undocumented migrant labor—above all, materialized in its deportability—plainly serves to radically enhance the preconditions for its routinized subordination within the inherently despotic regime of the workplace (De Genova 2002; cf. Calavita 2003; Fekete 1997; see, for example, Gardner, this volume).²⁹ But this deportability likewise emerges as a telltale site where the totalizing procedures of otherwise partitioned “politics” and “economy” enter a zone of indistinction. Likewise, the susceptibility to deportation signals the exact point where these totalizing systems converge upon the irreducible singularities of individual lives.

If bare life is the vanishing ground of the citizen in the state’s disappearing act of sovereignty, it is no less the foundational element of sovereign power that obstinately *resurfaces* in the figure of the noncitizen (in this volume, see Andrijasevic; Karakayali and Rigo). As Elvira Arellano

remarked on the eve of her arrest, "I'm not challenging anyone. I'm just bringing to light what those who are in power don't want to see" (Olivio 2007). Yet unlike the refugee, whose naked humanness elusively tends to be figured as statelessness (Arendt 1951/1966, 297–300), the deportable alien makes her obtrusive appearance almost always fully clad, in her work clothes.³⁰

STATE SPACE AND THE FRONTIERS OF NATIONHOOD

Man will ultimately be known for a mere polity of multifarious, incongruous, and independent denizens.—Robert Louis Stevenson,
The Strange Case of Dr. Jekyll and Mr. Hyde

If, indeed, it is labor—that eminently social and inherently purposeful creative capacity and productive power—which truly distinguishes and is finally constitutive of *human* life in its barest elementary form, of naked humanity as such, then the very existence of “the” state (and likewise of each and every particular one) is revealed for its instrumental role in usurping, for itself on behalf of capital, the sovereign power of living labor for itself. Whereas *life-force* manifests itself diminutively as an infinite plenitude of particular instances of labor-power in the marketplace, it acquires a rarefied yet spurious unity—as “Power,” so seemingly pure and simple—only when it is gathered and reified in the state. “What on the side of the worker appeared in the form of unrest,” Marx demonstrates with regard to the commodity, “now appears, on the side of the product, in the form of being, as a fixed, immobile characteristic” (1867/1976, 287). Likewise, state power institutes its putative sovereignty and may appear as “power” in general only by gathering together and objectifying the innumerable and diverse potentialities of living labor’s restless subjectivity.³¹

What is at stake here is nothing less than the common ground of the citizen and the deportable noncitizen. That common ground, of course, is not some vague, mystified, and ultimately vacuous universality entailed in their “shared humanity” but instead the positive content of bare life. The positive content of the bare life lurking behind the juridical forms of both citizen and alien is, then, a humanity that is precisely material and *practical*—namely, labor—“*life activity, productive life itself . . . species-life . . . life-producing life*” (Marx 1844a/1975, 276; italics in original). If this vitality, this “form-giving fire” (Marx 1858/1973, 361), is posited always in a negative relation to the sovereign power of the state, as mere

(bare) life, this is because the state (like the commodity) may assume the fetishized form of an alien power, a thinglike positivity, only to the extent that it evacuates living labor of its own originary (life) force.

This process of constituting the singular power of the state from the heterogeneous powers of living labor simultaneously requires a variegated and diffuse fragmentation of laboring humanity as a whole. One such process of fragmentation—one that splinters and segments laboring humanity into two generic categories defined in terms of their differential relations to the reified unity of the state—supplies the very basis for the spurious distinction that thereafter divides the *citizen* from the *noncitizen*. Indeed, the differentiation and regimentation of such a palpably practical humanity into the (nation-)state-mediated status abstractions of citizen and alien decompose genuinely human universality and recompose it into two mutually exclusive yet co-constituted, homogenized “identity” camps (cf. Hindess 2000; Isin 2002; see also Karakayali and Rigo, this volume).³² Indeed, every territorially defined state formation (“national,” imperial, or otherwise) does this in turn, repeatedly fragmenting laboring humanity in the course of assisting its subordination as labor-for-capital. And as a consequence of these decisively unequal relations to the state, the everyday life of the citizen and noncitizen tends likewise to be chiefly distinguished by an unequal social organization of the particularities of their respective labors.

This same process has likewise conventionally decomposed each respective camp into a multitude of interchangeable, atomized individuals.³³ In this manner, nationalism—the self-referential theology of every nation-state—aspires to produce its signature treachery, the elusive promise of what Benedict Anderson has memorably depicted as a “deep horizontal comradeship” (1983/1991, 7), juxtaposed always and inevitably to an amorphous but vaguely menacing mass of humanity that huddles just beyond the frontiers of nationhood. By implication, this consignment to existentially opposed camps of citizens and aliens is thus a pronouncedly *spatialized* one. Thus the pervasive assumption of a polity of citizen-comrades who inhabit a “domestic” space, always starkly demarcated from an amorphous “foreign” exterior, is symptomatic of what John Agnew (1994) has depicted as “the geographical unconscious” and stands as one of the enduring effects of “the territorial trap” of contemporary political thought. As Neil Brenner and his collaborators note, “this establishes the national scale as the ontologically necessary foundation of modern political life” (2003, 2). These separations of state space are ideally partitioned by durable and “secure” borders (rather than the “porous” sort that seems to

proliferate everywhere) and are sanitized by the stringent reassignments perpetrated by one or another regime of deportation. Yet, as Anderson has noted, even the most durable “truth-claims” of belonging or attachment to particular states have in fact become “less attestations of citizenship, let alone loyalty to a protective nation-state, than of claims to participation in labor markets” and transnationally “figure differential tariffs on human labor” (1994, 323–24). All of life is thus assigned to a “proper” location within one or another of the vast labor camps that are nation-states, ostensibly endowed with the rights of citizens, while the vital mobility and autonomy of labor simultaneously ensure a more or less reliable and precisely fluid reserve of “dislocated” life which may be relegated to the relative disenfranchisement sanctimoniously allotted to noncitizens.

