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## Sovereign Violence: Migrants, Borders, and the Brutal Logic of Nationhood

Lily Ana Chavez  
Bard College, lc0822@bard.edu

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**Sovereign Violence: Migrants, Borders, and the Brutal Logic of Nationhood**

Senior Project Submitted to  
The Division of Social Studies  
of Bard College

by  
Lily Chavez

Annandale-on-Hudson, New York

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## Introduction

The Sonoran desert spans nearly 100,000 square miles; a magnificent wilderness ornamented by saguaros and ragged mountain ranges. The diverse landscape, an amalgamation of various terrain, is the definitive backdrop of the western portion of the U.S.-Mexico border. These borderlands are also home to remains: discovered or undiscovered, the bones scattered around the Southwestern U.S. border are a gripping testimony to the cruel weaponization of the desert. In early 2018, humanitarian aid organization No More Deaths released a report detailing the border patrol's purposeful destruction of supplies left out in the desert for migrants. Hours later, a volunteer with the organization named Scott Warren was arrested and charged with a felony for harboring migrants. Allegedly, border patrol had witnessed him providing food and water to two migrants in the Cabeza Prieta wilderness and for this, Warren faced up to five years in prison.<sup>1</sup>

In August of 2019, the United States Citizenship and Immigration Services eliminated a deferred action program without precedent or public notice. The intention of this program was to withhold deportation for those who, or whose relatives, were undergoing lifesaving medical treatment. Recipients of this program received a letter, explaining that if they did not leave the country within 33 days, they would be subject to deportation. Many of the patients who received these letters suffered from debilitating diseases such as cancer, cystic fibrosis, HIV, and epilepsy. Family members and doctors alike described the elimination of this program as a “death sentence,” unable to continue the necessary treatment if deported.<sup>2</sup>

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<sup>1</sup> Scott Warren, “I gave water to migrants crossing the Arizona desert. They charged me with a felony,” *The Washington Post*, 28 May 2019.

<sup>2</sup> Mimi Jordan and Caitlin Dickerson, “Sick Migrants Undergoing Lifesaving Care Can Now Be Deported,” *The New York Times*, 29 August 2019.

In April of 2020, amid the covid-19 pandemic, 44 migrants aboard the same deportation flight from the U.S. to Guatemala tested positive for the disease. Deportees from the U.S. are reported to make up 20% of the 500 cases in Guatemala at the time I am writing this.<sup>3</sup> As U.S. deportations continue and the disease spreads, it is likely that the populations of infected individuals around the world will increase by the day. The deportation of individuals to other countries now not only signifies the repatriation of particular individuals, but the exportation of a deadly virus.

The cases I have presented here are only a magnification of global migration dynamics, limited to one single country and spanning only three short years. In reality, the conditions that have allowed for each case to traverse both nations and decades. When presented in a vacuum, the three instances I have listed might appear unnecessarily cruel: under what circumstances is it wrong to provide water to a person dying of thirst? What threat does a child suffering from cancer pose to national security? Is the deportation of 100 people really worth the exacerbation of a pandemic?

Viewing each case as not an isolated incident, but in part with a greater legacy of nationhood and migration contextualizes the events at work. However, the same questions remain unanswered. Migration has been thematic in my life, owing to the recent history of migration on both sides of my family as well as its pervasiveness within political discourse in the last few decades. Throughout years of exposure to discourse of migration, I have heard a number of justifications for the deportation of migrants and the securitization of our borders; the tamest of which resort to abstract national security principles, while the most emphatic homogenize

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<sup>3</sup> Natalie Gallón, “44 Migrants on one U.S. deportation flight tested positive for coronavirus,” *CNN*. 17 April 2020.

migrants into a faceless mass, characterized by criminality and societal denigration. And yet, the questions I have posed regarding the three cases presented persist. Exactly what threat do the migrant dying of thirst and the sick child pose to the great nation of America? Or, rather, how does the United States benefit from a migrant's dehydration, lack of medical care, or deportation amidst a dangerous pandemic? As I attempt to answer each inquiry, I find them merging into one, overarching question: why is the migrant so destabilizing?

To this question, I respond simply that the migrant is such a destabilizing figure because the nation state requires them to be. In what follows, I will argue that the migrant, as a transnational figure, threatens to undermine the logic of nationhood and is thus subject to a process of rendering in which they are exposed to the forces of sovereign violence. In doing so, the nation-state transforms migrants into politically serviceable bodies that it may use to reproduce its own sovereignty - the final step in a bloody cycle of self-legitimation upon which our nationalized system depends.

In the first chapter, I will establish a paradox of national sovereignty, beginning with an examination of the logic of the nation-state. I hope to first observe the condition of inclusion and exclusion, upon which the nation-state is perceived to operate: in essence, the understanding that those who reside within a particular nation's borders are included within that nation-state and, therefore, those who reside without are excluded. Effectively, the condition of inclusion within one nation-state renders the condition of exclusion within all others. I will then destabilize the dichotomy of inclusion and exclusion, emphasizing how the transnational nature of migration and statelessness resists such a binary and, in doing so, complicates widely-held perceptions of citizenship, localization, and boundaries. The migrant inherently threatens the conventional logic

on which the nation-state depends, threatening to expose the constructed foundation of nationalization and, therefore, threatening the very sovereignty of the nation-state. I argue then that the state manages to evade such exposure not through the elimination of the migrant, but through the dissemination of discourse that portrays migrants as threats towards national security and prosperity. Through this process, the nation-state is able engage in the performative production of its own sovereignty, highlighting the paradox of national sovereignty: as the transnational nature of migration and statelessness threatens logic of the nation-state, the nation-state simultaneously relies upon such a threat in order to legitimize its sovereignty in the eyes of its citizens. Plainly, the transnationality of the migrant is a fact upon which the nation-state is conditional - without it, the production of national sovereignty would be impossible and the nation-state would ultimately shatter.

The second chapter will serve as an exploration into national borders in three parts. The first section will consist of a discussion of the conventional wisdom surrounding national borders, in which borders are perceived as territorially-bound barriers with specific geographical locations and limitations. I will challenge this conception, arguing that the border is not a territorial entity but an aphysical one. Rather than providing a geographical boundary between insiders and outsiders, I assert that the national border provides a condition of existence upon those who find themselves at the intersection of sovereignty and statelessness. The condition of the national border, then, is not affixed to the seam of two nation-states, but permeates the entirety of the nation-state, placing migrants in a semi-permanent state of exception. The second section of this chapter will provide an analysis of Agamben's notion of sacred life as it pertains to national borders, observing how the border functions not as a barrier but as a rendering



process that strips migrants of their political life, exposing them to the forces of sovereign violence. I will examine how such a process subverts conventional conceptions of belonging, revealing how the perceived binary of citizenship serves instead as a spectrum. The spectrum of citizenship, I argue, can be divided into three ambiguous and flexible classifications of anti-citizen, quasi-citizen, and citizen, with each being defined not by their relation to inclusion, but their relation to death. In the third and final section, I will discuss how the border-rendering process contributes to the purposeful erasure and exploitation of the migrant. Chiefly, I argue that the nation-state engages in a process of sovereign reproduction, weaponizing national borders as means of reducing the migrant to bare life and thereby exposing them to sovereign violence. In imposing violence upon the migrant, the nation-state is able to subordinate the migrant through means of labor exploitation, detention, and physical harm.

The final chapter will be dedicated to an empirical demonstration of my findings, in which I will examine the operation of the Southwestern United States border with Mexico in order to contextualize my findings. Following a brief analysis of U.S. involvement in Latin American affairs, I will discuss the discourses of danger that surround the presence of Mexican and Central American migrants in the United States. In order to display the imposition of sovereign violence upon these migrants, I will turn to three groups of policy: illegalization, deterrence, and zero-tolerance. Finally, I aim to demonstrate how, through the exploitation and erasure of the migrant within the United States, the nation-state fulfills a cycle of self-reproduction and, in doing so, fortifies its sovereignty. Ultimately, I intend to illustrate how national sovereignty requires the subordination and violation of migrants, laying the bloody groundwork upon which every nation-state is constructed.

## **Chapter 1: The Nation**

### **The Paradox of the National Logic**

The exploitation and subjugation of the border-crossing migrant is not an unfortunate risk of nationalization, but a metric of its success. Understanding both sovereign violence and the ways in which migrants are subjected to it requires first an understanding of the nation-state itself. The logic of the nation-state is widely conceived to be conditional on a basis of inclusion and exclusion: those who reside within a particular nation-state are included and those who reside without are excluded; similarly, those who are included within one nation-state are excluded by all others. In my analysis of the nation-state, I propose a destabilization of this dichotomy, taking into consideration how contradictory factors like citizenship and localization confound the inclusion/exclusion binary and furthermore, how the inclusive exclusion of the migrant exposes the construction upon which the nation-state finds its legitimacy. I then observe how the nation-state is able to evade such exposure through the promulgation of discourse and policy that mischaracterizes the migrant as a threat to U.S. security and prosperity, while simultaneously gaining legitimacy through the response to that alleged threat. Ultimately, what I establish is the paradox of national sovereignty: while the transnational nature of cross-border migration poses a threat to national legitimacy and identity, the migrant themselves is a condition of the existence of the nation-state - without which, the nation-state would be unable to legitimize its sovereignty in the eyes of its citizens and would subsequently disintegrate.

Here, I aim to discuss the foundation of the nation-state as it is an imagined entity, insofar as it defines a distinct community within a set of other distinct communities with no natural or tangible geographical definition. Nation-states are both limited as well as imagined to have finite

boundaries beyond which lie other distinct membership communities - other nation-states.<sup>4</sup> Both the imagined and the limited quality of the nation-state is imperative to understanding the logic of a nationalized system, and moreover, to understanding the need for nation-states to maintain a legitimate, sovereign identity in the eyes of its citizens. I will use these concepts in order to demonstrate how such a system attempts to erase any possibility for ambiguity in an individual's relation to distinct sovereign nations, and how the migrant is ultimately the physical representation of ambiguity within an international system. Though this ambiguity threatens to expose the fact of a nation's sovereignty as legitimate only in that it is imagined - revealing the fragility of sovereignty - the nation-state is able to mechanize the migrant's indeterminate national belonging to aid in the ceaseless quest for national legitimacy. In this process, the migrant is falsely characterized as a threat to the security and prosperity of the nation and subsequently made subject to violent subordination. Forcibly made to take part in the quest for sovereign legitimacy, the migrant is rewarded with exploitation, violence, and erasure, as the sovereign nation enjoys a renewed sense of security in its legitimacy.

### **Inclusive Exclusion**

In order to truly grasp the logic of the nation-state, it is vital to take into account what the nation-state is not. Emma Haddad notes the duality of sovereign governments: "International society divides the world into sovereign states. Sovereignty means authority – external autonomy and internal control. A sovereign government is therefore Janus-faced: it simultaneously faces outwards at other states and inwards at its population."<sup>5</sup> Haddad's conception of a "Janus-faced"

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<sup>4</sup> Emma Haddad, *The Refugee in International Society* (New York: Cambridge University Press, 2008) 54.

<sup>5</sup> *Ibid.*, 48.

sovereign government highlights what is perhaps the most critical component to the identity formation of a nation-state: an external body for which the nation-state's identity may be formed not with, but against. What defines those who are included is those who are excluded; the citizen is not only inherently connected to, but contingent on, the outsider.<sup>6</sup> Without the imagined outsider, the citizen would be indistinguishable, for the existence of an included body necessitates a body that is excluded. The existence of a marked outsider - a foreigner, an alien, an other - is necessary for citizenship to have any meaning, and thus, necessary for the nation-state to be able to identify as such (as sovereignty depends on a citizenry over which to be sovereign).

### *Insider/Outsider Convention*

David Campbell discusses the basis upon which identity is constituted, writing, "Whether we are talking of 'the body' or 'the state,' or of particular bodies and states, the identity of each is performatively constituted. Moreover, the constitution of identity is achieved through the inscription of boundaries that serve to demarcate an 'inside' from an 'outside,' a 'self' from an 'other,' a 'domestic' from a 'foreign.'"<sup>7</sup> Plainly, the nation-state requires non-citizens - who can viably be citizens of a different nation-state - to distinguish its own citizens, and thus legitimize its own sovereignty. Therefore, a viable assumption would be that the nation-state actually requires the outsider - the excluded body. However, when that which is external aims to move inward, it threatens the very logic of the nation-state. It is for this reason I aim to shift my focus from simply the figure of the outsider to that of the migrant, specifically the migrant whose

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<sup>6</sup> Haddad, *The Refugee in International Society*, 54.

<sup>7</sup> David Campbell, *Writing Security* (Minneapolis: University of Minnesota Press, 1992) 9.

intent or attempt to cross a national border both complicates and illuminates the fundamental operation of the nation-state.

The simultaneous inclusion of citizens and externality of the foreign has allowed a fragile dichotomy to take place, one whose inverse logic suggests an inherent mutual exclusion. For example, a single person exists in a constant state of inclusion *and* exclusion, but only in that they are included in one state, and therefore, excluded from all others. However, the mutual exclusion applies in regards to a person's relation to a single nation state: if a person is included in one particular nation-state, it would seem impossible that they are simultaneously excluded from that same nation-state. As "inclusion" and "exclusion" are oxymoronic in nature, a person seemingly may not take on both the role of an insider and an outsider in relation to a single nation-state. However, the transnationality of migration renders the fragile binary of inclusion and exclusion entirely obscured.

### *Transnationality and Statelessness*

The migrant who aims to cross a national border certainly qualifies as an outsider figure on the basis of their intent to permeate a boundary which is largely understood to demarcate insider from outsider. Here is the migrant's relation to border-crossing: it is their intent, attempt, or success in crossing a national border. Once the migrant enters into this relation, they at once compromise the logic of the nation-state. In a nationalized world composed of mutually exclusive states, it seems reasonable to determine that every person is included within a particular sovereign body, and excluded by all other sovereign bodies that lie beyond its borders. Inclusion itself instinctively signifies a form of belonging or membership to that sovereign body,

which largely manifests as citizenship within the current international order. Yet, the migrant's relation to border-crossing unravels this conventional wisdom, in that the migrant cannot possibly leave one country without eventually entering into another one.<sup>8</sup> Primarily, what this truth reveals is the necessary distinction between localization and legal membership. While national borders are generally conceived to define the insider (citizen) from the outsider (foreigner), it is not necessarily valid that all those who are located within a set of borders are citizens of that nation-state and those who lie beyond are not (many citizens travel, work, and reside within countries of which they are not citizens). Therefore, location alone does not determine a person's insider/outsider status in relation to a particular nation-state. That being said, I do not wish to argue that a migrant who becomes located in a nation-state of which they are not a citizen entirely destabilizes the dichotomous principle of inclusion/exclusion that founds the nation-state - they may be geographically included within the borders of nation they immigrate to, but remain more largely excluded if they are not citizens of that country. That migrant must simply have their relationship to a specific sovereign body redefined - through a process such as repatriation or naturalization - in order to become reterritorialized and thereby reaffirm the imagined nation-state (and in doing so, becoming technically "included.")<sup>9</sup> In short, the migrant's reterritorialization legitimizes the nation-state's hegemony; in redefining a migrant's belonging to a particular nation, the nation-state not only emphasizes its own control over matters of belonging but simultaneously fortifies the belief that every person must, in some way, belong to a nation-state.

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<sup>8</sup> Haddad, *The Refugee in International Society*, 26.

<sup>9</sup> *Ibid.*, 60.

What complicates the inclusion/exclusion principle is the process of redefining a migrant's relation to a sovereign body - and thereby reaffirming the inclusion/exclusion binary - when addressing stateless peoples. An extensive number of migrants, and those on whom I am largely focused, aim to cross national borders owing to the fact that their own nation-citizen relation has been severed. If the nation-state is charged with the protection of its citizens, a lack of sovereign protection from factors that undermine quality of life or threaten it entirely - or perpetuation by the sovereign government of these factors - may force a person to leave their nation-state, rendering one who was once a citizen stateless. The stateless migrant is perhaps more destabilizing than any other, serving as an embodiment of what the nation-state wishes to conceal: in their absence of belonging to any particular nation-state, the stateless migrant occupies a liminal space that does not conform to a nationalized system in that they are not truly included in any one nation-state. There lies an innate tension in the occupation of such a space, as the nationalized order in place determines that it is nearly impossible to be geographically located in such a way that one is not "included" - physically - within some set of national borders, and yet the stateless person remains in a state of exclusion, regardless of their physical location. Therefore, the stateless person exposes more potently than any other that inclusion and exclusion are not physical truths, territorially-bound through borders, but political constructions. The condition of statelessness is nearly intolerable to the nation-state, an entity that depends on the concealment of its own construction in order to remain sovereign - for it is an imagined community, perceived by its citizens to be a bounded, organic space of inclusion with finite borders. The sovereignty of the nation-state depends on this perception, yet it is this perception

that inherently contradicts the “imagined,” constructed quality of the nation-state. Were its constructedness to be revealed, the imagined community would ultimately be at risk of fracture.