If *labor* supplies the crucial theoretical key that opens up the practical linkage between the apparently antithetical poles of bare life and sovereign (state) power, the literal and also conceptual terrain that necessarily conjoins them, therefore, is *space*. Here I have in mind the physical territories (nation-state jurisdictions) across which migratory movement—along with deportation, as its coercive reversal—is enacted (in this volume, see Nyers; Peutz; Walters). Simultaneously, it is necessary to attend to the unforeseen transnational spaces produced by those movements (e.g., De Genova 2005, 95–143; cf. Burman 2006; Zilberg 2004; in this volume, see also Coutin; Nyers). Mediating both state space and the transnational spatial conjunctures that exceed them, furthermore, are the pronouncedly “national” or, in other instances, supranational spaces of border patrols, detention, and incarceration through which deportation regimes are enforced (in this volume, see Andrijasevic; Karakayali and Rigo; Nyers; Talavera, Núñez, and Heyman; Wicker; Willen; cf. Andreas and Snyder 2000; Dow 2004; Fekete 2005, 2007a; Heyman 2004; Schuster 2005; Simon 1998; Wacquant 1999; Welch 2002). “The establishing of frontiers,” Walter Benjamin memorably observes, “is the primal phenomenon of all law-making violence” (1921/1979, 149). The spaces of frontier policing, through which the law of borders is enforced and preserved, are therefore the various “thresholds” (to revisit Agamben’s phrase) or “mezzanine spaces” (Nyers, this volume) at which, or across which, the regulation and disciplining of human mobility (and thereby the subordination of labor) supply some of the crucial foundations of state power. They do so by supporting an intricate and spectacular scaffolding which presents itself always in terms of the ostensible “inside” and “outside” of the space of (state) sovereignty. If these spaces figure here in ways inextricable from the state’s abjection of noncitizens in the performance of its putative sovereignty,

however, these same spatial practices are therefore intrinsically also formative practices of citizenship itself (Bosniak 2006; Isin 2002; McNevin 2006). Moreover, insofar as deportation is truly a “technology of citizenship,” as William Walters has argued in this volume, its constitutive dimension as a spatial practice at the international level implicates it in a veritably *global* governmentality. The successive governmental management of citizenship and alienage by territorially defined states, then, may best be understood in terms of the global *politics* of the capital-labor relation.

CITIZENSHIP, IDENTITY, AND NATIVISM

Somewhere I remember
these clothes are not my clothes.
These bones are not my bones.
—Khaled Mattawa, “Echo and Elixir I”

Rather than a secure and stable entitlement accruing “naturally” or inexorably to co-“nationals,” citizenship has instead been a site of struggle (cf. Balibar 2001/2004; Hall and Held 1989; Isin 2002; McNevin 2006; Nyers 2004; Stasiulis and Bakan 1997; Walters 2004; see also Nyers, this volume). Citizenship struggles garner and tentatively institutionalize an ever-beleaguered (and by no means assuredly expanding) circle of protections for the presumed “rights” or “entitlements” of those who come to be counted as “properly” belonging “inside” the space of the state. Those who claim the status of citizens assume their “rightful” place at the point where the citizenry of a state is equated with “the nation” that is figured as the ostensibly natural source of its sovereignty. But in this way, citizenship struggles ultimately become ensnared in the state’s foundational but incessant project of producing a “people” in its own image (De Genova 2005, 215–16). Importantly, one of the principal outcomes of such struggles over the presumed “rights” of citizens has commonly been to demand (at least by implication) and, to varying extents, effectively ensure that the arbitrariness of state violence be largely expelled to the far side of nation-state borders, where “foreigners” may supply a proper target for its callous power (Hindess 2000; Nyers 2004; in this volume, see also Cornelisse; Walters).

There is then a deep complicity between this vision of citizenship with the related notion that the Schmittian friend-enemy distinction becomes

reducible to a distinction between *citizen* and *enemy* (Schmitt 1927/1996, 26). Through a logic of warfare that effectively militarizes nation-state borders (and thereby insulates citizens from the state's violence while also implicating them in its perpetration), this alignment of citizenship on the side of state violence likewise has palpable implications for theorizing the relation of citizen and deportable noncitizen (or resident "alien") (cf. Balibar 2004; Mezzadra, in Bojadžijev and Saint-Saëns 2006, 21). But despite their flamboyant rhetoric, such otherwise bloodless structuralist conceptions may contribute nevertheless to the ultimately misleading sense that the state necessarily and consistently *succeeds* in its mission to deploy citizenship toward the efficient subjection of the "population" captive within its bounded space, thus galvanizing citizens' unquestioning loyalty. (And this remains pertinent even if that captive population is understood to include, albeit only in a graduated and unequal manner, non-citizen resident "aliens.") In other words, such a position might too readily concede and consign us to the "sovereign" power of the state, without even a fight. In any case, it would be a naive liberalism indeed that could so credulously imagine that the "enemies of the state" should always and everywhere be (external) "foreigners" or, in other words, that the state, whose defining mission and existential vocation are purportedly to secure the interests of "the nation," could not possibly unleash its most concentrated powers against its own ostensibly rightful citizens and lawfully resident subjects.