Despite the inherent threat the stateless person provides, the condition of statelessness is a symptom of nationalization, only possible through the narrative of territoriality and sovereignty that the nation-state provides. Nation-states in which citizens are facing persecution, displacement, or lack of representation are likely to yield significant numbers of migrants who flee to neighboring countries. A widespread misconception regarding stateless migrants is that they innately qualify as refugees, owing to the lack of protection provided by their originary nation-state and the danger they face as a result. Despite the qualifications for refugee status set by the 1951 Refugee Convention<sup>10</sup>, history would see that, when confronted by mass migration (owing to human rights violations), the nations to which those migrants are most likely to flee respond with policy that limits the ability of those migrants to obtain asylum, citizenship, or residency. Examples of such policies include restrictions placed on migration to the U.S. from Nazi-occupied territory prior to and during World War II;<sup>11</sup> the inaction following the implementation of EU quotas for accepting non-EU asylum seekers after 2015 following displacement in North Africa and the Middle East;<sup>12</sup> the Trump administration’s frequent

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<sup>10</sup> The 1951 Refugee Convention defines a refugee as someone who: “owing to wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term ‘the country of his nationality’ shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.”

<sup>11</sup> Richard Breitman, “The Troubling History of How America’s ‘Public Charge’ Rule Blocked Jews Fleeing Nazi Germany,” *TIME*, 29 October 2019.

<sup>12</sup> Despite quotas set for the relocation of non-EU asylum seekers from Greece and Italy in 2015, Amnesty International reports that most countries failed to fulfill them within the two-year period designated: Poland and Hungary refused to accept any refugees; Slovakia accepted 16 of the 902 asylum-seekers it was assigned; the Czech



attempts to restrict migration from those fleeing gang violence in the Northern Triangle.<sup>13</sup> On the subject of refugeedom, Haddad observes,

A wide definition of who falls into the category ‘refugee’ may increase the potential burden on the host state, while accepting a greater failure on the part of the state of origin. A narrow definition, on the other hand, runs the risk of denying protection and assistance to individuals in need and thus not fulfilling basic moral and humanitarian obligations. The granting of refugee status has therefore come to mean that asylum is more an ‘entitlement’ than ‘a discretionary bestowal of political grace’... hence asylum and refugee status is now ‘a scarce resource’ the scarcity of which, however, is political and not physical.<sup>14</sup>

The “political scarcity” noted by Haddad lends itself to strategies that restrict qualifications for refugee status from countries that are producing high numbers of asylum-seekers. In the wake of policies that limit eligibility for asylum, the stateless migrant is left unrepresented by any sovereign nation - despite the fact that, due to the nationalized system in place, it is impossible for that migrant to be geographically excluded from *all* nations; they must at all times be within one nation’s borders, and thus, arguably qualify as geographically “included” within that nation owing only to their localization.

A migrant’s ability to be “included” in the nation to which they migrate is further complicated by the legality of seeking asylum, including laws that impact migration before *and* after asylum is officially sought. While the right of any person to seek asylum is theoretically

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Republic accepted 12 of 2,691; Spain, Belgium, the Netherlands, and Portugal accepted less than 50%; Finland and Ireland accepted over 75% but did not satisfy their quotas; Malta was the only country to fulfill its quota; Norway and Lichtenstein voluntarily opted in to the process and fulfilled their commitments.

<sup>13</sup> In June of 2018, then-Attorney General Jeff Sessions ordered that claims of gang violence and domestic violence are not grounds for protection in the United States, following the dramatic increase of gang violence in the Northern Triangle, producing thousands of asylum-seekers who reach the Southwestern U.S. border.

<sup>14</sup> Haddad, *The Refugee in International Society*, 26.

upheld by the 1948 Universal Declaration of Human Rights<sup>15</sup> and the 1951 Refugee Convention, a specter of illegality is omnipresent as stateless people seek asylum is present even before they cross a national border. Furthermore, the illegality that accompanies stateless migration applies to more than just the asylum-seeker themselves. Particular cases have gained worldwide recognition concerning individuals who attempt to provide humanitarian aid (such as water and food) for asylum seekers have been prosecuted and brought up on various charges, including trespassing and abandonment of personal property.<sup>16</sup> Similarly, others who attempt to physically accompany a migrant in their quest to reach a national border have been convicted or fought charges such as aiding-and-abetting. Certain countries have managed to sidestep the legality of asylum-seeking with laws that successfully curtail rescue missions intended for migrants crossing dangerous terrain (such as ocean or desert), including laws that criminalize the docking of rescue ships in particular ports and national shores.<sup>17</sup>

If a migrant does successfully reach the borders of a nation in which they can safely seek asylum, many are still denied refugee status. Nicholas De Genova discusses the qualifications for refugee status:

Indeed, the criteria for granting asylum tend to be so stringent, so completely predicated upon suspicion, that it is perfectly reasonable to contend that what asylum regimes really produce is a mass of purportedly 'bogus' asylum seekers. Hence, in systematic and predictable ways, asylum regimes disproportionately disqualify asylum seekers, and convert them into 'illegal' and deportable 'migrants'. All such officially 'unwanted' or

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<sup>15</sup> Article 14 of the Universal Declaration of Human Rights reads, "Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations."

<sup>16</sup> Scott Warren, "I gave water to migrants crossing the Arizona desert. They charged me with a felony," *The Washington Post*, 28 May 2019.

<sup>17</sup> German sea-captain Pia Klemp rescued over 1,000 migrants in the Mediterranean sea before her boat was seized by Italian authorities. As of 2020, she faces 20 years in prison for aiding-and-abetting. Another German sea-captain, Carola Rackete, was arrested in 2019 for illegally docking at an Italian port with 40 migrants on board. (Dixon and Wojazer)

'undesirable' non-citizens are stigmatized with allegations of opportunism, duplicity and undeservingness. The compulsive denunciation, humiliation and exquisitely refined rightlessness of deportable 'foreigners', furthermore, supply the rationale for essentializing the juridical inequalities of citizenship and alienage as categorical differences that may be racialized.<sup>18</sup>

De Genova emphasizes another critical truth of this process: the systemic manner in which those who have crossed a border and have been denied asylum are once again targets of illegality, now becoming stigmatized and disqualified from citizenship entirely. Therefore, a migrant who has crossed a national border and has become geographically included remains truly excluded, having not been reterritorialized according to the standards of the nation-state by obtaining citizenship or a sanctioned alternative, such as residency or refugee status.

### *State of Inclusive Exclusion*

The migrant then enters into a paradoxical state of simultaneous inclusion and exclusion, summarily entering into a state of what Giorgio Agamben terms “inclusive exclusion.” Agamben’s work *Homo Sacer* details inclusive exclusion as it provides a distinction between “bare life” - the simple fact of biological life common to living beings - and “good life” - the transformation of bare life by the state into political life (offered by citizenship). Agamben argues that sovereign power is established through the production of a political order that excludes bare life from law in favor of good life. Sovereign power is realized when it enters a state of exception, wherein the law is suspended (consider emergency powers or martial law) and, owing to this, the human being is stripped of their rights and reduced to a state of bare life. Thus, bare life is included by exclusion: excluded from law but presupposed in its exclusion,

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<sup>18</sup> Nicholas De Genova, “Spectacles of migrant ‘illegality’: the scene of exclusion, the obscene of inclusion,” *Ethnic and Racial Studies* 36, no. 7 (2013).

signifying its simultaneous inclusion. While it is life itself that Agamben analyzes through a lens of inclusive exclusion (arguing that life is included in politics by means of its exclusion<sup>19</sup>), the migrant is particularly vulnerable to this process. In lacking citizenship but existing in relation to the nation from which they lack citizenship, the migrant finds themselves inclusively excluded. This is not a simple matter of geographic localization, for simply being located within national borders does not alone qualify a migrant as “included.” Rather, in being rendered an illegal presence within a particular nation-state, the migrant is promptly excluded from citizenship and the protection provided by that nation-state; yet, in their exclusion and designation of a particular legal status, the migrant is presupposed and subject to the laws set forth by that nation-state, included too under the jurisdiction of that nation-state. The key distinction here is not simply that the migrant is both included and excluded, it is that they are included *by way* of their exclusion.

The migrant’s state of inclusive exclusion is fundamentally at odds with the logic of the citizen, whose identity is contingent on an excluded body. Haddad details the status of a migrant who finds themselves in this space of indistinction in relation to the citizen: “The citizen is unproblematic and rooted in her territorial space. The refugee constitutes a problem by lacking effective state representation and protection; she is uprooted, dislocated and displaced.”<sup>20</sup> The migrant becomes problematized as they signify an abnormality in a system constituted of membership communities, where citizenship designates belonging, for this logic means the migrant does not belong anywhere.<sup>21</sup> It is nearly impossible to exist between nation-states within a nationalized order, yet by existing between the dichotomous categories of inclusion and exclusion set by international society, the inclusively excluded migrant challenges the notion that

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<sup>19</sup> Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (California: Stanford University Press, 1998) 7.

<sup>20</sup> Haddad, *The Refugee in International Society*, 59.

<sup>21</sup> *Ibid.*, 60.

every individual belongs to a nation-state. As their transnational experience resists the logic of the nation-state, the migrant launches into question the legitimacy of state sovereignty, and exposes the imagined foundation on which the modern nation-state and its borders are constructed.

Following her examination of the citizen/migrant relation, Haddad adds, “And if questions of membership, territory and legitimacy become security issues, persons will accordingly be given ‘insider’ or ‘outsider’ status. Each individual will either add to the internal security of the community or threaten its cohesion by not belonging.”<sup>22</sup> Haddad’s emphasis on security issues is critical in understanding the role of the migrant in the international system. Here, however, I would argue that “questions of membership, territory, and legitimacy” *always* become security issues for the nation-state, as membership, territory, and legitimacy are fundamental tenets of national sovereignty, and any force that questions or destabilizes the sovereignty of a nation-state instantly threatens to expose the constructedness of that state. The risk of that exposure could mean the nation’s loss of sovereign identity in the eyes of its citizens. Campbell discusses how the identity of a nation-state may come to be threatened: “The mere existence of an alternative mode of being, the presence of which exemplifies that different identities are possible and thus denaturalizes the claim of a particular identity to be *the* true identity, is sometimes enough to produce the understanding of a threat.”<sup>23</sup> The migrant’s intrinsic state of in-between, emblemized by their simultaneous inclusion and exclusion, runs the risk of disrupting the cohesive conventions of statehood, citizenship, and externality. The migrant does intrinsically pose a threat to the security of the nation-state; however, the risk posed does not

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<sup>22</sup> Ibid., 49.

<sup>23</sup> Campbell, *Writing Security*, 3.

target national economic or social security. Rather, it is the security of national legitimacy - it the nation-state's role as a sovereign power, the nation-state's security of identity.

### **Specticality**

Confronted by the threat of the migrant, the nation-state has no choice but to respond. In the face of a threat that risks exposing the nation-state's constructedness, one could argue that the most likely response of that nation-state is to eliminate the threat entirely. Yet, as I have stated, this is a matter of security - not economic or public security - but sovereign security. Owing to this fact, the instinctive response to such a threat becomes nebulous; the nation-state has the dual task of confronting the threat in such a way that both reinforces its own sovereignty and simultaneously conceals its construction. It is true that when facing an external threat to its security, the sovereign government of a nation-state is likely to respond by enacting policy that minimizes that external threat. However, to ordain policy publicly on the basis of protecting itself from delegitimation would simply expose what the nation-state is trying to conceal: the intangibility of its own borders, the fragility of its claim to sovereignty. Rather, the nation must take a different course of action - one that flaunts the danger presented by the migrant, only to falsely redirect the perceived recipient of that danger from its own legitimacy to the security and prosperity of its citizens.

### *Performative Production*

But how is such a process achieved? I argue that the state weaponizes foreign policy, and the discourse it provides, in order to transform the migrant-border relation into a politically

advantageous spectacle. Campbell states that foreign policy is a “specific sort of boundary-producing political performance.”<sup>24</sup> According to Campbell, nation-states are able to make use of discourse that reinforces the image of the migrant as a hazard to the public in order to similarly reinforce who is the insider and who is the outsider, who is citizen and who is foreign - and it is largely through migrant-oriented policy that these “discourses of danger” are strengthened. What is key here is the concept of performativity: a form of discursive power, in which, through language, a particular phenomena is produced in order to be controlled and regulated. In manufacturing discourse that paints outsiders as threats which must be contained, the nation-state is able to reinforce not only insider-outsider discourse, but the notion that the border is a barrier used to further delineate those two categories. Thus, the border, an inorganic referential point at the juncture of two nation-states, becomes a nearly tangible entity that has been fortified through discourses of danger.

### *The Border Spectacle*

A critical element to the “boundary-producing political performance” that Campbell names is specticality. Through the diffusion of particular discursive elements, a particular issue becomes a public spectacle, allowing for the generation or reinforcement of a certain kind of discourse pertaining to that issue. For example, U.S. President Donald Trump’s highly publicized construction of a border wall, which he has openly supported since his 2016 campaign, is a spectacle - his increased securitization of the U.S.-Mexico border reinforces the perception of the border as an entity that must be securitized to the point of impenetrability, conveying the migrant

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<sup>24</sup> Ibid., 62.

as an imminent threat and legitimizing anti-migrant sentiment. In a broader sense, the ever-growing exhibition of militarization, raids, deportations and detentions that has come to define many national borders creates what Nicholas De Genova refers to as the “Border Spectacle.” The Border Spectacle, De Genova argues, uses discourses of danger to supply a scene of exclusion that generates anti-migrant sentiment. I argue that the greatest purveyor of this spectacle is migrant-oriented policy. For instance, policies that criminalize unauthorized border crossings and broaden actions for which an individual may be deported reinforce the conflation of migrants and criminal behavior. Similarly, those which restrict migration according to financial status (often termed “public charge” laws) reaffirm the notion that migrants undermine national prosperity. Strategies aimed at securitizing national borders not only embolden the image of the border as a divide between the included and the excluded, but fortify the image of the foreigner, and especially the migrant, as a dangerous figure who must be met with militant securitization. Policies like these contribute to pre-existing assumptions that determine migrants to be threats to national security, and they are furthered alongside governmental campaigns, statements, and discourse accompanying the policy that promote - to varying degrees - the notion that there is at least some truth to those assumptions.

De Genova’s analysis of spectrality as it pertains to the border is fundamental to the function of the nation-state, not only as it distinguishes insiders from outsiders, but how it allows the nation-state to legitimize itself before the eyes of its citizens. The state is able to reinforce its own legitimacy by offering to provide security to its citizens, who, it argues, would otherwise face immense danger at the hand of migrants.<sup>25</sup> De Genova furthers his argument in his assertion

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<sup>25</sup> Ibid., 51.



that the Border Spectacle is not simply a means of portraying the migrant as a danger to national security and prosperity, but a guise for *inclusion* - specifically, the subordinate inclusion of the migrant. He writes,

The more that the Border Spectacle generates anti-immigrant controversy, the more that the veritable inclusion of those incessantly targeted for exclusion proceeds apace. The 'inclusion' of these deportable migrants, of course, is finally devoted to the subordination of their labour, which can be best accomplished only to the extent that their incorporation is permanently beleaguered with the kinds of exclusionary and commonly racist campaigns that ensure that this inclusion is itself, precisely, a form of subjugation.<sup>26</sup>

According to De Genova, the scene of exclusion that the Border Spectacle creates is, in fact, a guise for the inclusion of migrants as means of subordinating their labor. Thus, the migrant once again bridges the divide between inclusion and exclusion, feeding the scene of exclusion created by the Border Spectacle while truly facing inclusion on the basis of subjugation. While I do not entirely concur with the notion that the purpose of the migrant's covert inclusion is *only* to exploit their labor, I believe that De Genova and Campbell have both demonstrated an indisputable truth about foreign policy and the hazardization of the migrant: the nation-state is not attempting to eliminate the threat the migrant poses through its foreign policy. Instead, it aims to disseminate discursive elements that, in the words of Campbell, are required by the nation-state to "provide a new theology of truth about who and what 'we' are by highlighting who or what 'we' are not, and what 'we' have to fear."<sup>27</sup> The migrant is indelibly a key to the self-production of the nation-state's identity: the nation necessitates the migrant's externality to reinforce the citizen's internality. The hazard of the migrant, which foreign policy

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<sup>26</sup> De Genova, "Spectacles of Migrant 'Illegality.'"