It is obvious that any bright lines between the inside and outside of nation-state space are always inevitably sullied. Indeed, there is hardly a more apt exemplar of this tendency than the anti-immigrant politics of nativism and hostility to "foreign"-ness that commonly imbue regimes of deportability and deportation. Notably, these regimes seek always to exorcise the "foreign"-ness that is most reprehensible precisely because one encounters it *within* the space of the nation-state (in this volume, see especially Bhartia; Castañeda; Maira; Wicker; Willen). Thus they effectively transform the entirety of the interior of any territorial space of "national" community into an unrelenting regulatory sphere for migrants, a "border" that is implusive, infinitely elastic, and, in effect, truly everywhere *within* the space of the nation-state (Balibar 2002, 84; 2004, 109; Bosniak 2007, 397; De Genova 1998, 106; 2005; Mezzadra, in Bojadžijev and Saint-Saëns 2006, 22–23, 24; in this volume, see also Talavera, Núñez, and Heyman; cf. Ngai 2003, 70). Against such nativist campaigns of exclusion—and, moreover, also against the systemic inequalities and forms of disenfranchisement, more generally, that are tantamount to outright "tyranny" for

all noncitizens (Walzer 1983, 59)—some liberals advocate an ethics of shared "territoriality." The palpable social fact of migrants' presence and habitation within the same territorial space as citizens, in these accounts, ought to serve as normative grounds for more expansive communitarian impulses devoted to a capacious notion of "national" membership—one that could include migrant residents within the more substantive purview of citizenship.³⁴ But such "cosmopolitan" democratic conceptions of more or less communitarian cohabitation (Bosniak 2000; Honig 2001; Isin 2002; cf. Nyers, this volume) remain irremediably anathema (indeed, virtually incomprehensible) to the legal fetishism and "status" obsessions of more restrictive notions of entitlement (Bosniak 2007, 403n35).³⁵ Moreover, in spite of these apparent discrepancies, Linda Bosniak notes, such notions of territorial inclusivity almost invariably rest upon the presupposition of durable borders to reliably and consistently define the very territory within which inclusion is to be upheld (see also Cornelisse, this volume). Such territorialist commitments to the enhanced "inclusion" of the "foreigners" who already reside *within* the space of a "national community" tend therefore to merely *intensify* the constitutive separation of the "aliens" on the far side of the frontier. Indeed, the detention and deportation authorities of states increasingly tend to swell the spatial scope of their regulatory powers, spilling border enforcement *beyond* the residual semblances of "national" frontiers (Mezzadra and Neilson 2003; Walters 2004, 251–53; in this volume, see Andrijasevic; Karakayali and Rigo; Walters).

The politics of "immigrant" inclusion and nation-state enclosure thus inexorably share a deeper nationalist conceit. Indeed, nationalism is deeply entangled with the premises of social contract theories, wherein the (modern, democratic) state is largely figured as a dutiful yet impersonal servant, protecting its "people" (however broadly or narrowly construed) and provisioning them with the Rule of Law in return for entrusting the state with the sovereignty that is otherwise supposed to be the people's by birthright. Any simplistic liberal faith in these most magnanimous gestures of nationalism finally rests, however, on the most profound sort of *nativism*. This indeed is what supplies the bedrock for what Agamben identifies as the crucial biopolitical affiliation of "the nation with nativity itself."³⁶ As I have argued in greater detail elsewhere (De Genova 2005, 56–94), nativism is best apprehended precisely as *native-ism*—a promotion of the priority of "natives," on no other grounds than their *being* such—and thus operates inextricably as a politics of *identity* animating all nationalisms. And with or without all the associated assumptions (however fictive or spectral) of common ancestry, mutual kinship, and shared

substance, any such notion of “native” identity at the base of nationhood is inextricably bound up with an assumption of *natal* entitlement. Thus the purported “inclusion” of “immigrants” into the more elemental and fundamental “national community” inevitably sustains and upholds the primacy and priority of “natives” that is the submerged identitarian commitment of nationalism itself.

What bears further consideration here is the fundamentally *spatial* character of nativism as a particular metaphysics of identity. Étienne Balibar has depicted an image of “two humanities,” historically constituted by the global racism of capitalist (colonial) modernity as sub- and superhuman categories, respectively associated with abject destitution and gross overdevelopment. The members of this bifurcated humanity of “tendentially incompatible masses” confront one another, however, on an unprecedented scale and, ever more ubiquitously, *within the same spaces* of practical everyday life (1991c, 44; see also 1991a, 14; cf. Anderson 1994, 321). Without ever ceasing to be excruciatingly unequal and significantly segregated, these two human camps become ensnared anew amid the unforeseen physical proximities and incidental intimacies that arise with shared spaces of cohabitation, work and production, and, to a lesser but not negligible extent, also consumption. This transnational and decidedly postcolonial reconfiguration of global class inequalities marks an unfinished decolonization indeed (Balibar 1991a, 12; 2001/2004, 7; 2003, 42). It is emblazoned as before by bluntly racialized differences, in a peculiar but predictable “recolonization” of “immigrants” and “immigration” (Balibar 2004, 38–42; see also De Genova 2006; Mezzadra 2006, 39; Bojadžijev and Saint-Saëns 2006, 15–18; Mezzadra and Rahola 2006). Now, however, these global inequalities tend to operate without the conventional luxury of fixed or overriding spatial separations of the sort that distinguished the incarceration of whole populations within the militarized borders of colonies, which served to *immobilize* human energies within the confines of vast de facto prison labor camps. Now, in a proliferation of postcolonial metropolitan spaces, regimented under the fastidious juridical constellations of citizen and (ever-deportable) alien, migrant labor is mobilized transnationally, and these inequalities come as never before to operate under the banners of the native and its inimical but ineffable other—as mere differences of “identity.” Hence, historically, it was more or less viable to juxtapose an ostensibly exclusionary “xenophobia” (which mobilized hostility to “foreign”-ness against migrant “outsiders”) to the varieties of racism that took as their primary target precisely those “insiders” who could be marked as constitutionally different (e.g., Native Americans. New World blacks. European Jews and gypsies. Palestinians, etc.).

Now as never before, however, these sorts of seemingly definitive distinctions—much as they certainly endure and retain their salience to varying extents—become ever increasingly confounded, if not anachronistic (see, e.g., Willen, this volume).³⁷ Indeed, new dynamics of racialization and new formations of racism become inextricable from the social production of migrants’ “differences” in ways that, as often as not (or rather, more often than not), dissimulate their racisms and disarticulate “race” and “immigration” through a politics of nativism.

With recourse to this pronouncedly spatialized politics of identitarian difference, race need not always speak its name. The exorbitantly more convoluted and heterogeneous dimensions of race in its contemporary manifestations, in any event, render the seductive but illusory coherences of “biological” categories distinctly less useful. Instead the apparently race-neutral and presumptively “legitimate” politics of *citizenship* may serve to achieve the elision of race with the full panoply of nativist conceits entailed by the ever elusive and evasive phantom called “national identity.” Likewise the promotion of the priorities of natives may even masquerade as an avowedly “antiracist” politics of redress for “native” (racial) “minorities”—a nativism, so to speak, “from the left” (De Genova 2005, 68–79; cf. Balibar 1991a, 15).

Within regimes where citizenship’s liberal halo of putatively sacrosanct rights, protections, and entitlements retains its devious allure, then, the deportation of noncitizens may finally be apprehensible as the premier instrumentality for enforcing an absolutist ethics of “native” entitlement. Recall, however, the exceedingly judicious and, indeed, juridical denationalization of European Jews and myriad other so-called undesirables by German fascism (Agamben 1995/1998, 126–35, 166–80), which culminated in the meticulous mass deportation of abject or enemy *citizens*. In this lurid historical light, the deportation regime must finally be situated alongside other prospective resources of state power and sovereignty, including mass incarceration and even extermination.³⁸ Deportability would therefore have to be seen in a continuum with “detainability” (De Genova 2007). And the freedom of movement would necessarily have to be apprehensible, simultaneously, in opposition not only to deportation and other forms of forced movement but also to coercive immobilization and the full range of diverse forms of “dislocating localization” (Agamben 1995/1998, 175), captivity, and confinement (cf. Walters 2004, 248). In these ways, however, as Sandro Mezzadra has argued, “the problematic of *exclusion*” resurfaces and insinuates itself yet again “within the formal space of citizenship,” such that “the condition of migrants can be defined [now] as *paradigmatic*” (2004, 200; italics in original).

THE FREEDOM OF MOVEMENT

The question of freedom is no longer one of coming and going but one of remaining foreign, of remaining different from others. . . . It is the freedom to change oneself and others.—Vilém Flusser, “Exile and Creativity”

We, the countless millions of migrants . . . recognize ourselves not as outsiders but as vanguards of the future.—Vilém Flusser, “The Challenge of the Migrant”

At the outset of his intellectual itinerary, Marx famously discerned in the incipient proletariat “a class with *radical chains*”—a class bereft of property, with no standing in civil society, no historical entitlements, and no particular claims, which embodied not a one-sided and self-interested antithesis to modern conditions but rather a complete antithesis to the very premises of capitalism and the modern state. Thus here was a class that was not an estate with a positive station within the social order but rather one that was constituted only negatively, as an abject and “foreign” but inextricable presence, inherently corrosive and always potentially subversive. This class alone revealed “a universal character” and could thus invoke “only a *human* title” (1844b/1975, 186; italics in original). Its very existence as a class was both a symptom and a harbinger of “the *dissolution of the existing world order*,” and therefore its own abolition would be its existential vocation (187). Many years later, Marx identified “the basis of the whole process” of the formation of the capitalist class to be those “epoch-making” historical moments “when great masses of men [and women] are suddenly and forcibly torn from their means of subsistence, and hurled onto the labor-market as free, unprotected, and rightless proletarians” (1867/1976, 876). Free. Unprotected. Rightless.

Radical chains were forged, therefore, of a treacherous sort of freedom. The freedom of movement is inseparable in practice from the movement of “free” people, the mobility of free labor, which is, within the global regime of capital accumulation, a freedom that is distinctly circumscribed. This is the freedom to dispose of one’s own labor-power as a commodity, as if one were the owner of a commodity like any other. At the same time, this is also the peculiar freedom of being unencumbered by any other means of production with which that elemental capacity for productive labor might be set in motion (272–74). *Vogelfrei*—literally, free as a bird, expelled from any proper human community, entirely exposed and legally unprotected (896n). The capital-labor relation is mediated by money as an exactingly temporary and apparently voluntary contract, a “free” market

relation (strictly juridical in form) between one who buys the virtual commodity that is labor-power and another who is compelled to sell her vital energies to earn the money necessary for her survival. In Marx’s phrase, those in the latter position are compelled to sell the whole of their active lives in return for the price of their customary means of subsistence, “to sell [their] birthright for a mess of pottage” (382), “like someone who has brought his own hide to market and now has nothing else to expect but—a tanning” (280).