<sup>27</sup> *Ibid.*, 48.

consistently demonstrates, is not a threat to the nation-state's security or prosperity: rather, it is the thing on which a nation-state's identity is conditional. Without the promise of danger offered by the migrant, the nation-state would be unable to provide a scene of exclusion that both redefines the inclusion/exclusion binary for its citizen while also muting the migrant's inclusive exclusion. Ultimately, in order for the state to be secure, it must simultaneously and categorically be insecure.

### **A Necessary Threat**

The insecurity posed by the migrant provides a necessary ground for promotion of the inclusion/exclusion binary and the masking of inclusive exclusion, and truly begins to reveal how vital the migrant is to the mechanics of the nation-state. Fundamentally, it is the nation-state's own identity to which the migrant is essential - as are the borders that define international migration between nation-states. Campbell writes, "Were there no borders, there would be no danger, but such a condition is at odds with the logic of identity, for the condition of possibility for experience entails (at least to some extent) the disciplining of ambiguity, the containment of contingency, and the delineation of borders."<sup>28</sup> What Campbell highlights here is the necessity of borders - not as means of preventing danger, but of generating it. His central argument proposes that foreign policy is a political practice vital to the production and maintenance of American political identity:

...this argument proposes that United States foreign policy be understood as a political practice central to the constitution, production, and maintenance of American political identity. In order to delineate more precisely the relationship between foreign policy and

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<sup>28</sup> Ibid., 81.

political identity, this argument is predicated on a reconceptualization of understandings to which the conventional view of international relations and foreign policy is deeply indebted - most specifically, a reconceptualization of identity and the state.<sup>29</sup>

While Campbell focuses largely on the self-legitimation process that is facilitated when the state is able to enact foreign policy and make a promise of security to its citizens. Furthermore, I wish to observe the dire consequences such policy has for not foreigners, but migrants. I argue that it is not only the false discourses of danger, promulgated by the sovereign government, that is required in national identity-making. The true threat the migrant poses - that which challenges the logic of national sovereignty and identity-making through the ambiguity and abnormality of the migrant's membership status - is crucial to the dynamic process of producing and maintaining the sovereignty of the nation-state. As the national citizen requires the foreigner, against whom they may forge their identity, the nation-state requires the migrant - whom they do not forge their identity against, but *with*. The migrant's lack of belonging and national representation, coupled with their relation to border-crossing, may challenge the logic of national sovereignty, yet it also provides the nation-state with an integral piece to the political machine of identity-building, without which, the political machine would be unable to function. That piece is the migrant, from whom the nation-state may promise its citizens protection, but also, who will ultimately serve as the target of the violence, exploitation, and erasure necessary in fulfilling that promise. I argue that it is the fulfillment of the promise of protection to its citizens that legitimizes the nation-state, and that such a promise is not fulfilled by the enacting of anti-migrant policy, but the brutal subjugation sanctioned and implemented by that policy. Paradoxically, if a nation-state wishes to be secure it

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<sup>29</sup> Ibid., 9.

must also be insecure, requiring a threat that is both immanent and external in order to forge a relationship in which the citizen feels dependent on their nation to provide safety and security. In doing so, the nation-state may at last find its legitimation and fortification.

In what follows, I will demonstrate that the border, emphasized as a barrier between citizen and foreigner, is intended to conceal the actual function of national boundaries. The border is truly a processing agent, which exploits both the migrant's lack of state representation as well as their relation to border-crossing, in order to forcibly depoliticize them and expose them to sovereign violence - rendering them as existing in a semi-permanent state of inclusive-exclusion and bare life. Agamben refers to this state of being as the state of exception:

“...the sovereign exception is the fundamental localization (*Ortung*), which does not limit itself to distinguishing what is inside from what is outside but instead traces a threshold (the state of exception) between the two, on the basis of which outside and inside, the normal situation and chaos, enter into those complex topological relations that make the validity of the juridical order possible...*The exception is what cannot be included in the whole of which it is a member and cannot be a member of the whole in which it is always included.*”<sup>30</sup>

Excluded from citizenship in the nation whose borders the migrant intends, attempts, and succeeds in crossing, they are also included by way of subjection to that nation's laws. However, in lacking political life, or citizenship, the migrant is rendered defenseless against sovereign violence. This violence - sanctioned by policy that is inherently necropolitical - contributes to the inevitable disenfranchisement and erasure undergone by migrants, who have little choice other than to become less visible than the average citizen or remain exposed to the very sovereign that

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<sup>30</sup> Agamben, *Homo Sacer*, 25.

imparts violence upon them. Meanwhile, the spectacle of the militarized physical border, as well as the discourse on unauthorized migrants and the danger they pose, render migrants selectively visible on the part of the nation-state. Having subdued and subjugated the migrant, the sovereign government is able to decide how, when, and where the migrant and the issues that surround them become visible to the public eye. The nation's control over the public image of the migrant primarily allows false discourses of danger to be easily disseminated amongst the citizenry. Subsequently, the widespread erasure of the migrant, who may have been imprisoned, killed, or exploited, misleads the citizen to believe that the government has successfully staved the impending waves of migrants at the border. In this, the nation-state has fulfilled the promise of security that it offered its citizens, protecting them from the supposedly imminent threat of the migrant. However, as Campbell notes, this process of promise and fulfillment is unending:

In other words, states are never finished as entities; the tension between the demands of identity and the practices that constitute it can never be fully resolved, because the performative nature of identity can never be fully revealed...stasis would be death.<sup>31</sup>

## **Conclusion**

Effectively, the nation-state is caught in a never-ending cycle of identity-production, ceaselessly engaging in the manufacturing of a threat from which it may offer to protect its citizens in an unyielding quest for legitimacy. Were the nation-state to cease this cycle of production, it would run the risk of a foundational collapse, as national sovereignty depends on the citizenry's belief in its own legitimacy and the concealment of its constructed nature. The logic of the stateless person may innately be at odds with the logic of statehood, as it destabilizes

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<sup>31</sup> Campbell, *Writing Security*, 12.

the key principle of inclusion and exclusion upon which the nation-state is grounded; however, that destabilization may be redirected into characterizing the migrant as a false threat to national security and prosperity, ultimately serving the dual purpose of quelling the threat to legitimacy and reinforcing the national identity. This process is only aided by the migrant's purgatorial state of being; their inclusive-exclusion places them beyond the conventional logic of statehood and thus affords them protection against the violent exploitation and subordination foisted upon them by the state. The migrant's ambiguity and abnormality within a nationalized world renders them the ideal target for this process, laying them bare to the violent manipulation employed by the nation-state as means of reinforcing its own sovereignty.

## **Chapter 2: The Border**

### **Sovereign Violence and the Production of Sacred Life**

I now aim to provide an in-depth analysis of national borders and their role in the fortification of the nation-state. Primarily, I urge readers to keep in mind that no two borders are the same. They are shaped, securitized, and perceived according to a vast array of social, political, and economic dynamics that are unique to the societies that surround them. The process of bordering that I describe in this chapter likely applies to different national borders to vastly different degrees and, similarly, manifests in a variety of ways pertaining to unique national and cultural dynamics. That being said, I believe that such a process finds the most strength among the dynamics of global hegemony and historic colonization that thrive at borders separating the so-called “Global North” from the “Global South.” The following chapter will consist of three parts: first, I will discuss the conventional wisdom that surrounds the territorially-bound national border and destabilize it, examining borders as not a spatial entity but an aphysical one that serves as a condition of being rather than a boundary. In the next section, I will consider how this fact illuminates a process of rendering undergone by migrants who cross national borders, subverting the perceived binary of citizenship. In the third and final section, I analyze how such a process contributes to the erasure and exploitation of the migrant for the purpose of sovereign self-reproduction. Ultimately, I intend to illustrate the national border not as a barrier that distinguishes insider from outsider, but as a boundless and exploitative rendering process that intends to convert migrants into subordinate bodies, upon which the sovereign nation-state may capitalize.

## Border Localization

### *Banality*

The conventional premise of the national border maintains a territorial and spatial indication, as it supposedly refers to the boundary that sits between one nation-state and the next. This conventional perception of a national border perpetuates the notion that the border is a barrier between insider and outsider, and the spectacle of militarization that often occurs at national borders only reinforces this impression. However, border politics and policing may be traced far beyond the border and even beyond the borderlands, materializing along the complex dynamics of deportations, detentions, raids, and the importation of (often unauthorized) migrant labor. In order for the border spectacle - which that characterizes the border as a boundary of protection between insiders and outsiders - to be maintained, then, the state must rely on the making of those complex internal dynamics as banal.

Shahram Khosravi's *Illegal Traveler* is an exploration of statelessness, as the author uses his own experiences as a stateless person to craft a unique "auto-ethnography" of national borders and the violence imposed upon him as a border-crosser. "Banality," he states, "is always a crucial feature of political brutality."<sup>32</sup> The term "banal" is defined as such a total lack of originality as to actually be trite and obvious, indicating a kind of commonness or ordinary quality about the thing deemed "banal." Khosravi here suggests that political brutality requires banality to function, depending on its own profusion to effectively desensitize a population into regarding that specific violence as commonplace and largely insignificant. De Genova too discusses banality in his assessment of the Border Spectacle, arguing,

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<sup>32</sup> Shahram Khosravi, *Illegal Traveler: An Auto-Ethnography of Borders* (New York: Palgrave Macmillan, 2010) 82.



...the ever-increasingly militarized spectacle of apprehensions, raids, detentions and deportations always accompanies the banality of a continuous importation of 'unauthorized' migrant labour. All non-citizens, inasmuch as they are construed as such (whether as migrants or asylum seekers), are overtly figured in one or another juridical relation to the authority of a territorially defined ('national') state.<sup>33</sup>

Interestingly, De Genova demonstrates here how one aspect of the national border - securitization - can be emphasized as anomalous in order to further banalize another aspect - importation of labor. Khosravi and De Genova's consideration of banality carefully exposes a legacy of normalization that is instrumental in the production of border politics and sovereign violence. Furthermore, the banality of border politics reveals something else: before I attempt to deconstruct border and its operation within the modern nation-state, I must first explore the political production of its supposed "banality," deconstructing the standard perception of what a national border actually is and considering the boundary-like quality borders are presupposed as having - in opposition to their true function. To begin, I must ask a simple question: where is the border?

### *Localization*

The conventional wisdom surrounding this question indicates that national borders are semi-tangible sutures that emerge where one country meets another, functioning as the boundary between the citizens of one nation and the next. While the boundary itself may not be physical, it can be distinguished by a number of material factors: at some borders there may be barbed-wire fences, walls, checkpoints, or officers; at others, nothing but the natural elements that long preceded the nation-state's existence, unfettered by man-made structures of inclusion and

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<sup>33</sup> De Genova, "Spectacles of Migrant 'Illegality.'"

exclusion but still exemplifying boundary-ness, such as bodies of water or deserts. The territories across which those borders transverse may be referred to as “borderlands,” and, in some circumstances, communities on either side of a border function as one, unbridled by national constraints. All that I have just described indicates that the border is innately physically localized; that there is an ingrained situational element to borders wherein they only occur as one nation-state meets the next. This is due, in part, to the question I posed. To ask “where is the border?” assumes that the border exists in certain places and not in others - a notion that is only reinforced by the Border Spectacle.

In revisiting De Genova’s concept of the Border Spectacle, I intend to examine how it functions through the dissemination of highly-public discourse and imagery that strengthen the public perception of the border as a dangerous boundary, which the government must securitize through heightened militarization and advanced technology (such as drones and motion sensors.)

<sup>34</sup> Through various discursive practices, border securitization is touted as a virtuous measure intended to protect the innocent citizens within from the migrants without, who would otherwise threaten national safety and prosperity through practices such as drug trade, violent crime, and cultural degradation. Still, the narrative that *all* migrants are inherently dangerous is unlikely to convince every citizen of a single nation-state. Those citizens who feel compassion for asylum-seekers, particularly those with knowledge of any persecution and strife that motivated their journey, are likely to believe refugees should be allowed passage past the border in search of a better life. Here lies an alternative method of the Border Spectacle: the promotion of border enforcement strategies as though they are benevolent towards not just citizens, but migrants too.

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<sup>34</sup> Jason De León and Michael Wells, *The Land of Open Graves: Living and Dying on the Migrant Trail* (Oakland, California: University of California Press, 2015) 101.

A compelling example of this is the discourse surrounding human smuggling and trafficking<sup>35</sup> pertaining to the border. Reece Jones argues that border securitization practices are often portrayed as righteous initiatives “that can protect innocent migrants from unscrupulous human traffickers who have a wanton disregard for the lives of their human cargo.”<sup>36</sup> As migration is criminalized, smugglers provide a useful scapegoat, depicted in the media and by government officials as violent purveyors of migrant death.<sup>37</sup> Khosravi maintains that this is not always the case, providing as an example that the vast majority of migrant deaths (usually by drowning) in the sea along Spanish-African borders happen as a result of interception practices employed by Spanish immigration authorities.<sup>38</sup> Nevertheless, this discourse of humanitarianism works to remedy the concerns of citizens who find themselves concerned about the fate of “good” migrants, “refugees” as opposed to drug dealers and violent criminals. In the same vein, one could even argue that the asylum process is itself an integral proponent of the Border Spectacle, widely considered to be an exclusive path to citizenship for those who “deserve” it; while, in truth, leaving vast numbers of migrants behind in times of crisis. The myth of border securitization as an act of benevolence towards migrants eases the conscience of citizens while also fostering a paternalistic narrative: one that illustrates an idealistic portrait of the nation-state, extending a generous hand to the helpless, needy migrant.

The Border Spectacle, then, functions to promote the image of a border as a sort of physical boundary, that (to varying degrees of efficacy) stops dangerous migrants in their tracks

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<sup>35</sup> Smuggling and trafficking are two terms that are often conflated and used interchangeably, although they are not the same. “Human smuggling is recurrently misrepresented by the media and politicians as an entirely ‘mafia’-controlled criminality, but this is not the case.” Khosravi 21

<sup>36</sup> Reece Jones, *Violent Borders* (New York: Verso, 2016) 4.

<sup>37</sup> Khosravi, *Illegal Traveler*, 26.

<sup>38</sup> *Ibid.*, 26.

while ushering in “deserving” migrants. The understanding of the border as a purely physical entity, as emphasized by the Border Spectacle, contributes to the perception of national borders as inherently bounded and localized at a specific geographical point. While a national border is most widely understood to be located at the juncture of two nation-states, De Genova describes border spaces to be a far more “variegated spectrum,” encompassing points of entry within nations, such as airports - where migrants undergo inspection by authorities and are issued documents which may be issued and violated, such as visas. He concludes,

...it is not any specific constellation of enforcement practices (such as the admittedly more sensational militarized patrols of land and sea frontiers) that constitute the conditions of possibility for the spectacle of immigration enforcement at 'the' border, so much as the mere fact that borders are indeed enacted (and thus performed) through such practices.<sup>39</sup>

De Genova is highlighting a crucial truth about national borders: they are not an inevitable seam between one country and another, but an aphysical dimension produced through a series of practices perpetuated by border politics and policing. While it is true that the territoriality appropriated to national borders, through law and through discourse, make real an element of physicality that I do not wish to take for granted in this discussion of borders, border policing is carried out far beyond borders and borderlands, as is the resulting social impact. The aphysical border is ultimately invoked through a series of such practices that presuppose a person’s lack of political belonging. These practices may be employed at any place and time within the nation state, not just at the convergence of two nation-states, and they reveal the true fundamental localization of national borders: the border is not located in regards to territory, as they are not

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<sup>39</sup> De Genova, “Spectacles of Migrant ‘Illegality.’”

positioned physically; rather, borders are located politically, at the intersection of sovereignty and statelessness.