Capitalism commands the great mass of humanity to “willingly” deliver themselves to one or another contractually delimited employer (likewise free of any permanent obligations), to work in exchange for money, without which they would face certain destitution and likely starve. In contrast, other (historically prior) forms of exploitation largely relied on unfree labor, bound to a definite spatial location in an enduring condition of servitude and indefinitely or permanently beholden to a particular master. For as long as chattel slavery could be sustained in the United States, for instance, African American homelessness was always already apprehensible as the anomaly of masterlessness, equated with fugitive status and thus “criminality.” Similarly, postemancipation African American mobility always signaled for the propertied classes a dangerously inadequate reconstruction of black servitude, such that their freedom of movement had likewise to be reconstructed as willful “vagrancy,” shadowing literal bondage with the ostensible crime of vagabondage (Hopper and Milburn 1996, 124).³⁹ Such histories, which could abundantly be multiplied (cf. Marx 1867/1976, 896–904), are simply the most brazen and thus revealing examples whereby migration itself has been persistently figured precisely as *desertion* from specific regimes of labor subordination (Mezzadra 2004). As such legacies remind us, and as suggested earlier, there is a long and complex array of quite bloody histories that have supplied the preconditions for this generalized disenfranchisement and expropriation of the mass of humanity from any and all alternative means of production, and consequently, an effectively universal dependency on money—the “silent compulsion of economic relations” (Marx 1867/1976, 899). And surely these epochal calamities and upheavals which distinguished what Marx derisively called “the so-called primitive accumulation” (871–940) have never ceased to convulsively deliver an ever-widening circle of humanity into the global market for labor in the abstract. Sheer productive capacity, creative potential power. Free and unprotected.

A recurrent feature in the larger struggle to subordinate labor to the requirements of capital accumulation, predictably, has nonetheless been its intermittent mobilization (as in the event of labor shortages) in the form

of migration. And yet, more generally, in order to maintain a captive and tractable workforce, labor subordination tends to require its more or less enduring immobilization—an effective suppression of working people’s freedom to “escape” (Mezzadra 2004) their particular predicaments and seek better prospects elsewhere. These immobilizations of labor tend to be enforced through the always contingent and historically specific “territorial definition of coercion” enacted most commonly by national states (Holloway 1994, 31). The unbounded (effectively global) mobility of capital, then, demands that the parallel freedom of movement of laboring humanity—once emancipated from various forms of subjection to pre-capitalist authority and spatial containment—thereafter be more or less regulated, when not inhibited altogether. Whether mobilized or captive, however, the mobility of labor tends in either case to be more or less stringently encircled and disciplined by the tactics of state power. Deportation reminds us that the radical chains forged of a freedom without rights or protections may serve not simply to confine and fetter us in place but also to drag us mercilessly to the ends of the earth and back again.

The tumultuous, permanent fluidity of the global market in human labor-power, which renders migration a defining feature in the intricate global choreography of capital accumulation, also then renders the ever-widening prospect of deportability a planetary condition. All those who may be conscripted across vast distances into the laborious service of capital may likewise come to be subjected to the caprices of the global deportation regime’s Rule of Law and its endless interstate matrix of barbed-wire borders. It is not so much that the plight of migrants is a hideous symptom inherent in the existing universal order, such that the “deportable alien” may be figured as the only point of genuine universality, however (cf. Žižek 1997, 50–51). Rather, if wage labor and its defining mobility indeed signal universal abjection within a global social order premised on private aggrandizement, then deportation looms, ever more ubiquitously, as an abject horizon.

And yet the freedom of movement remains the freedom of life itself, not merely the mundane necessity to make a living but the freedom to truly live. Deportation, as a more or less juridical, more or less arbitrary, exercise of state power, is therefore an exquisitely concentrated abnegation of that freedom, one more usurpation by the state of the sovereign power of humanity itself. The freedom of movement, as an inherently unpredictable and definitively open-ended precondition for human self-determination, can only ever be a perpetual and troublesome affront to the self-anointed sovereignty of state power. It manifests a restless and inassimilable alterity busily working both within and against state power’s

most cherished ideal: social order. Thus the freedom of movement supplies a defiant reminder that the creative powers of human life, and the sheer vitality of its productive potential, must always exceed every political regime. The deportation regime, then, reveals itself to be a feckless and frenetic machinery, its rigid and convulsive movements doomed to always present but a tawdry caricature of the human freedom that always precedes it and ever surpasses it.

NOTES

The composition of this theoretical overview has benefited greatly from the insightful criticisms and commentary of my coeditor, Nathalie Peutz, as well as the intellectual generosity of Nahum Chandler, Sandro Mezzadra, Magdalena Rodríguez, and Hans-Rudolf Wicker, who each read an earlier draft with exemplary care. This essay has likewise been literally provoked and enriched by the fine work of all the scholars who have contributed chapters to this volume.

1. In his recent study of the history of deportation in the United States, Daniel Kanstroom writes: “We are in the midst of a large-scale, decade-long deportation experiment. The fact that this episode has received rather little public attention renders it no less significant” (2007, ix–x). Seventy-six years earlier, however, already in 1931, Jane Perry Clark had struck a remarkably similar chord: “In the decade from 1920 to 1930 a nostrum often advocated for the ills of the United States was the removal of aliens from the country. The numbers sent forth crept up from 2,762 in 1920 to 16,631 ten years later. Nor is the matter finished, for the Commissioner General of Immigration tells us ‘the task of house-cleaning has practically only just begun. To continue the work and do it thoroughly is the big job ahead.’ Considering the importance of the problems involved in sending aliens from the country and the increasing emphasis upon them, it is somewhat surprising that the deportation law and its administration have been so little examined. So far as can be ascertained, no study has been made of the law as it appears on the statute books and in actual administration, nor has the problem been approached in the light of the social and international questions involved” (1931/1969, 9). I am grateful to Nathalie Peutz for bringing these references to my attention and suggesting their striking juxtaposition.