Regarding borders, Khosravi writes, “Borders symbolize the sovereignty of states. A nation-state can be imagined (Anderson 1983) only through its borders. The nationstate system is based on the functional nexus between a determinate localization (territory) and a determinate order (the state).”<sup>40</sup> Borders, as a lens through which the territoriality of the nation-state system may be illuminated, seem to serve a purpose of delineating where the agents of sovereignty may righteously operate. However, too often this image of national borders as a tool of definition allow borders to be perceived as a hollow outline, within which an order of sovereignty operates. In fact, the interiority of the nation-state in its entirety is precisely where borders are ever-present and capable of being enacted - without regard to the proximity to neighboring nations. According to De Genova,

To the extent that the entirety of the interior of the space of the state becomes a regulatory zone of immigration enforcement, and as borders appear to be increasingly ungrounded – both internalized and externalized – the efficacy of the Border Spectacle in fact is merely intensified. As the border is effectively everywhere, so also is the spectacle of its enforcement and therefore its violation, rendering migrant 'illegality' ever more unsettlingly ubiquitous.<sup>41</sup>

What De Genova articulates here is the correspondence between a migrant’s inclusive exclusion and the positionality of the national border: migrant ‘illegality’ provides the scene for the inevitable inflation of the border - an inflation that renders a border so boundless that it becomes invisible. Khosravi discusses this invisibility:

Through ‘inclusive exclusion’ (Agamben 1998:17), undesirable people – ‘illegal’ migrants, refugees and quasi-citizens – are positioned on the threshold between in and

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<sup>40</sup> Khosravi, *Illegal Traveler*, 2.

<sup>41</sup> De Genova, “Spectacles of Migrant ‘Illegality.’”

out. Their experience is indistinct from the operation of the nation-state and their very existence is indistinct from the border (Raj 2006). By rebordering politics, the sovereign power does not merely exclude undesirable people, but penalizes and regulates them, by immobilizing them in detention centres, by ignominious and terrifying threats of deportation, or by racialized internal border control – all of which turns the citizen into a quasi-citizen. As Balibar puts it, ‘some borders are no longer situated at the borders at all’ in the geographical or political sense of the term (2002:84). Borders have become invisible borders, situated everywhere and nowhere. Hence, undesirable people are not expelled by the border, they are forced to be border (ibid).<sup>42</sup>

The United States serves as a fine example of “rebordering politics”: While the Fourth Amendment to the U.S. constitution protects people from random stops and searches, the federal government claims the power to conduct certain kinds of warrantless stops a “reasonable distance” from the border - 100 air miles from any external boundary in the U.S.. Two thirds of the U.S. population is located in this 100-mile zone, as are most of the largest cities in the country, including New York City, Los Angeles, and Chicago. Customs and Border Patrol (CBP) agents carry out certain tasks that demonstrate the exceptionality of the region from the Fourth Amendment, including the operation of checkpoints on major highways and secondary roads, at which every motorist is stopped and asked for their immigration status. CBP is also charged with conducting roving patrols and public transit inspections in this 100-mile zone, and, for those questioned, the only legal protection from detention is a vague principle that states a person may not be detained without “reasonable suspicion.”<sup>43</sup> While the purpose of CBP is to patrol borders and the territory 100 miles inward of the border, the purpose of Immigration and Customs Enforcement (ICE) is mainly to operate where CBP is not - that is to say, throughout the interiority of the country. Some of the operations of ICE include workplace raids, apprehensions

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<sup>42</sup> Khosravi, *Illegal Traveler*, 2.

<sup>43</sup> “Know Your Rights: 100 Mile Border Zone.” *ACLU*.

of unauthorized migrants, and migrant detention. General police officers may also question a person's legal status, meaning the migrant is at risk of deportation or detention if they are approached by officers even during day-to-day activities, such as driving or walking.

The border and immigration policy of the United States is only one example of rebordering politics, but it serves as a powerful testimony to the omnipresence of the border throughout the interiority of the nation state. When a migrant crosses a national border, they are entering into a space where they remain subject to the border securitization - revealing that the border is not physically localized, but carried *with* the migrant and conjured as the sovereignty of the nation-state contends with the migrant's own statelessness. The ambiguity of statelessness casts into question the entirety of national logic, threatening to expose its constructedness; the nation-state, in response, invokes the border to mitigate that threat. As I have emphasized, however, the nation-state does not wish to simply eliminate the threat of the migrant. Instead, I argue that the state weaponizes the border's optimal function: as a rendering agent that forcibly depoliticizes the migrant, ultimately exposing them to the forces of sovereign violence.

### ***Homo Sacer and the Border Rendering Process***

#### *Intersectional Identities and the Border*

Reflecting on his own experiences and the experiences of others, Khosravi asserts, "Migrants pay the price of rebordering and debordering policies: they are sacrificed in the ritual of renegotiating the borders."<sup>44</sup> His emphasis on the sacrificial provides a compelling foundation

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<sup>44</sup> Khosravi, *Illegal Traveler*, 81.

upon which I may question the true function of the national border - not as a boundary, but an inescapable and exploitative rendering process that transforms migrants into politically serviceable bodies for the nation state. I have established how the border is inescapable insofar as a migrant's relation to border-crossing subjects them (and those who hope to aid their journey) to the "illegality" imposed upon them by the state. I will now address how the national border relies on the exploitation of preexisting inequities that are racial, cultural, sexual, gendered, and economic in order to forcibly depoliticize the migrant and reduce them to a state of bare life.

According to Khosravi, "...borders regulate movements of people. While a small category of people enjoy unrestricted mobility rights, most people are caught within borders. The regulation of mobility operates through social sorting that involves sexual, gender, racial and class inequalities."<sup>45</sup> He first points to Eurocentric global hegemony in order to detail the racialization of borders, noting the importance of having "the ability to translate one's life story into Eurocentric juridical language and to perform the role expected of the refugee" in order to successfully obtain refugee status. He references an experience of his own, in which he and others were advised to wear dirty clothes to their UNHCR interview in order to appear "sad" and "profound."<sup>46</sup> Racial divisions are especially pronounced at the borders that define the so called "Global North" from the "Global South" - for instance, the Mediterranean EU border, which has been increasingly subject to crossings by African and Middle Eastern migrants since the 2010s; or the Southwestern U.S. border, which also hosts a vast number of migrants from Mexico and Central American countries such as Honduras and El Salvador. These borders, two of the deadliest in the world,<sup>47</sup> and the movement surrounding them are particularly subject to the

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<sup>45</sup> Ibid., 2.

<sup>46</sup> Ibid., 34.

<sup>47</sup> Jones, "Violent Borders," 5.



emergence of racialized discourse that, owing to the perceived racial and cultural differences between the “insiders” and the “outsiders,” further fosters the dehumanization of the migrant. As the racial and/or cultural background of migrants comes into question alongside this conventional discourse, rhetoric that portrays them as threatening or disadvantageous is only emboldened. Racialized discourse regarding migrants also contributes to the rhetoric of deservedness as it is applied to the migrant, determining who “deserves” status such as refugee status, and, inevitably, who “deserves” to migrate away from persecution, economic strife, and other factors that produce migration - as with Khosravi’s example, he would be perceived as more deserving of asylum status were he to conform to standards of what a refugee from the Middle East should look like according to ill-informed Eurocentric standards.

As they are racialized, borders are similarly gendered and sexualized. Khosravi details how sexual assault is linked to border crossing, writing,

One sexual aspect of borders is the rape of border crossers. Women and, to a lesser extent, men run the risk of being raped not only by bandits and smugglers but also by border guards. Rape at borders is systematic, occurs routinely and follows a similar pattern along borders in different places. Rape has become a mechanism of border control.<sup>48</sup>

Sexual violation in regards to borders is, in some ways, different from sexual assault in war or in prison, Khosravi argues, as it functions not necessarily or independently as means of punishing or defeating the enemy but more so as a “tariff” - highlighting how women are often raped by border guards as a price for safe passage (specifically referring to this practice as it occurs at the U.S.-Mexico Border).<sup>49</sup> He adds that authorities are unlikely to hold these rapists accountable, which reveals a patriarchal quality of the nation state as it is based in conflating militarization,

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<sup>48</sup> Khosravi, *Illegal Traveler*, 40.

<sup>49</sup> *Ibid.*, 40.

masculinity, and securitization.<sup>50</sup> He also notes the risks faced by migrants who are not heterosexual or cisgender face a higher risk for violence and discrimination by smugglers, bandits, border guards, and asylum interviewers.<sup>51</sup>

The national border also facilitates economic exploitation and discrimination of migrants. Khosravi notes that unauthorized migrants are likely to be robbed, not only by bandits but by border agents before they are taken into custody. Even authorized migrants, adds Khosravi, are subject to robbing and bribery - if the migrant fails to comply, they could be arrested.<sup>52</sup> “Public charge” policy is also grounded on the basis of economic discrimination and again facilitates the rhetoric of “deservedness” - citing economic security claims to disqualify migrants from inclusion based on their own prosperity, and contending that migrants who do not breach a certain threshold of wealth will provide an unfair burden on the state’s welfare system.

The exploitation of the migrant is intersectional, and I aim to draw upon this fact to emphasize that there is *no singular migrant experience*. Any attempt to dissect broad social dynamics, such as my attempt here with border politics and migrant exploitation, is inherently homogenizing to some degree as it presupposes a shared experience between a vast number of individuals. Therefore, I feel it important to simultaneously highlight the hazard of homogenization - not only in that it reduces the experiences of individuals to such a degree that may be both dehumanizing and dismissive of their agency, but also in that to homogenize such a great quantity of experiences underestimates the powerful mechanics at work within the border’s true function. The exploitation a migrant may face during or after they cross a border is highly and intentionally individualized. The subordination imposed on migrants by border politics relies

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<sup>50</sup> Ibid., 41.

<sup>51</sup> Ibid., 41.

<sup>52</sup> Ibid., 19.

upon existing discourse, whether it be racialized, sexualized, economized, or other. It is for this reason that the bordering process is so difficult to see and understand: it doesn't exist on its own, but grounds itself in preexisting discourse to allow for maximum efficacy. This rendering process is indeed so powerful because it adapts to strategically wield existing prejudice and inequity, allowing the state to shift the migrant's own narrative in a way that serves national interests - for example, in one instance using an image of a hardened adult male's mugshot to demonstrate the necessity of border securitization against criminals, and in the next using the image of a downtrodden little girl to demonstrate the benevolence of the state as it provides asylum status.

The implications of such images fuel a powerful discursive dynamic within the nation-state, and other implications that are far more subtle can be found even in everyday language. Khrosavi also addresses the "animalization" of the terminology used to discuss migration, which often designates animal names to migrants and even smugglers. These terms include names such as the Spanish *pollos* (chickens) for Mexican border crossers and *coyote* for the smuggler; the Iranian *gosfand* (sheep) for "illegal" border crossers; and *renshe* (human snakes) for smuggled Chinese people and *shetou* (snakehead) for Chinese smugglers.<sup>53</sup> He concludes, "Dehumanized and represented in terms of chicken and sheep – two animals traditionally sacrificed in rituals – the border transgressors are sacrificial creatures for the border ritual."<sup>54</sup> The element of "sacrifice" that Khosravi repeatedly mentions is truly vital to an understanding of how the border, in its ubiquitousness and exploitativeness, functions efficiently

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<sup>53</sup> Ibid., 27.

<sup>54</sup> Ibid., 27.

and brutally to transform the migrant into exactly what the nation-states requires it to be: a *homo sacer*.

### *Homo Sacer*

To understand what constitutes the *homo sacer*, it is necessary to first understand the distinction between “bare life” and “good life” as provided by Agamben in *Homo Sacer: Sovereign Power and Bare Life*. He contends that law has always claimed the authority to distinguish “bare life” from “good life” - essentially distinguishing biological life, or bodies, from political life, or citizenship. By assuming the authority to make this exclusive distinction, the law makes bare life the subject of its political control. Building on the works of Carl Schmitt, Agamben draws upon the concept of a “state of exception,” a condition in which law is suspended by the sovereign. Agamben identifies the state of exception as having become the norm in contemporary politics through the unfettered use of practices such as emergency powers and martial law, leaving the law in practice but with no substantial meaning. He explains,

*The sovereign exception is the presupposition of the juridical reference in the form of its suspension. Inscribed as the presupposed exception in every rule that orders or forbids something (for example, in the rule that forbids homicide) is the pure and unsanctionable figure of the offense, that, in the normal case, brings about the rule’s own transgression (in the same example, the killing of a man not as natural violence but as sovereign violence in the state of exception.)*<sup>55</sup>

Agamben concludes that bare life is caught in a particular relation to sovereign power known as “the sovereign ban.” The condition of abandonment occurs as those who exist within the state of exception cannot be liberated from sovereign rule; through its own exclusion, the law applies in no longer applying - the subject is both turned over to the law and abandoned by it. In order to

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<sup>55</sup> Agamben, *Homo Sacer*, 21.

illustrate this state of dual inclusion and abandonment, Agamben references a figure of Roman law known as the *homo sacer*. Under the laws of the Roman Empire, a man who committed a particular kind of crime had his citizenship revoked and was thereby forcibly reduced to only his bare life. In this, he became a *homo sacer*, or “sacred man,” whose life was deemed “sacred”<sup>56</sup> so he could not be sacrificed in a ritual ceremony, but in his lack of citizenship or political life, could be killed by anybody with impunity.<sup>57</sup> Agamben explains the *homo sacer* as such:

The sacred man is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide; in the first tribunitian law, in fact, it is noted that ‘if someone kills the one who is sacred according to the plebiscite, it will not be considered homicide.’ This is why it is customary for a bad or impure man to be called sacred.<sup>58</sup>

Further, he adds,

Just as the law, in the sovereign exception, applies to the exceptional case in no longer applying and in withdrawing from it, so *homo sacer* belongs to God in the form of unsacrificeability and is included in the community in the form of being able to be killed. *Life that cannot be sacrificed and yet may be killed is sacred life.*<sup>59</sup>

The *homo sacer*, Agamben argues, is the the foundation upon which modern democracy has drawn from classical politics and developed itself: the first tenet of political life is life that may be killed.<sup>60</sup> It is not just the simple fact of life, Agamben claims, but life exposed to death (as bare life is exposed to death as a sacred man) that is the originary political element: “The banishment of sacred life is the sovereign *nomos* that conditions every rule, the originary

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<sup>56</sup> In this context, “sacred” does not so much take on the traditional definition of being a venerated figure connected to God. Rather, it indicates the status of a person taken outside both secular and divine law as an exception and is thereby abandoned by them.

<sup>57</sup> *Ibid.*, 71.

<sup>58</sup> *Ibid.*, 71.

<sup>59</sup> *Ibid.*, 82.

<sup>60</sup> *Ibid.*, 89.

spatialization that governs and makes possible every localization and every territorialization.”<sup>61</sup> He concludes, “The very body of *homo sacer* is, in its capacity to be killed but not sacrificed, a living pledge to his subjection to the power of death.”<sup>62</sup> The *homo sacer* represents the inclusive exclusion of natural life and it is upon the inclusive exclusion of particular bodies that sovereign violence is founded. Therefore, it is life, exposed to death, in regards to which sovereign violence is generated.<sup>63</sup> According to Agamben, the concentration camp is the most salient manifestation of sovereign power, as the place in which bare life is most brazenly seized by the state. In the concentration camp, Agamben argues, a space emerges where the state of exception becomes the rule and, as such, law and life become indistinguishable. He references the fact that, in Nazi Germany, Jews could be sent to the extermination camps *only after* they had been fully denationalized and stripped of citizenship.<sup>64</sup>

### *Necropolitics*

I argue, then, that the primary function of the national border is to forcibly reduce the migrant to a state of bare life, rendering them a *homo sacer*. The conversion of the migrant to a *homo sacer* is achieved through their relation to the border; this relation, working in conjunction with the structural inequities it exploits as well as the “illegality” surrounding migration, effectively extracts the migrant from their political life. In doing so, the migrant is placed in a semi-permanent, selective state of exception, leaving them fully exposed to forces of sovereign violence. This sovereign violence, carried out through numerous direct and indirect apparatuses of the state, is a manifestation of what is termed “necropolitics” - defined as the sovereign

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<sup>61</sup> Ibid., 111.

<sup>62</sup> Ibid., 99.

<sup>63</sup> Ibid., 107.

<sup>64</sup> Ibid., 132.

instrumentalization of death. In the end, the chief function of the border is to exploit and subordinate the migrant through necropolitical means, ultimately serving the state's cyclical process of self-legitimation.