2. Here Agamben is responding critically to Foucault, whom he faults for having never resolved an ambiguity in his own work regarding the intersection or convergence of “these two faces of power” (1995/1998, 5). Foucault refers to these “political structures of individualization techniques and of totalization procedures” within modern state power as “a tricky combination,” unforeseen in human history (1982, 782).

3. Indeed, Arellano’s act of defiance provided new direction and inspiration to the movement for “immigrants’ rights.” Following the Arellano sanctuary, members of seven denominational and interdenominational organizations,

including representatives of twelve religious traditions from eighteen cities, convened in Washington, D.C., on January 29, 2007, to establish a “new sanctuary movement” for migrants seeking refuge from “unjust deportations.” See <http://www.newsanctuarymovement.org>; see also Abramsky 2008; Shahani 2008. For an extended ethnographic study of the sanctuary movement that arose during the 1980s in defense of Central American asylum seekers in the United States, see Coutin 1993. For related discussions of sanctuary as a tactic in the struggles of deportable migrants, also see the chapters by Nyers and Walters in this volume. Beyond the immigrants’ rights movement, moreover, Arellano became an important symbol for Latino political movements more broadly. In Chicago, in a truly extraordinary gesture of inter-Latino political unity, the Twenty-ninth Annual Puerto Rican People’s Parade (2007) nominated Arellano and her son as honorary grand marshals, and the procession mobilized thousands of predominantly Puerto Rican marchers (all U.S. citizens by colonial birthright) to celebrate her resistance and salute her through a window at the site of her sanctuary, where she waved a Puerto Rican national flag.

4. While Arellano’s case is extraordinary, it is important to note the analogies here with the theme of entrapment of undocumented migrants more generally, as elaborated in this volume with specific regard to the U.S.-Mexico border region by Talavera, Núñez, and Heyman; see also the essays in this volume by Castañeda; Willen; cf. Coutin 2000, 27–47; Gehrig 2004; Nijhawan 2005; Rouse 1992.

5. Indeed, the U.S. Bureau of Immigration and Customs Enforcement concludes its press statement announcing Arellano’s deportation with a smug triumphalism scarcely veiled by its understatement: “In the first 10 months of this fiscal year, the agency carried out more than 220,000 alien removals” (USDHS-ICE 2007).

6. It is important to note that Agamben’s conception of bare life is substantially an elaboration of Walter Benjamin’s discussion of “mere life” in his “Critique of Violence” (1921/1979, 151–53), wherein mere life signals the point where “the rule of law over the living ceases” because lawmaking violence is a “bloody power over mere life” for the sake of nothing but that same violence (151). I am grateful to Nahum Chandler for pressing me on this point. Agamben acknowledges this genealogy in a brief passage (1995/1998, 65).

7. Here again it is instructive to compare Agamben’s sense with that of Benjamin, who elaborates a sense of mere life as analogous to the notion of mere “existence” in contradistinction to “life” as “the irreducible, total condition that is ‘man’ ” and insists, “Man cannot, at any price, be said to coincide with the mere life in him” (1921/1979, 152, 153). Similarly, Agamben treats bare life as “that naked supposedly common element that is always possible to isolate in each of the numerous forms of life,” in juxtaposition with “a life that can never be separated from its form” (1996/2000, 3), “in which the single ways, acts, and processes of living are never simply *facts* but always and above all *possibilities* of life,” such that “no matter how customary, repeated, and socially compulsory . . .

it always puts at stake living itself,” making human beings “the only beings for whom happiness is always at stake in their living” (4), “beings that cannot be defined by any proper operation—that is, beings of pure potentiality that no identity or vocation can possibly exhaust” (141).

8. For merely one rather high-profile example of this oversimplified misreading of Agamben, see Judith Butler’s emphatic repudiation of the pertinence of the concept of bare life with regard to the condition of those whom the state expels or banishes through acts and formations of coercion “designed to produce and maintain the condition . . . of the dispossessed” (Butler and Spivak 2007, 5); Butler here equates “bare life” with being “outside of politics” (5) and juxtaposes this with the situation of those who are “without legal recourse” but “still under the control of state power,” whose predicament she describes as “a life steeped in power” (9). Yet for Agamben, this is precisely what “bare life” is intended to name, as the ensuing discussion will demonstrate.

9. Notably, Agamben is prudent about not reifying bare life: “For bare life is certainly as indeterminate and impenetrable as [pure Being], and one could say that reason cannot think bare life except . . . in stupor and astonishment.” Instead bare life remains an “empty” concept (1995/1998, 182).

10. Arellano was charged with and convicted for a federal felony; not only had she secured employment on the basis of a fraudulent Social Security number, which is a commonplace practice among undocumented migrants working in the United States, but she had done so specifically at a major airport, which was targeted by a highly publicized national enforcement sweep, called Operation Tarmac, directed against “security breaches” at airports in the year after the events of September 11, 2001. Because she had previously been deported, her reentry into the United States was also classifiable as a felony.

11. The freedom of movement for subjects *within* the parameters of a (nation-) state has been one significant historical achievement of citizenship, after all (see Walters, this volume). Furthermore, it has been a hallmark of both modern colonial empires and contemporary neoliberal reconfigurations of “globalized” citizenship that restricted mobility or outright immobilization for some is paralleled by enhanced freedom of movement for others (Hindess 2004, 311; cf. Bigo 2002, 2006; Hindess 2002; Kapur 2007; Stasiulis and Ross 2006; Walters 2004).

12. As Agamben notes emphatically, however, even the juxtaposition of something like “biological” (human) life in contradistinction to (human) life as it comes to be specifically inscribed socially or politically is ultimately untenable and merely signals a “secularization” of the figure of bare or naked life, which is an irreducibly *political* concept in the first place. Thus such juxtapositions thereby recapitulate the *separation* of the figure of bare life from the sociopolitical order whose putative sovereignty is premised on its subordination (1996/2000, 6, 7).

13. For heuristic purposes here, Marx analyzes labor transhistorically—“independently of any specific social formation” (1867/1976, 283), and “in a form

in which it is an exclusively human characteristic," which is to say, with an emphatic distinction between the consciously premeditated and purposeful characteristics of human labor and the instinctual work of some other species, such as bees constructing a hive or beavers building dams (283–84). Notably, the analytic distinction between "labor" and "work" underscored by Hannah Arendt (1958/1998, 79–135) in her critique of Marx originates precisely from what begins ontologically as a zone of indistinction in Marx's own elaboration (which Arendt depicts as equivocation and a "fundamental and flagrant" contradiction [104]). For Marx, this sense of the inextricability of human life from labor only thereafter is further specified in terms of the decisive analytical difference between the labor process in general (i.e., "independently of any specific social formation" [1867/1976, 283], "in its simple and abstract elements . . . [as] a universal condition for the metabolic interaction of man and nature, the everlasting nature-imposed condition of human existence . . . common to all forms of society" [290]) and the labor process as one of alienation and exploitation, "by which the capitalist consumes labor-power" (291).

14. Evgeny Pashukanis provides the classic if underappreciated elaboration of Marx's insights regarding "the precipitation of a political authority as a separate power, functioning alongside the purely economic power of money" (1929/1989, 40), accompanying "direct, unmediated class rule" with "indirect, reflected rule in the shape of official state power as a distinct authority, detached from society" (138), taking on the form of "an impersonal apparatus of public power" (139).

15. Agamben's formulation of sovereignty (as the decision regarding the state of exception) is deeply shaped by Carl Schmitt's avowedly fascist "political theology" (Schmitt 1922/1985). Anticipating the explicitly "theological" apotheosis of the state elaborated by Schmitt's propositions regarding "the metaphysical kernel of all politics" (51), Marx notably remarks: "The political state, in relation to civil society, is just as spiritual as is heaven in relation to earth. It stands in the same opposition to civil society, and overcomes it in the same manner as religion overcomes the narrowness of the profane world; i.e., it has to acknowledge it again, re-establish it, and allow itself to be dominated by it" (1843/1978, 34). Thus "the *criticism of religion* [turns] into the *criticism of law* and the *criticism of theology* into the *criticism of politics*" (1844a/1975, 176; italics in original). Pashukanis similarly cites Friedrich Engels as having characterized "the juridical way of looking at things [as] the classical world view of the bourgeoisie" and moreover as "a kind of 'secularization of the theological,' in which . . . the state takes the place of the church" (1929/1989, 33).

16. "The analysis, made in terms of power," Foucault likewise contends, "must not assume that the sovereignty of the state, the form of the law, or the over-all unity of domination are given at the outset; rather these are only the terminal forms power takes" (1976/1978, 92).

17. Foucault makes his position still more explicit: "There is no binary and all-encompassing opposition between rulers and ruled at the root of power re-

lations, and serving as a general matrix" (1976/1978, 94). Étienne Balibar has characterized this "ideal type of pure politics . . . neither caught in ideology nor in economy"—approvingly, but nonetheless suggestively—as Foucault's "utopia" (Bojadžijev and Saint-Saëns 2006, 25).

18. Notably, Foucault's discussion of what he calls "the anatomo-politics of the human body," as evinced through disciplinary power in the more strict sense, "centered on the body as a machine: its disciplining, the optimization of its forces" (1976/1978, 139). "It was a mechanism of power," he elaborates elsewhere in a related discussion, "that made it possible to extract time and labor . . . from bodies" (1976/2003, 35–36). In spite of this emphasis on the "forces" of human bodies, associated above all with labor, Foucault nonetheless seems to be either impervious or averse to the idea that power might in fact derive therefrom.

19. Foucault depicts the emergence of "a new mechanism of power" in the seventeenth and eighteenth centuries, "disciplinary power," which is "absolutely incompatible with relations of sovereignty" (1976/2003, 35), its "exact, point-for-point opposite," which "can therefore no longer be transcribed in terms of sovereignty" and "should logically have led to the complete disappearance of the great juridical edifice of the theory of sovereignty" (36).

20. Jacques Rancière, for instance, critiques Agamben's position as one in which "sovereign power is the same as biopower," whereby "politics is equated with power, a power that is increasingly taken as an overwhelming historico-ontological destiny from which only a God is likely to save us" (Rancière 2004, 300, 302).

21. This is a point which tends to be lost in more depoliticized readings of Agamben, usually restricted to the more esoteric *Homo Sacer* (1995), which likewise lends itself to a more narrowly Foucauldian interpretation.

22. Here one might detect significant resonances between Agamben's position and Hannah Arendt's pronounced aversion to sovereignty in her essay "What Is Freedom?": "The famous sovereignty of political bodies has always been an illusion, which, moreover, can be maintained only by means of violence, that is, with essentially non-political means. Under human conditions, which are determined by the fact that not man but men live on earth, freedom and sovereignty are so little identical that they cannot even exist simultaneously. Where men wish to be sovereign, as individuals or as organized groups, they must submit to the oppression of the will, be this, the individual will with which I force myself, or the 'general will' of an organized group. If men wish to be free, it is precisely sovereignty they must renounce" (1954/1968, 164–65; cf. 1958/1998, 234–35). Notably, however, Arendt's position retains a stubbornly liberal commitment to a notion of the genuinely "political" as analytically opposed to violence and somehow innocent of all oppression. We might venture to call this Arendt's utopia (see Balibar's remark in note 17), an "ideal type of pure politics" if ever there was one.