The originary political element being not life, but life exposed to death, indicates a necropolitical landscape upon which modern sovereignty is founded. Necropolitics, a concept first explored in depth by Achille Mbembe, accounts for the killing of individuals by a sovereign body, not insofar as they are guilty of committing any sort of crime, but as they are groups whose deaths are perceived to benefit the remaining populations.<sup>65</sup> In the words of Khosravi, "The modern nation-state has claimed the right to preside over the distinction between useful (legitimate) and wasted (illegitimate) lives (Bauman 2004:33)."<sup>66</sup> The practice of necropolitics is not simply the practice of killing, but the practice of exposing others to death; the practice of deciding who can live and who must die. "To kill or to allow to live," argues Mbembe, "constitute the limits of sovereignty, its fundamental attributes. To exercise sovereignty is to exercise control over mortality and to define life as the deployment and manifestation of power."

<sup>67</sup> In order to demonstrate the employment necropolitics in all its forms, Mbembe draws on "topographies of cruelty" such as the colony and the plantation, referencing historical instances such as apartheid in South Africa, chattel slavery, war, suicide bombings, and the colonization of

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<sup>65</sup> The concept of necropolitics is often discussed alongside Foucault's concept of biopower. According to Foucault, biopower is a practice of the modern nation-state in managing and regulating their subjects; it is quite literally the nation's power over its subjects bodies. While biopower might be defined as having power over life, necropolitics may conversely be defined as having power over death. Biopower, in its concern with regulating whole populations, might entail necropolitics in killing members of that population, but Mbembe critiqued biopower's conflation of racism, murder, and war to the point of indistinguishability. According to Mbembe, this conflation renders biopower as less effective in communicating the sovereign's employment of death as political power.(De León 66)

<sup>66</sup> Khosravi, *Illegal Traveler*, 3.

<sup>67</sup> Achille Mbembe, J.-A., and Libby Meintjes, "Necropolitics," *Public Culture* 15, no. 1 (Durham: Duke University Press, 2003) 12.

Palestine. He includes stateless people in refugee camps, alongside the settlement of new colonies and mass expulsions, among the practices that are “underwritten by the sacred terror of truth and exclusivity.”<sup>68</sup> Like Agamben, Mbembe cites the state of exception and declares that it is the normative basis of the right to kill, writing,

In such instances, power (and not necessarily state power) continuously refers and appeals to exception, emergency, and a fictionalized notion of the enemy. It also labors to produce that same exception, emergency, and fictionalized enemy. In other words, the question is: What is the relationship between politics and death in those systems that can function only in a state of emergency?<sup>69</sup>

Politics, concludes Mbembe, is death living a human life, and as such, sovereignty is the right to the hazardization of that life.<sup>70</sup> Reasoning that sovereignty is expressed primarily as the right to kill, Mbembe adds, “My concern is those figures of sovereignty whose central project is not the struggle for autonomy but the generalized instrumentalization of human existence and the material destruction of human bodies and populations.”<sup>71</sup> Inspired by Mbembe’s compelling analysis of sovereignty and death, I would only object that the instrumentalization of human existence and destruction of bodies to which he speaks is, in fact, inherently a matter of sovereign autonomy. I argue instead that the necropower of the state is weaponized against migrants in order to position them closer to death, effectively achieving their subjugation in a manner that successfully provides the basis for the reproduction of state sovereignty.

## **The Spectrum of Citizenship**

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<sup>68</sup> Ibid., 27.

<sup>69</sup> Ibid., 16.

<sup>70</sup> Ibid., 15.

<sup>71</sup> Ibid., 14.



*The Border Gaze*

The migrant, forcibly reduced to bare life and rendered a *homo sacer* by border politics, through this process becomes fully exposed to the forces of state necropower. The system that I have described here is not one of aimless violence, but the cornerstone upon which national sovereignty is not only constructed, but reproduced over and over again. In order to demonstrate the migrant's place in the national quest for sovereignty, I believe a concept Khosravi presents, known as the "border gaze," is the essential starting point. "The border gaze," he alleges, "does not operate through a simple function of exclusion. It situates immigrants on the 'threshold', between inside and outside...Undesirable immigrants are included without being members." He then references Agamben's analysis of exception: 'The exception is that which cannot be included in the whole of which it is a member and cannot be a member of the whole in which it is always already included' (Agamben 1998:25)."<sup>72</sup> According to Khosravi, the border gaze is cross-cutting: it is like a complex fabric, hierarchically woven to include factors of race, sex, gender, and class; and it is cast over a body as perception that determines the visibility of that body.<sup>73</sup> The bodies over which the border gaze is cast are the bodies of "undesirable migrants," and those migrants are summarily placed on a threshold, in a zone between inclusion and exclusion. The border gaze not only perceives migrants on the basis of their migration, but according to other factors of their identity, reveals the entirely intersectional nature of matters concerning sovereignty, nationalization, and migration.

Khosravi observes the border gaze as it is an intersection and interaction between ethnicity, race, gender, and sex. For example, he concludes that women are likely to be targeted

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<sup>72</sup> Khosravi, *Illegal Traveler*, 76.

<sup>73</sup> *Ibid.*, 77.

by the border according to their sexuality and men according to their religion and ethnicity.<sup>74</sup> He illustrates this point by discussing how xenophobic stereotypes (gathered from figures like Osama Bin Laden and Saddam Hussein) allow a “primitive masculinity” to be ascribed to Muslim men in Sweden, contributing to the notion that Muslim men not only endanger Muslim women (who are similarly stereotyped as passive) but also are fundamentally at odds with “civilized” Western values. Perhaps, Khosravi concludes, this is why women are much more likely to receive asylum than men.<sup>75</sup> “The border gaze,” writes Khosravi, “through its xenophobic mode of seeing, targets and imperils the lives of undesirable immigrants. ‘Border gaze’, for those targeted by it, is more than an abstract theoretical concept; it is a highly tangible part of everyday life. It is forceful and sometimes formidable and deadly.”<sup>76</sup> Khosravi’s concept of a “border gaze” is gripping, as it lays the groundwork for the primary achievement of the border-rendering process: it is an instrument that determines a person’s positionality in terms of a national border; in doing so, the border gaze exposes a spectrum of membership wherein that person may qualify as a citizen, a quasi-citizen, and an anti-citizen.

### *The Citizen, the Quasi-Citizen, and the Anti Citizen*

Khosravi conceived of these terms in his auto-ethnography, stating that as there are citizens, there are too quasi-citizens and anti-citizens. He defines the anti-citizen as follows: “In contrast to the ideal citizen, there is the anti-citizen, an individual who exists outside the ordinary regulatory system, one who violates established norms and who may constitute a risk to the

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<sup>74</sup> Ibid., 77.

<sup>75</sup> At the time Khosravi wrote *Illegal Traveller*, Switzerland was five times more likely to grant asylum to women than men. (Khosravi 77)

<sup>76</sup> Ibid., 78.

safety and quality of life of ‘normal’ citizens.”<sup>77</sup> On unauthorized migrants in particular, he claims,

Undocumented immigrants are seen as anti-citizens because they are considered burdens on society. They are thought to have a negative effect on welfare and the economy (their only costs to society are, ironically, the costs associated with their deportation). Above all, they are portrayed as a ‘labour market problem’. They take jobs with low wages, which weakens collective agreements. In the end, they endanger the very existence of the welfare system (see Khosravi 2010). An anti-citizen is portrayed as a criminal, as lacking identity and as being irrational, irresponsible and immoral...As anti-citizens, undocumented immigrants are presumed to violate the ‘ethical values’ and ‘morals’ of citizens.<sup>78</sup>

According to Khosravi, the anti-citizen is largely antithetical to the citizen, in both their violation of sociocultural norms and subsequent characterization as a risk to citizens’ quality of life, security, and prosperity. The anti-citizen is perhaps the subject of the border gaze in its most unadulterated form, as they have no documentation of citizenship or residency to protect them from deportation or detention. However, I also believe documentation is not the sole factor that distinguishes a person’s position on the spectrum of citizenship, and I believe this fact is best demonstrated not by the anti-citizen but by the quasi-citizen.

Between the anti-citizen and the citizen, claims Khosravi, lies the quasi-citizen. The quasi-citizen is perhaps the most compelling representation of the liminality of the border gaze, situated somewhere along the spectrum of citizen and an anti-citizen - a salient product of inclusive exclusion. A quasi-citizen will likely have undergone some kind of reterritorialization, such as having attained asylum status, residency, or citizenship. Regardless of any documentation they might possess, the quasi-citizen retains the residual exposure that was

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<sup>77</sup> Ibid., 116.

<sup>78</sup> Ibid., 116.

imposed upon them by their relation to border-crossing and is resultantly a target for sovereign violence. In fact, children of migrants who claim birthright citizenship in their country of residence are likely positioned as quasi-citizens rather than just citizens; by way of their parent's relation to border-crossing and subsequent exploitation, the child's life will be shaped by the exploitation their parent suffers and may have their citizenship cast into question - and destabilized - multiple times in their life. Thus, while it may be true that what distinguishes the anti-citizen from the quasi-citizen and the citizen is their lack of *any* form of state-sanctioned reterritorialization, I can conclude that "anti-citizen" and "quasi-citizen" are modes of existence not entirely determined one's true legal status. Rather, it seems that anti-citizenship and quasi-citizenship are a lasting effect of the border gaze that define an individual's relation to a national border. The conditions of anti- and quasi-citizenship account for a person's legal status, but also elements of their background such as their class, race, lineage, and other factors.

Khosravi determines that he is an example of a quasi-citizen, and provides a specific example from his own life that represents his quasi-citizen status. A migrant from Iran and asylum recipient, Khosravi had been a Swedish citizen for over ten years when he was interrogated and threatened with detention by immigration authorities in an airport while attempting to enter London. "My status as a Swedish citizen disappeared at the racialized border because of my face," he writes, referring to the fact that the basis of the interrogation was racially motivated on the basis of his appearance.<sup>79</sup> Upon his refusal to answer several of the officer's questions, Khosravi was informed he could be detained for up to nine days under an act known as the Anti-Terrorism Act. As a result, he determined that he would rather return to

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<sup>79</sup> Ibid., 98.

Sweden at once than continue attempting to enter London, but the officer stated this was not an option either until he had answered all of her questions. He recalls,

Put into a petrifying immobility, I could move neither in nor out. I was indistinguishable from the border; I was the border. When she realized that I had decided to be detained rather than answer her questions about my parents, she wished me a pleasant time in Bristol! Suddenly, I was a full EU citizen again with a surplus of mobility rights and freedom of movement. My legal status as an EU citizen was apparently not fixed, but rather situational, conditional and unconfirmed. I am a quasi-citizen...I am included and at the same time excluded.<sup>80</sup>

Khosravi's "quasi-citizenship" here demonstrates an oscillation between acknowledged citizenship and a complete lack of membership, mobilized by his appearance as it distinguished him from other Swedish citizens and, also, how it defined him as a possible terrorist in the eyes of this officer - as he was not being detained on the suspicion of simply being an unauthorized citizen so much as being a possible danger to other Swedish citizens.<sup>81</sup> What is also presented in Khosravi's experience is how the condition of quasi-citizenship is one that, in fact, does the work of the state in that it creates a dynamic in which the Border Spectacle is allowed to play out. While practices of scrutinization may differ depending on the national border and the port of entry in question, highly visible measures often accompany such experiences, including questioning and frisking performed publicly before others in the area. While quasi-citizens with appropriate documentation are likely to be released and allowed to continue their journey, it is the moment in which their citizenship is publicly scrutinized and cast into uncertainty that contributes to a spectacle - a spectacle which reinforces the notion of the border as a severe, physical boundary that must be securitized. Ironically, it is the truly aphysical localization

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<sup>80</sup> Ibid., 98.

<sup>81</sup> Ibid., 98.

between sovereignty and statelessness that renders the border so omnipresent as to produce quasi-citizens in the first place.

In Khosravi's recollection, he demonstrates that he is both a legal citizen of Sweden but still qualifies as a quasi-citizen, demonstrating how an individual's legal status does not entirely determine where they are positioned on the spectrum of citizenship. While an anti-citizen may be an unauthorized migrant, a quasi-citizen is a person who may, to varying degrees, enjoy the benefits of citizenship or residency but remains, also to varying degrees, on the threshold of inclusion and exclusion within a nation-state. A quasi-citizen could be a person with asylum status, like Khosravi; a permanent resident; or a citizen naturalized by other means. Not only does this demonstrate the long-lasting influence of the border gaze, but it also highlights the intersectionality of membership: a person's appearance, economic status, lifestyle, legal status, native language, and other qualities are all factors that are both innately tied to migration and border-crossing, and also distinguish a migrant and their relatives from the citizens who surround them.

Therefore, it seems citizenship is not simply a binary, and perhaps not even a ternary, as Khosravi's concept of the anti-, quasi-, and full citizen demonstrate. The varying degrees to which someone can adopt citizenship status reveals a spectrum-like quality to national membership. That being said, if national membership is a gradient rather than a binary, the true function of citizenship becomes obscured - it is no longer simply an instrument of distinguishing the insider from the outsider, but an integral measure in the reproduction of sovereignty as it serves as an indicator of an individual's vulnerability to sovereign violence.

Citizenship, as the bearer of political life or “good life” in the modern nation-state, is the acting polarizing force between sovereign violence and bare life. Citizenship obligates the nation-state to a citizen’s bare life in a manner that is nearly contractual: so long as a person retains citizen status, their bare life cannot be a target of sovereign violence. Even those regimes considered the most atrocious and immoral have often shown adherence and respect for these rules of membership; as Agamben noted, Jews in Nazi Germany could not be sent to death camps without first being fully denationalized.<sup>82</sup> Agamben’s example sheds a sinister light on citizenship: the contractual quality it appears to possess in excluding a person from sovereign violence is not actually guaranteed - it is only a construct that may be revoked by the sovereign government at nearly any time. Agamben addresses the faithless nature of citizenship insofar as it is a defense against state violence, asserting that the increasingly-omnipresent state of exception casts even the full citizen into a condition of vulnerability. Meanwhile, both Khosravi and De León contend that even when a nation-state is not in a declarative state of emergency, those who remain on the threshold of inclusive exclusion of that nation likely exist in a semi-permanent state of exception at all times. It is the state of exception that reveals what truly endures: not citizenship itself, which may be withdrawn as the sovereign sees fit, but the *determinative quality* of citizenship. Perhaps, then, the principal operation of citizenship is to determine a person’s degree of exposure to sovereign necropower and violence. Citizenship can then be viewed as a tool of positionality, set with the task of determining an individual’s locus - not in relation to membership - but to death.

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<sup>82</sup> Agamben, *Homo Sacer*, 132.

*Political Erasure and Exploitation*

The degree to which an individual is vulnerable to sovereign violence is largely affixed to their location on the spectrum of citizenry, as I will now discuss the necropolitical strategies of the nation-state that target quasi-citizens and anti-citizens - thereby positioning them closer to death. Again, it is important to note that necropower is not simply exercised through the killing of an individual, but oftentimes through exposing them to conditions of violence, exploitation, and subjugation - factors that are all likely to increase that individual's chance of death. I will also address how the national production of the *homo sacer* contributes to the widespread political erasure of the migrant, and how, ultimately, this erasure is a crucial element to sovereign self-legitimation.

“The gaze is not an innocent act of seeing, but an episteme determining who/what is visible and invisible.”<sup>83</sup> Here, Khosravi is defining a key aspect of “visibility” that the border gaze is charged with commanding. Political visibility - the ability of certain groups to advocate for their own interests through electoral politics, protest, lawmaking, or other means - is a luxury afforded far more generously to “legal” citizens of a nation-state than to others. However, I would like to briefly destabilize the binary of “visible” and “invisible” that Khosravi establishes, if for no other reason than to address the fact that those communities who often have the least political visibility are not actually invisible at all within the modern nation-state. The highly-populated city tends to serve as many modern countries' most compelling demonstration of heterogeneity, representing perhaps that nation's greatest intersection and interaction of class, race, ethnicity, citizen status, gender, and sexual interaction. Of course, these cities are composed

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<sup>83</sup> Khosravi, *Illegal Traveler*, 76.



of different communities and neighborhoods that serve as class and cultural divides, particularly owing to the de facto segregation that is rampant in many modern democracies in regards to education, housing, and economic opportunity. However, it is highly unlikely that an individual living even in the most homogenous enclave of such a city would live totally unexposed to people of different backgrounds and communities. Thus, I am hesitant to designate migrant communities “invisible” to the rest of the country as it would simply be untrue - while migrant presence is dispersed disproportionately throughout most countries, the same can be said for nearly every other demographic within most modern nation-states. Additionally, to label the migrant community as “invisible” would be a dismissal of the perception of the people who live in that community, many of whom are migrants or relatives of migrants and, thus, to whom migrants are incredibly visible. To declare migrants “invisible” would be to overwrite their narratives with the narratives of more privileged voices: likely, of those people who both enjoy a large amount of political visibility and, owing to this, are ignorant of those who lack political visibility. I believe the term “erasure” is more accurate in describing the condition that Khosravi is articulating : the political disenfranchisement of a particular group contributing to the widespread neglect of that group, despite their (possibly vast) presence within the nation-state.

The political erasure of the migrant is achieved through necropolitical means, taking advantage of the migrant’s inclusive exclusion as a *homo sacer* in order to directly and indirectly impose violence upon them. These measures can take on multiple different forms: some result directly in an individual’s death; some exploit the labor-power of an individual for economic gain; some immobilize an individual through detention. However, each of these measures share a similar conclusion. The migrant is deprived of opportunities for political visibility and

representation; thus, the migrant is a target of widespread political erasure. I do not mean to designate migrants as non-agentic; to imply that would be an unacceptable dismissal of individuality and empowerment that has been achieved by migrant communities in spite of the social, economic, and cultural measures taken against them. Rather, what the erasure of migrants and migrant communities enables is the nation-state's improved ability to subordinate and exploit the migrant for its own gain, while simultaneously ensuring the narrative surrounding such exploitation and subordination remains within state control. As a result, full citizens of that nation-state are likely to remain largely ignorant to the exploitation of migrant bodies while often enjoying the benefits of that exploitation. Erasure is perhaps one of the most integral processes of sovereign reproduction, both supplementing the Border Spectacle, as the perception of migrant "invisibility" it facilitates for citizens contributes to the narrative of the border as a barrier, while also narrowing the pathways for political empowerment and action - suppressing the migrant voice even further.

De Genova discusses this process at length, focusing specifically on the exploitation of migrant-labor power. He first addresses how the nation-state is able to control the narrative surrounding migrant subordination through his concept of the Border Spectacle, which I have already addressed. According to De Genova, practices of border securitization provide a convincing spectacle that present national borders and border policy as maintaining the primary goal of keeping migrants out of the interiority of the nation state. However, the scene of exclusion set by this spectacle simultaneously distracts from and provides for the covert

inclusion of the migrant - an inclusion that ultimately results in the subordination of their labor.<sup>84</sup>

De Genova explains the efficacy of this process, writing,

In spite of their apparent figuration as strictly politico-legal subjects, however, all migrants – like all human life, generally – are finally apprehensible from the standpoint of capital as always-already at least potentially the embodiment of labour-power, the commodifiable human capacity for labour. Nevertheless, within the world social order of capitalism, there is a systemic separation between the locus of exploitation and the means of direct physical coercion, a separation in other words between the 'private' sector of the market and the 'public' authority of law and the state. Capital's domination of labour requires this bifurcation of social life under the effective hegemony of a relatively durable distinction between the 'economic' and the 'political', whereby every state may be best understood to be a particularization of the global political dimension of the capital–labour relation.<sup>85</sup>

De Genova cites the state of exception with the “extra-economic” violence of border policing. This kind of violence is manifest as employers are able to exploit migrant workers and maximize profit, while denying them basic services such as healthcare, minimum wage, safe working conditions, and more. Furthermore, the unauthorized migrants who disproportionately occupy the most dangerous and low-paid jobs in countries such as the United States (such as positions in the meatpacking industry) have few protections provided to them by the government. The specter of “illegality” accompanies them even to the workplace, where speaking out against labor violations risks deportation and thus makes reporting them more challenging.<sup>86</sup> The Border Spectacle, explains De Genova, is mainly a distraction, providing a scene of exclusion while truly fostering the inclusion of migrants for the purpose of subordinating their labor. De Genova states,

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<sup>84</sup> De Genova, “Spectacles of Migrant ‘Illegality.’”

<sup>85</sup> Ibid.

<sup>86</sup> “Abuses of Migrant Labor in the U.S.,” *ACLU*.

Of course, this normalization [of migrant labor] occurs only after they have either successfully navigated the militarized obstacle course of the Border Spectacle, or passed quietly from a prior status of tentative or tenuous 'legality' to one of peremptorily disenfranchised and almost instantaneously precarious 'illegality'. But for those who can elude detection and evade apprehension and deportation, there awaits, as their thankless reward, a protracted and indefinite social condition of deportability, and its attendant deprivations, which will supply the distinctive qualification of their labour-power. The exclusionary brashness of the Border Spectacle, then, is inextricable from its 'dirty secret', its obscene underbelly – the real social relation of undocumented migrants to the state, and the public secret of their abject inclusion as 'illegal' labour.<sup>87</sup>

De Genova here provides a compelling analysis of the exploitation of migrant labor-power through border politics, concisely demonstrating the border rendering process in one of its most powerful forms: the migrant, in crossing a border, does not enter into a zone that is borderless, but opposingly, one in which the astonishing omnipresence of border politics and policing remains and furthermore, allows the migrant to be exploited as labor-power. This form of exploitation contributes to the reproduction of sovereignty in two different ways; both isolating the migrant in exploitative conditions with little visibility to the public, and simultaneously benefiting the economy as manufacturers can keep costs low for the American consumer. Therefore, the migrant is both the subject of further erasure as well as a crucial source of labor for the very industries that are essential to a national way of life.

However, I believe the subordination of migrant labor is not necessarily the overarching objective of border politics, but only a single manifestation of national necropower exerted upon the migrant. As De Genova qualifies, the migrant must first successfully cross a border before being subject to the subordinate inclusion that allows for the exploitation of their labor in the first place. Navigating a national border, particularly those that are highly securitized, provides a

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<sup>87</sup> De Genova, "Spectacles of Migrant 'Illegality.'"

scene for the demonstration of necropower wherein migrants are exposed to violence in a number of forms. De León demonstrates how U.S. border policy weaponizes a number of actants, referred to as the *hybrid collectif*, to facilitate violence and deaths of migrants who attempt to cross the border through the Sonoran desert. The actants to which he refers include natural elements, such as wild animals, climate, and desert terrain, as well as human elements, such as smugglers, bandits, vigilantes, and border agents.<sup>88</sup>

Similarly, Reece Jones details both the direct and structural violence that surrounds some of the world's most deadly borders, including the Mediterranean EU border and the Southwestern U.S. border. He argues, "...the existence of the border itself produces the violence that surrounds it...the hardening of the border through new security practices is the source of the violence, not a response to it."<sup>89</sup> The high death toll surrounding highly securitized borders is directly linked to national border policy, particularly to those strategies that aim to "deter" migrants from attempting to cross national borders. According to the research of Jones and De León, deterrence strategies are unlikely to truly discourage migrants but instead force them to undertake hazardous routes due to the securitization of the safest areas of entry. Despite the existing evidence that such strategies are more deadly than discouraging, they are continuously implemented as national-borders become more securitized. The peril of navigating a securitized border, then, is not simply an obstacle arranged by the state to distract from the ultimate objective of labor exploitation. I argue that border violence is another method of political erasure that stands beside the subordinate inclusion of migrant labor. The violence at the national border further contributes to the erasure of the migrant, particularly the unauthorized migrant, as the

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<sup>88</sup> De León, *The Land of Open Graves*, " 43.

<sup>89</sup> Jones, *Violent Borders*, 5.

danger of border-crossing decreases the number of individuals who can actually manage to surpass the border, while those who do must take certain measures to avoid deportation. As I mentioned earlier, these measures can result in the exploitation of the migrant down the line, such as in instances where employers commit labor violations with the knowledge that unauthorized migrants are unlikely to report them due to their fear of deportation. Additionally, migrants may be exploited in other ways, with fear of deportation deterring them from reporting crimes such as sexual assault and domestic violence.<sup>90</sup> The migrant's increased likelihood of encountering violence might be the most salient example of necropower operationalized. As the state employs strategies that place the migrant's life in peril, the migrant is likely to be forced into isolated spaces as they attempt to avoid deportation, and their subsequent lack of visibility likely confirms the convention that the nation-state is effectively fulfilling its purpose: keeping the dangerous from entering the country through border securitization. For some, an understanding of how violent border policy is also reaffirms this perception, as they hold the belief that violence is a necessary measure to discourage migrants from attempting to cross the border.

The immobilization of the migrant through detention is the third and final apparatus of erasure I will mention. The migrant detention center is a powerful localization of inclusive exclusion, existing perhaps more as a tangible representation of the state of exception than anywhere else. Khosravi shares the experience of a Guinean man named Lamin, who spent over ten years seeking asylum in various European countries and the United States before he was deported back to Guinea from Sweden. Lacking the proper documentation, Lamin was returned

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<sup>90</sup> "New ACLU Report Shows Fear of Deportation Deterring Immigrants Reporting Crimes," *ACLU*.

to Sweden and spent the next two years in various detention centers and even prison - all without having committed a crime. Khosravi writes,

The immigration detention centre...is a pre-modern prison – nothing more than a site for the punishment and permanent removal of ‘wasted’ bodies. The removal system regulates national ‘purity’ by confining and deporting undesirable non-citizens who are seen as ‘economically marginal and politically dangerous’ (Simon 1998:603). While prison is associated with ‘disciplining’ and ‘normalization’ (Foucault 1977), detention is associated with exposing undesirable non-citizens to abandonment or even death.<sup>91</sup>

The migrant detention center is a gripping testimony to the threshold of inclusion and exclusion upon which migrants stand: in the detention center, the migrant is subject to the law insofar as they are detained without having been charged with a crime for an indefinite amount of time. Yet, the law is inaccessible to migrants - they are not criminals, so they have no right to due process.<sup>92</sup> Thus, the migrant is once again the target of erasure: detained indefinitely under the law, but afforded no pathway to accessing that law. Migrants are subject to manifold danger in detention centers as well - depending on the center, migrants may face restricted access to basic needs such as toiletries, nutritional food, and medical care; sexual abuse by officers or fellow detainees; and exposure to harsh climates.<sup>93</sup> Furthermore, the migrant may be detained for weeks, months, or even years, as was the case with Lamin - conclusively, a potent demonstration of the migrant’s lack of protection against sovereign power. The immobilization of the migrant in detention centers is yet another method of political erasure, operationalized by the nation-state in order to force the migrant into spaces of isolation and subordination. In the detention center, the migrant is the subject of the law, but to them the law is impervious - they are given little to no opportunity to access the law, through due process or otherwise. Such a condition is another

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<sup>91</sup> Khosravi, *Illegal Traveler*, 101.

<sup>92</sup> *Ibid.*, 102.

<sup>93</sup> *Ibid.*, 102.

process of erasing the migrant from the public eye, while simultaneously supplementing the specticality of the border.

## Conclusion

The exploitation, violation, and immobilization of the migrant reduces their control over their own narrative while simultaneously handing that control over to the state. On the threshold of inclusion and exclusion, the migrant finds themselves at a disadvantage when attempting to combat their own subordination, as their lack of true citizenship positions them always closer to the necropower of the state. De Genova states,

The law remains effectively inaccessible and impervious to the would-be migrants who might seek to appeal to it or challenge it. The onus of 'illegality' thus appears to rest strictly and exclusively with those migrants who can be purported to have violated The Law, as verifiable through the mundane practices of enforcement. In place of the social and political relation of migrants to the state, therefore, the spectacle of border enforcement yields up the thing-like fetish of migrant 'illegality' as a self-evident 'fact', generated by its own supposed act of violation.<sup>94</sup>

As the migrant's own narrative is silenced through the systemic erasure of their voice, the nation-state is able to claim that narrative and reappropriate it - distorting the transnational experience of the migrant to provide an account that ultimately serves the cyclical process of sovereign production.

“Sovereign power produces migrants as excluded subjects to be dealt with violently while simultaneously neutralizing their ability to resist or protest.”<sup>95</sup> Here, De León illustrates the final step in the production of national identity-making: the manner in which the migrant, reduced to

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<sup>94</sup> De Genova, “Spectacles of Migrant ‘Illegality.’”

<sup>95</sup> De León, *The Land of Open Graves*, 28.



bare life, is exposed to violence and concurrently delegitimized, ultimately fortifying national sovereignty. “The inclusion of bare life in the political realm,” Agamben writes, “constitutes the original—if concealed—nucleus of sovereign power. *It can even be said that the production of a biopolitical body is the original activity of sovereign power.*”<sup>96</sup>

The nation-state both requires and resists the migrant. The nationalized system of which the nation-state is an institution necessitates a dichotomy of inclusion and exclusion, wherein every person is included in one membership community and excluded by all others. The migrant innately presents a challenge to this binary, occupying a state of inclusive exclusion: they are subject to the sovereignty of the nation-state while simultaneously lacking membership to that nation through citizenship. In this challenge, the migrant threatens to expose the very fabric of the nation-state as constructed, destabilizing sovereign legitimacy through their own transnationality. Yet, the nation-state is able to weaponize the migrant’s ambiguity - not only to evade the threat of exposure, but to reproduce its own sovereignty. Instrumentalization of discourse, imagery, and policy that portrays the migrant as a threat to national security and prosperity creates a scene of exclusion, and citizens look to the increasing securitization as evidence that the national border acts as a boundary against the impending threat of the migrant. However, the physicality of the border is only a spectacle: the border, located nowhere but the abstract intersection of sovereignty and statelessness, is not actually a boundary and is not intended to function as one. Instead, the national border is a rendering process that strips the migrant of their political life, reducing them to bare life and effectively producing a *homo sacer*. The migrant, now an embodiment of sacred life, lacks the protection of citizenship and is thereby

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<sup>96</sup> Agamben, *Homo Sacer*, 6.

exposed to the forces of sovereign violence. Only able to occupy the space of the anti-citizen and the quasi-citizen, the migrant as *homo sacer* reveals the manner in which citizenship determines an individual's locus to death - and migrants are always positioned closer to death than the full citizen, always a target of the necropower employed by the sovereign nation-state. Through necropolitical means, the migrant is exploited, violated, and subordinated to the point of political erasure. It is only upon this erasure that the nation-state's identity is realized and reproduced: the migrant's subordination and erasure is provided as evidence of the nation-state's efficacy in protecting its own citizens. Migrants, with little political recognition, are left with few pathways to defend themselves from the sovereign violence of the nation-state. Citizens, captivated by the spectacle of , believe the distorted narrative provided to them by the nation-state: migrant deaths at the border are evidence of the border's efficiency as a boundary; their internment in detention centers as evidence of the successful containment of an imminent threat; their exploitation in the workplace and its economic benefits as an economy unfettered by the danger migrants pose to national prosperity. Agamben determines,

The life caught in the sovereign ban is the life that is originally sacred - that is, that may be killed but not sacrificed - and in this sense, the production of bare life is the originary activity of sovereignty. The sacredness of life, which is invoked today as an absolutely fundamental right in opposition to sovereign power, in fact originally expresses precisely both life's subjection to a power over death and life's irreparable exposure in the relation of abandonment.<sup>97</sup>

Thus, it is the necropolitical subordination of the migrant upon which sovereignty is constructed over and over again; the migrant, in their statelessness, is integral to the production of national legitimacy, but at the same time poses perhaps the greatest risk to sovereignty. Only

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<sup>97</sup> Agamben, *Homo Sacer*, 84.

upon the migrant's exposure to death is the citizen's identity reaffirmed and - finally - has the nation-state once more realized its never-ending quest for sovereign legitimacy. Mbembe describes the nature of the migrant and citizen identity:

The perception of the existence of the Other as an attempt on my life, as a mortal threat or absolute danger whose biophysical elimination would strengthen my potential to life and security—this, I suggest, is one of the many imaginaries of sovereignty characteristic of both early and late modernity itself...They also challenge the idea that, of necessity, the calculus of life passes through the death of the Other; or that sovereignty consists of the will and the capacity to kill in order to live.<sup>98</sup>

Mbembe demonstrates here what is nothing less than the indelible mark of death upon sovereignty. The national production of violence is a ceaseless political performance of which migrants are forced to play a part, and thus, the nation-state proves itself to be faithless to all but its own sovereignty. In the following section, I will present an empirical account of this very process in place at the Southwestern United States border, and I aim only to demonstrate the material consequences of nationalization upon those who resist it.

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<sup>98</sup> Mbembe, *Necropolitics*, 18.

### **Chapter 3: The United States**

#### **The Innate Brutality of American Sovereignty**

In this final chapter, I will use a single case to provide an empirical demonstration of the concepts that I have discussed in the previous chapters. The national border that I find best exemplifies these concepts is the Southwestern border that separates the United States from Mexico, and I aim to convey the brutality of sovereign reproduction through an examination of American policy and the dynamics that have accompanied their implementation. In doing so, I intend to establish the border-rendering process, sacred life, and national legitimation as more than abstract theoretical concepts, but rather as material dynamics with immensely violent consequences for those who resist national narratives.