23. Agamben explicitly notes that this "Marxian scission between man and citizen is thus superseded by the division between naked life (ultimate and

opaque bearer of sovereignty) and the multifarious forms of life abstractly re-codified as social-juridical identities" (1996/2000, 5), but he suggests that the classic (bourgeois-democratic) distinction of man and citizen is itself nonetheless the necessary precondition for the inscription of naked or bare life, as such, and therefore proposes his concept of "form-of-life" as an alternative that could facilitate the abandonment of the very notion of bare life (11; cf. 1995/1998, 188).

24. Here Foucault concurs with Marx and Agamben. Foucault accounts for the survival of the theory of sovereignty through its "democratization," which "made it possible to superimpose on the mechanism of discipline a system of right that concealed its mechanisms and erased the element of domination and the techniques of domination involved in discipline," establishing "a public right articulated with collective sovereignty . . . heavily ballasted by the mechanisms of disciplinary coercion" (1976/2003, 37).

25. Agamben likewise calls into question "every attempt to ground political communities on something like a 'belonging,' whether it be founded on popular, national, religious, or any other identity" (1995/1998, 181).

26. Agamben himself cites the phenomenon of "illegal immigration" as evidence and justification of his perspective and explicitly notes the analogy of this "de facto statelessness" of the undocumented with that of refugees (1996/2000, 22).

27. For a thoughtful critique of the elision of the figure of the refugee, alternately, with "statelessness" or "rightlessness," however, see Macklin 2007.

28. For an instructive discussion of Paolo Virno's analogous critique of Agamben's uncritical appropriation of the Foucauldian concept of biopolitics, elaborated in terms of labor-power, see Neilson 2004. Virno (translated from the Italian by Neilson) remarks: "The living body, stripped of any quality that is not pure vitality, becomes the *substratum* of the productive capacity, the tangible *sign* of potential, or the objective *simulacrum* of non-objectified work. If money is the universal equivalent for exchange-values, life is the extrinsic equivalent of the only use-value 'not materialised in the product.' . . . The non-mythological origin of . . . *biopolitics* can be traced back to *labor-power*" (76; italics in original). See also the English translation of an interview with Virno, first published in Spanish: "The problem is, I believe, that the biopolitical is only an effect derived from the concept of labor-power" (Virno 2002).

29. For an elaboration of the proposition that the capitalist labor process is characterized by a "despotic" form, see Marx 1867/1976, 44–50.

30. It is noteworthy that in contexts such as that which prevails in the United States, where workplace immigration raids provide a major impetus for the deportation machinery, deportees also tend to always make their (re)appearance (in their countries of origin), likewise, clad in their work clothes (see Peutz, this volume; cf. De Genova 2005, 243–44).

31. If the multiplicity of specific forms of concrete laboring activities only achieve a semblance of universality—as "abstract labor"—through their gener-

alized commodification and the materialization of their value-form as money (Marx 1867/1976, 125–63), then the state, I am arguing (following Holloway 1994, following Pashukanis 1929/1989), acquires its own illusory universality only as a similarly alienated and fetishized reification of precisely the real universality of the abstraction of human labor once it has been subsumed within the effectively global regime of capital accumulation.

32. Notably, colonial state formations often complemented this binary division with a third term—the (noncitizen) *subject*—which produced an analogous bifurcation internally (Hindess 2004, 309–10; see also Mamdani 1996; Mezzadra 2006).

33. The requirements of a neoliberal global order may increasingly be altering this dynamic, however. Hindess (2002), Muller (2004), Ong (1999, 2006), Stasiulis (2004), and Stasiulis and Ross (2006) variously argue for evidence of an increasingly differentiated denationalization of citizenship, "flexibilized" or "hybridized" in distinctly transnational terms.

34. "Territorialism embodies an ethic of inclusiveness and equality," notes Linda Bosniak. "It is the ground (both literally and figuratively) of national community belonging" (2007, 395; cf. 2006, 122–40).

35. Some of these impulses toward immigration restriction or exclusion notably may nonetheless retain comparably liberal commitments to "democratic" notions of majoritarian social contract and consent (e.g., Schuck and Smith 1985; cf. Bosniak 1998; Hindess 2004).

36. It is instructive, for instance, that the U.S. Constitution includes a provision stipulating that no U.S. president may be a (merely) naturalized citizen but rather must have been born in the country (cf. Anderson 1994).

37. Indeed, as I have considered elsewhere for the example of contemporary Latino and Asian racial formations in the United States (De Genova 2006), such apparent anachronisms may themselves animate precisely what is new about these formations that Balibar has called "neo-racisms" (1991b; cf. 1991c).

38. Indeed, it is instructive to recall that the Nazi concentration and extermination camps were significantly slave labor camps, devoted to the concentration of living labor, instrumentally organizing a sinister process of selection that culminated in the slow "annihilation through work" of the most able-bodied Jewish inmates (Black 2001, 491), rather than death camps, pure and simple.

39. I am grateful to Lynn Lewis, whose research as an activist and scholar concerned with race and homelessness in the United States clarified for me this particular reference and the convergence of these themes.

NICHOLAS DE GENOVA *and*
NATHALIE PEUTZ,
editors



The Deportation Regime

SOVEREIGNTY, SPACE, *and the* FREEDOM of MOVEMENT





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