I will build from David Campbell's conception of dynamic statehood to illustrate that nation-states are not static entities, but beings whose construction can never be fully realized; national identity, and the sovereignty that requires it, are always at odds with the constructed and performative nature innately embedded in nationhood - a nature which can never be revealed.<sup>99</sup> According to Campbell, "No state possesses a prediscursive, stable identity, and no state is free from the tension between the various domains that need to be aligned for a political community to come into being, an alignment that is a response to, rather than constitutive of, a prior and stable identity."<sup>100</sup> The tensions that Campbell describes are perhaps most salient along the dynamics facilitated by the U.S.-Mexico border, where those who intend to cross are caught on the threshold of inclusion and exclusion; life and death; belonging and statelessness. Ultimately, the Mexican and Central American migrants who attempt to cross the U.S.-Mexico border

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<sup>99</sup> Campbell, *Writing Security*, 9.

<sup>100</sup> *Ibid.*, 91

represent both a fundamental threat to the logic of statehood, as well as an optimal weapon that the United States may wield in order to momentarily neutralize the relentless tension between sovereignty and identity. In this chapter, I will begin with a brief contextualization of Mexican and Central American patterns of migration into the United States, and the subsequent production of identity-based discourses of danger intended to otherize Latin American migrants within American communities. I will then use American policy and its reverberations to exhibit how the nation-state purposefully reduces the migrant to a *homo sacer*, and how, through the imposition of direct and structural violence, migrants are effectively subordinated and subject to widespread political erasure. Finally, I aim to illuminate how this subordination and erasure is exploited by the United States, which weaponizes the migrant's condition of sacred life in order to forge - over and over again - its own identity in the eyes of its citizens and thus, fortify its legitimacy as a sovereign body.

### **Production of Migrant Danger**

#### *Background*

Like any other transnational pattern of movement, the presence of Latin American migrants in the United States has been fostered by worldwide processes that may be traced back centuries, perhaps even millenia. While I can not provide an entire history of these processes of global colonization, hierarchy, and identity, I do wish to briefly emphasize the long and destructive history of U.S. involvement in Latin America in order to provide a cohesive backdrop for my analysis. There are several sociopolitical dynamics that are most frequently attributed to the movement of Mexican and Central Americans into the United States, which include gang violence, drug trade, economic strife, and lack of protection by the government. I believe that

examining the American influence in current Central American and Mexican political dynamics is important not only as it provides an integral element to my own analysis of borders and sovereignty, but as it additionally acknowledges the role of the United States in fostering the current conditions in Central America and Mexico - a role which the United States government has repeatedly refused accountability for, and about which has failed to educate its citizens. There are three elements operationalized by the United States that I will highlight in what follows: Cold War dynamics, crime policy, and economic neoliberalism. In discussing each theme, I intend to illustrate the manner in which the United States has facilitated the very conditions that define Central American and Mexican migration past the U.S.-Mexico border today.

While the purpose of U.S. involvement in Central America during the 1980s has been debated by scholars, many have come to agree that the defining foreign policy of the time is undeniably linked to American Cold War interests. At the time, the Reagan administration rationalized U.S. involvement in the region by citing security concerns as the principal motivation, despite the observed lack of a salient security threat at the time.<sup>101</sup> Continuing an American legacy of anti-Communist sentiment, the Reagan administration's policy objectives included the crushing of insurgencies in El Salvador and Guatemala, and expected cooperation from other countries in the region such as Honduras and Costa Rica in achieving this goals.<sup>102</sup> These insurgencies were left-wing responses to economic and civil disparities, led largely by indigenous peoples and peasants against the military-controlled governments of each nation. Acting upon right-wing ideological and economic interests, the United States combatted these

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<sup>101</sup> John H. Coatsworth, "United States Interventions," *Revista* (2005) 2.

<sup>102</sup> *Ibid.*, 210.

insurgencies through the funding, training, and public support of numerous brutal administrations and counterinsurgency efforts: upon the 1982 presidential installation of former general Efraín Ríos Montt, Reagan renewed economic aid to Guatemala, lauding the government's apparent defense of the country against the threat of Communism. In response, the Ríos Montt administration acted swiftly and brutally, destroying an estimated 686 indigenous villages - resulting in the deaths of some 50,000 to 75,000 people.<sup>103</sup> In El Salvador, the Reagan administration continued to provide military aid in amounts escalating from \$5.7 million in 1980 to \$110.3 million in 1984, with Reagan having used emergency powers to appropriate the final \$32 million following refusal of congressional consent for the funds.<sup>104</sup> This funding was in spite of the fact that nearly 40,000 people, many of them unarmed civilians, had been murdered by the armed forces between 1979 and 1984 - a defining feature of these civil wars were U.S.-trained death squads, which terrorized civilians and razed indigenous villages in order to quell resistance.<sup>105</sup>

A final crucial note on United States Cold War policy in Central America is the widespread ambiguity, convolution, and outright denial of U.S. involvement and action in the region. Wrongfully citing security concerns as the motivation behind U.S. intervention was not the only oversight of the Reagan administration. The administration also plainly denied or diminished the human rights abuses that occurred in El Salvador and Guatemala in order to continue providing military aid to the counterinsurgencies.<sup>106</sup> Furthermore, of the refugees

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<sup>103</sup> Ibid., 217.

<sup>104</sup> Jules Lobel and Michael Ratner, "Is United States Military Intervention in Central America Illegal?" *Human Rights* (American Bar Association, 1984) 23.

<sup>105</sup> Ibid.

<sup>106</sup> A compelling example of this occurred after the widespread reporting of the massacre at El Mozote - an incident in which the Salvadoran army slaughtered over 800 civilians - when Reagan officials denied the existence of evidence that the massacre had taken place.

produced by these civil wars - 1 million from Guatemala; over 500,000 from El Salvador - only a mere three percent of Salvadoran and Guatemalan asylum cases were approved. The denial of human rights violations in both countries led the administration to classify asylum seekers simply as “economic migrants,” and continue to pour aid into the military regimes in El Salvador and Guatemala.<sup>107</sup>

Many of the migrants that fled the turbulence and brutality of the civil wars found themselves in Los Angeles in the 1990s, and their children began to form small gangs or conform to already existing ones as a result of their lack of opportunity in American communities.<sup>108</sup> As street gang-related violence increased and became a recognized issue in Southern California, U.S. officials introduced the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. The 1996 act signified an expansion of the “get-tough” approach to immigration law, greatly expanding the offenses for which a person could be deported or stripped of their citizenship. As a result, the number of deportees to Central America rose into the thousands for the remaining years of the 1990s.<sup>109</sup>

Though security concerns may actually have motivated the Clinton administration’s hard-line approach to the growing issue of street gangs, Congress proceeded with little consideration or care for the wellbeing of three countries that, only a decade before, had suffered major social, economic, and political upheaval - much of which was facilitated by U.S. funding of brutal counterinsurgency measures. As a result, the spike in U.S. deportees to Central America supercharged gangs such as MS-13, and disseminated gang presence throughout Central America and Mexico.

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<sup>107</sup> Tseng-Putterman, “A Century of U.S. Intervention Created the Immigration Crisis.”

<sup>108</sup> Tim Johnson, “U.S. export: Central America’s gang problem began in Los Angeles,” *McClatchy* (2014).

<sup>109</sup> *Ibid.*



Additionally, the tough-on-crime policies implemented in U.S. cities like New York<sup>110</sup> during the early 2000s influenced some Central American regimes to espouse *mano dura* (strong hand) policies - characterized by strict measures such as the pursuit and detainment of youths simply on the suspicion of gang involvement without evidence or due process. Such policies were “encouraged by U.S. law enforcement agencies such as the FBI and the Drug Enforcement Agency, which were working with Central American governments to control crime.”<sup>111</sup> With the crackdown and mass incarceration of gang members, gang leaders were now able to meet and organize criminal activities - thus, contributing the centralization and strengthening of ultraviolent gangs like MS-13 and M-18.

Finally, American economic neoliberalism is also a driving force behind the conditions that have mobilized migration into the U.S. from Central America and Mexico. Measures such as CAFTA-DR (Dominican Republic - Central America Free Trade Agreement) and NAFTA (North American Free Trade Agreement) have both been accused of restructuring the region’s economy to guarantee dependence on the United States through the influx of American goods and immense trade imbalances that weaken domestic industries.<sup>112</sup><sup>113</sup> The economic strife and displacement in the region contributed both to the rapid urbanization that strengthened the gangs,<sup>114</sup> as well as the mass movement of migrants North into the United States.

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<sup>110</sup> Thomas C. Bruneau, “*Pandillas* and Security in Central America,” *Latin American Research Review* (2014) 157.

<sup>111</sup> *Ibid.*, 157.

<sup>112</sup> *Ibid.*

<sup>113</sup> Hectór Perla Jr. notes, “Agricultural imports from the United States in those three CAFTA countries [Honduras, El Salvador, Guatemala] have risen 78 percent since the deal went into effect ... The growth in agricultural exports from El Salvador to the U.S. under CAFTA has actually been lower than global growth in agricultural exports to the U.S. And Honduras’s agricultural exports to the U.S. have been swamped by the surge in agricultural imports. Honduras went from being a net agricultural exporter to the United States in the six straight years before CAFTA to being a net agricultural importer from the United States in the six straight years after the deal took effect.

<sup>114</sup> Hectór Perla Jr., “The Impact of CAFTA; Drugs, Gangs, and Immigration.” *Telesur* (2016).

*Discourses of Danger*

Having provided a brief overview of the conditions that foster Central American and Mexican migration to the United States, I now must address the discourse that has been produced alongside the growing Latin American presence in the U.S.. To reiterate what I discussed in the first chapter, the state requires discourses of danger in order to promote a social space of “us” and “them” (citizen and foreigner; outsider and insider) and portray the migrant as a threat to national security and prosperity. Campbell writes, “The ability to represent things as alien, subversive, dirty, or sick has been pivotal to the articulation of danger in the American experience.”<sup>115</sup> According to Campbell, even the simple existence of an alternative identity, one which exemplifies that different identities are possible and legitimate, denaturalizes the claim of one identity as being the “true” identity and might be enough to produce the perception of a threat.<sup>116</sup> He continues, “For both insurance and international relations, therefore, danger results from the calculation of a threat that objectifies events, disciplines relations, and sequesters an ideal of the identity of the people said to be at risk.”<sup>117</sup> The promotion of the “us” and “them” social space exceeds geography - it also results in a perceived moral divergence between the citizen and the foreigner.<sup>118</sup>

Upon this perception of contrasting morality, the discourse of danger surrounding Latin American migrants in the United States is grounded. This discourse is characterized by rhetoric that paints the migrant as a threat, enforcing and reinforcing assumptions that Latin American migrants are engaged in drug trafficking, gang violence, tax evasion, and other forms of violent

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<sup>115</sup> Campbell, *Writing Security*, 3.

<sup>116</sup> *Ibid.*, 3.

<sup>117</sup> *Ibid.*, 3.

<sup>118</sup> *Ibid.*, 73.

and nonviolent crime. While the notion persists that the particularly explicit racialized discourse against migrants is mainly the province of the uneducated, many well-known academics have also contributed to this discourse - at times in a highly forceful manner, as is the case with Samuel Huntington's 2004 article "The Hispanic Challenge." In this article, Huntington laments the way in which high numbers of Latin American migrants contribute to the degradation of American society, proclaiming that Mexican Americans must "think of themselves as members of a small minority who must accommodate the dominant group and adopt its culture."<sup>119</sup> He concludes his testimony to the persistence of "Anglo-White" culture with this particularly bold message: "There is no Americano dream. There is only the American dream created by an Anglo-Protestant society. Mexican Americans will share in that dream and in that society only if they dream in English."<sup>120</sup> Huntington's perception of "hispanic" migrants as detrimental to American society exemplifies the notion of moral superiority fostered by discourses of danger. His sentiments are not an anomaly either. Rather, they are reinforced, however subtly, by forces as persuasive as the American government.

Administrations from both sides of the political spectrum are responsible for perpetuating these myths, and in doing so not only reinforce misunderstandings of migrants held by their constituents, but also allow for policy building to exacerbate these misunderstandings. In 1995, Bill Clinton promised in his State of the Union speech to "end the abuse" of American immigration laws and crack down on "illegal aliens" allegedly burdening the economy.<sup>121</sup> Ten years later, George W. Bush said in his own State of the Union speech that new immigration

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<sup>119</sup> Samuel Huntington, "The Hispanic Challenge," *Foreign Policy* (2004) 44.

<sup>120</sup> *Ibid.*, 45.

<sup>121</sup> Bill Clinton, State of the Union Address, 1995. Retrieved 2019.

policy was necessary that would “close the borders to drug dealers and terrorists.”<sup>122</sup> During his State of the Union address on February 12, 2013, President Barack Obama argued for heightened security as a way to slow undocumented migration flows: ‘Real reform means strong border security, and we can build on the progress my administration has already made— putting more boots on the southern border than at any time in our history and reducing illegal crossings to their lowest levels in 40 years.’<sup>123</sup> His 2014 Immigration Accountability Executive Action, though largely recognized as a progressive reformation of American immigration policy, encouraged increased securitization at the border and touted the importance of “cracking down” on migrants with criminal records.<sup>124</sup> Since his campaign in 2016, Donald Trump presidency has been largely defined by his engaging in controversial rhetoric about migrants, including the claim that many Mexican migrants are bringing drugs, crime, and rape to the United States.<sup>125</sup>

Each of these key moments in U.S. immigration policy represent the use of a conception that has been widespread in American political discourse. This conception, which justifies the consistent increase in border securitization and criminalization of unauthorized immigration, presents the migrant as an inherent danger to American security and prosperity. In recent decades, it is the Latin American migrant who finds themselves perhaps the largest target for this discourse, making up the vast majority of migrants into American territory, and therefore is frequently framed as inherent to American safety and security.

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<sup>122</sup> George Bush, State of the Union Address, 2005. Retrieved 2019.

<sup>123</sup> De León, *Land of Open Graves*, 101.

<sup>124</sup> “Fact Sheet: Immigration Accountability Executive Action,” Accountability Executive Action, Office of the Press Secretary, The White House, 20 November 2014.

<sup>125</sup> Amber Phillips, “They’re Rapists: President Trump’s campaign launch speech two years later, annotated,” *Washington Post*, 16 June 2017.

However, the belief that the majority of Latin American migrants are engaged in criminal activity, whether it be drug trade, gang activity, or other forms of violent crime - and that the Southwestern border is a pipeline for these crimes - has also been disproven on a number of occasions. Studies have consistently found that migrants commit crimes at a much lower rate than citizens born in the U.S., and that there is a negative correlation between levels of immigration and crime rates.<sup>126</sup> The Cato Institute also concluded that unauthorized migrants are less likely to be incarcerated than birthright citizens.<sup>127</sup> The DEA has confirmed that most drug trafficking occurs at ports of entry into the United States, rather than between them.<sup>128</sup>

Though threats to economic anxiety may seem more benign in comparison to those towards public safety, the impact of Latin American migrants on U.S. prosperity is a large source of anxiety for many American citizens. Still, the widely kept notion that migrants cost the United States billions of dollars each year was disputed by a bipartisan analysis published by the National Academy of Sciences in 2017, which determined that the average immigrant makes a net positive fiscal contribution of \$259,000 in net present value across the federal, state, and local levels of government.<sup>129</sup> The assumption that migrants are largely responsible for welfare consumption was also swiftly discredited by the Cato Institute, whose studies found that adult immigrants are 47% less likely to receive social security benefits and 27% less likely to receive benefits based on age or income status than citizens born in the U.S.<sup>130</sup> Finally, the claim that

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<sup>126</sup> Michael T. Light, Ty Miller, "Does Undocumented Migration Increase Violent Crime?" *Criminology* 56, no. 2 (22 May 2016).

Michael Clemens, "The U.S. Is Not Being Invaded: Fact-Checking The Common Immigration Myths," *Center for Global Development*, 1 November 2018.

<sup>127</sup> Laura Muñoz Lopez, "7 of the Top Immigration Lies From The Trump Administration," *Center For American Progress*, 5 February 2019.

<sup>128</sup> *Ibid.*

<sup>129</sup> Clemens, "The U.S. Is Not Being Invaded: Fact-Checking The Common Immigration Myths."

<sup>130</sup> Alex Nowrasteh and Robert Orr, "Don't Blame Immigrants for Bloated Welfare State," *Cato Institute, Washington Examiner*, 15 May 2018.

migrants do not pay taxes also has little ground in reality: the ADL reports that immigrants collectively pay between \$90 and \$140 billion each year in taxes, and that undocumented immigrants alone pay approximately \$11.64 billion in taxes each year.

The marked dissonance between the conventional discourse regarding Latin American migrants and the migrants themselves highlight the fact that such discourse, no matter how misinformative, may be serving a more clandestine function. Discourses of danger, I have argued, lay the ground for brutal border policy that allows the nation-state to effectively carry out sovereign violence upon the migrant. As this process is operationalized, however, such discourse is serving two other functions that are closely intertwined: the production of American identity both as state, and as a *specific kind* of state. Primarily, the distinction of insider from outsider is essential to the construction of any nation-state, and in mobilizing discourses that embolden this distinction, the United States has effectively reaffirmed its own status as a nation-state. This reaffirmation is in accordance with the process of national formation in Chapter 1, as any nation-state must form itself *against* the identity of a constructed “other.” However, the United States is also engaging in identity production in a far more specific manner, constructing itself as a unique entity within the nationalized system - in a sense, defining what kind of state it is among all other states. In this process, the U.S. is wielding discursive power as a way of promoting a certain image of America: a nation-state which is defined by hardworking, moral, and self-made individuals and in turn must be securitized against people occupying a contrasting moral space. In this case, migrants are painted as those individuals; the discursive tactics which portray them as lazy, opportunistic, and uncivilized signify their innate incohesion with what is perceived to be American society. This process once again demonstrates, in a magnified and

more detailed way, how identity is constructed against the “other.” If migrants embody specific traits that are so incongruent with American society that security measures must be taken against them, American society must be the opposite.

In what follows, I will demonstrate, through a number of policies passed by multiple American administrations, how the United States has produced a legacy of criminalization, exploitation, and subordination targeted towards those who wish to cross the border.

### **Necropolitical Policy**

In 1994, with Latin American migrants now providing the majority of immigration into the United States, Border Patrol enacted the strategy known as “Prevention Through Deterrence” (PTD) with the purpose of deterring the attempts of migrants to permeate the Southwestern border.<sup>131</sup> Soon after, the 1996 the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) transformed immigration policy in the U.S., expanding crimes for which one could be deported to include minor offenses.<sup>132</sup> Both PTD and IIRIRA were enacted under the administration of Bill Clinton. During the George W. Bush administration, Bush oversaw the creation of the Department of Homeland Security and brought criminal prosecutions of unauthorized migrants to full force under the initiative Operation Streamline.<sup>133</sup> While Barack Obama’s presidency adopted a more progressive immigration platform, his administration facilitated a number of harmful policies, including the expansion of a law that allowed for police officers to turn over suspects and criminals to immigration authorities in order to authorize their deportation - a policy that was widely criticized for racial profiling and the violation of numerous

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<sup>131</sup> De León, *The Land of Open Graves: Living and Dying on the Migrant Trail*.

<sup>132</sup> Ana Arana, “How the Street Gangs Took Central America,” *Foreign Affairs* (2005).

<sup>133</sup> Gaby Del Valle, “The Dark, Racist History of Section 1325 of U.S. Immigration Law,” *Vice*, 27 June 2019.

civil rights.<sup>134</sup> In later years, In 2018, the Trump administration’s DHS enacted a “zero-tolerance” policy wherein every person caught crossing the border without authorization is to be referred for federal prosecution, whether or not they have valid asylum claims or are first time offenders.<sup>135</sup>

I aim to provide far more detail about each of these policies in what follows, though I will not discuss them according to the chronological framework I have just provided. I will instead examine each according to their contributions to the border-rendering process, and subsequently how they permit the Latin American migrant’s exposure to sovereign violence.

### *Violence*

What first must be addressed is the term “violence.” Colloquially, the term “violence” is likely to signify direct action imposed upon someone with the intention of causing physical harm. A more broad understanding of violence is provided by the World Health Organization as: “The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.” This definition is perhaps more reminiscent of the model of direct versus structural violence, where “direct violence” is characterized by action that directly and immediately or (near-immediately) results in a person’s physical harm or death, while “structural violence” refers to widespread, gradual action that results in the deaths of many by depriving them access to basic necessities. An example of direct violence would be an instance of sexual assault, whereas an example of

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<sup>134</sup> Villalobos, José D. “Promises and Human Rights: The Obama Administration and Immigrant Detention Policy Reform.” *Race, Gender, and Class*. 165

<sup>135</sup> Tal Kopan, “New DHS policy could separate families caught crossing the border illegally,” *CNN Politics*, 7 May 2018.



structural violence might be the deprivation of affordable healthcare to an entire population. Many also include “cultural violence” as a third categorization, wherein cultural aspects of a specific population are used to justify the imposition of structural (perhaps even direct) violence directly upon that population; an example of this would be institutionalized racism. Other thinkers dissect the branches of violence even further, designating specific areas of “violence” to harm against the environment, the limitation of access to land, economic violence, and other factors.<sup>136</sup>

Evidently, the study and categorization is extremely nuanced and may be expressed in a number of different ways according to different schools of thought. I do not wish to establish my own categorization of violence, but simply ensure that the concept of “violence” may be understood to encompass not only instances of direct violence, but other indirect and long-lasting forms of violence as well (that might be classified as structural any other subgroup.) Sovereign violence as it manifests within the nation-state is not limited to the shooting of a gun, but to conditions that exist for the purpose of subordination, exploitation, and detention. For the purposes of this paper, I will demonstrate the necropolitical nature of American border policy first through policy as it reduces the migrant to a *homo sacer* by means of criminalization. Next, I will discuss direct violence imposed upon migrants by both state and non-state actors - with the understanding that the nation-state is largely responsible for this violence in totality due to the conditions fostered by border policy. I will then expand my scope to analyzing the structural violence enacted through necropolitical policy through the respective detention, exploitation, and erasure of the migrant.

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<sup>136</sup> Jones, *Violent Borders*, 9.

### *Illegalization*

For many Americans, this person—whose remains are so ravaged that his or her sex is unknown—is (was) an “illegal,” a noncitizen who broke U.S. law and faced the consequences. Many of these same people tell themselves that if they can keep calling them “illegals,” they can avoid speaking their names or imagining their faces.

Jason De León, *The Land of Open Graves*

In order to achieve a comprehensive outlook on the sovereign violence imposed upon migrants, it is imperative to consider the role criminalization policies have played in sanctioning violence against migrants. It wasn't until 1929 that the act of crossing the border without authorization became criminalized, following Section 1325 in Title 8 of the U.S. Code. This law went largely unenforced for the majority of the twentieth century, and the vast majority of unauthorized border-crossers were not brought up on criminal charges.<sup>137</sup> With the Clinton administration's introduction of the IIRIRA, the scope of who could be deported was greatly broadened.. Additionally, the crimes for which one could be deported were extended to include minor offenses such as drunk driving and petty theft, or even minor drug offenses and speeding. Even foreign-born citizens became at risk for deportation, now able to be stripped of their citizenship and deported after serving their prison terms.<sup>138</sup>

Following the events of 9/11 and the heightened fear of terrorism, President George W. Bush introduced a number of policies aimed at securitization, including the creation of the Department of Homeland Security (DHS). In 2005, the Bush administration brought criminal prosecutions of unauthorized migrants to full force with the introduction of Operation

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<sup>137</sup> Del Valle, “The Dark, Racist History of Section 1325 of U.S. Immigration Law.”

<sup>138</sup> Arana, “How the Street Gangs Took Central America.”

Streamline: an initiative of the DHS and the Department of Justice (DOJ) with the intention of combatting weapon and drug trafficking, human smuggling, and repeat instances of unauthorized entry into the United States.<sup>139</sup> The stated goal of this initiative was to achieve total criminalization of unauthorized border crossing into the United States.<sup>140</sup> Initially, migrants were charged with misdemeanors for their first attempt to cross the border; felonies for their second attempt; and then faced formal deportation. The impact of this policy was evident: there were rarely more than 20,000 deportations every year before the mid-1980s, and by the mid 2000s that number had escalated to 400,000 per year.<sup>141</sup> With the Obama and Trump administrations following in the legacy of Operation Streamline, immigration offenses now make up the majority of criminal prosecutions in the U.S..<sup>142</sup> The border became more securitized with the increase in funding and hiring of Border Patrol, and according to Jones, “In the past, most migrants detained at the border were quickly processed and voluntarily repatriated to Mexico, often within a few hours of being caught...an acknowledgement that the vast majority of migrants at the border were poor workers, not smugglers or criminals.”<sup>143</sup> In fact, the securitization of the border and increase in deportations has only bolstered human smuggling - when an unauthorized migrant is deported, they are likely to attempt to cross the border again in a few days, producing more clients for human smugglers. Owing to a recent policy, Central American deportees who were denied asylum in the United States are dropped off on the Mexican side of the border and almost guaranteed to be kidnapped - they are easily discernible as deportees to highly-organized

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<sup>139</sup> Joanna Lydgate, “Assembly Line Justice: A Review of Operation Streamline,” *The Chief Justice Earl Warren Institute on Race, Ethnicity, and Diversity* (January 2010).

<sup>140</sup> *Ibid.*

<sup>141</sup> Jones, *Violent Borders*, 36.

<sup>142</sup> Del Valle, “The Dark, Racist History of Section 1325 of U.S. Immigration Law.”.

<sup>143</sup> Jones, *Violent Borders*, 36.

networks who kidnap migrants and hold them for ransom, demanding thousands of dollars from their relatives in return for their safe release.<sup>144</sup> The fostering of human smuggling is not specific to the United States, either: Khosravi highlights that similar dynamics have unfolded at borders across the world including Malaysia, South Africa, and Iran.<sup>145</sup>

Following the introduction of Operation Streamline, migrants have been subjected to criminalization for attempting to cross the border. Operation Streamline has been the subject of intense scrutiny, especially regarding its introduction of bundling and rapid processing cases: under this operation, cases are often not heard individually but in large groups that can amount to up to 70 cases in one hearing; individuals are often shackled and herded into courtrooms, with officials taking as little as 30 seconds to review each case.<sup>146</sup> Critics note that this is a violation of due process, and many individuals who are United States citizens or have legitimate claims to asylum do not have an opportunity to present their cases. The infringement on due process that occurs in these courtrooms is only one example of how criminalization policy allows the United States to subordinate migrants, however. Agamben's notion of state of exception is noted by Jason De León to be an important concept when it comes to the function American borders. He refers to border zones as "spaces of exception - physical and political locations where an individual's rights and protections under law can be stripped away upon entrance."<sup>147</sup> As the fear of terrorism following the events of 9/11 gave way to Operation Streamline, the fear of Latin

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<sup>144</sup> Molly O'Toole, "Goodbye, Stranger", *This American Life*. November 15, 2019. Podcast. Accessed 24 April 2020.

<sup>145</sup> Khosravi, *Illegal Traveler*, 20.

<sup>146</sup> Fernanda Santos, "Detainees Sentenced in Seconds in 'Streamline' Justice on Border," *New York Times*, 11 February 2014.

<sup>147</sup> De León, *The Land of Open Graves*, 27.

American migrants and their impact on American security and prosperity have allowed for the continuation of unjust, violent practices at the Southwestern Border.

Plainly, the illegalization of border-crossing is not organic but constructed. The burden of illegality is central to American border policy: it is a strategic production harnessed in order to legitimize the sovereign violence enacted upon outsiders who intend to move inwards. The issue of migration into the United States, in its redefinition from a social condition to a crime, permits the production of criminals insofar as it reconfigures the violence imposed upon them as “punishment” - ultimately implying that the migrant has done something to warrant their exposure to violence. Furthermore, the production of illegality strengthens the Border Spectacle, De Genova writes, “In place of the social and political relation of migrants to the state, therefore, the spectacle of border enforcement yields up the thing-like fetish of migrant ‘illegality’ as a self-evident ‘fact’, generated by its own supposed act of violation.”<sup>148</sup> Once again, the power of identities that have been forged against one another is demonstrated, as it provides a “norm” of illegality to be prescribed to migrants in contrast to the lawful citizen.<sup>149</sup> In this, the contrasting spaces of morality are constituted and upheld, and migrants experience further differentiation and alienation as perceived bearers of “illegality.”

Agamben derives his concept of sacred life from an ancient Roman principle, wherein a criminal was subject to the revocation of his citizenship. He all at once existed both within the law and without it: rendered *homo sacer* following his violation of the law, and owing to the onus of illegality he now bore, was placed *by* the law *beyond* the law. As the law stripped him of his citizenship, his life - and death - were beyond the scope of law. The *homo sacer* is one who

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<sup>148</sup> De Genova, “Spectacles of Migrant ‘Illegality.’”

<sup>149</sup> Khosravi, *Illegal Traveler*, 21.

can be violated or killed with impunity, for their criminality has placed them outside of the sphere of law. This is how the production of illegality operates: it redefines border-crossing as a crime and thus burdens the migrant with illegality. The migrant, reduced to bare life and rendered a *homo sacer*, is now subject to a spectrum of violence that is legitimized by their condition and ultimately perpetuated, directly or indirectly, by the state.

### *Deterrence*

The most salient pattern of sovereign violence carried out against migrants in the United States is likely direct violence perpetrated by state actors. The perpetrators to which I refer as “state actors” are those who work in an institution of the American government. This can include police officers, members of the military, and those upon whom I will mainly focus my attention here: agents of the Department of Homeland security, including agents of Customs and Border Patrol and ICE. Operation Streamline and the accompanying policy enacted by the Bush administration following 9/11 saw an immense increase in heightened border securitization of the mid-2000s, resulting in a hiring surge that almost doubled the force’s size in the years following 9/11. With that increase came an increase in complaints of excessive force.<sup>150</sup> As the U.S. government came to prioritize border security, the standards for who could qualify to be a Border Patrol agent were lowered, resulting in the employment of people who were untrained, unqualified, or had violent records.<sup>151</sup><sup>152</sup> U.S. Customs and Border Protection (CBP) is

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<sup>150</sup> Garret M. Graff, “The Green Monster,” Politico, November/December 2014.

<sup>151</sup> Jones, *Violent Borders*, 35.

<sup>152</sup> In 2014, Politico reported that between the years of 2004 and 2010, one CBP officer was arrested nearly every single day. In 2016, 251 CBP employees were arrested by police, about one every 36 hours. Border Patrol agents were subject to arrest most often. The most common reasons for arrest included drug abuse, alcohol abuse, and domestic violence.

responsible for almost half a million arrests per year, as well as a correspondingly high use of force, with CBP reporting nearly 1,000 uses of force in 2017 alone. These instances range from fatal shootings to “less-lethal force,” an umbrella term for physical assault, dog attacks, pepper spray, stun guns, and batons. One famous case of death inflicted by Border Patrol is that of fifteen-year-old Sergio Adrián Hernández Güereca, who was allegedly throwing rocks at border agent Jesus Mesa Jr as he forcibly apprehended a friend of Hernández Güereca. Mesa Jr. shot and killed Hernández Güereca, despite the fact that Hernández Güereca was at least 20 to 30 meters away from his assailant and on the opposite side of the border when he was shot.<sup>153</sup> Despite video evidence of the incident, Mesa Jr. was not indicted for the murder. Furthermore, the supreme court ruled on February 25, 2020 that the parents of Hernández could not sue Mesa Jr. for his use of excessive force against their teenage son, citing that no legal action taken could be taken owing to the “cross-border” nature of the shooting. Other shootings that have been ruled in favor of the defendant agents include the 2010 murder of 18-year-old Juan Mendez, an unarmed citizen was shot in the back from a distance while running from an agent in Texas; unarmed 19-year-old citizen Carlos Lamadrid, who was shot in the back as he climbed a border fence in Arizona in 2011; and unarmed 20-year-old Gerardo Lozano Rico, who was shot in Texas in a fleeing car in 2011.<sup>154</sup> It is also important to keep in mind that these numbers for CBP use of force are self-reported, and they also don’t account for the dozens of instances of sexual assault by CBP reported every year.<sup>155</sup>

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<sup>153</sup> Jones, *Violent Borders*, 29-31.

<sup>154</sup> Sarah Macaraeg, “Fatal encounters: 97 deaths point to pattern of border agent violence across America,” *The Guardian*, 2 May 2018.

<sup>155</sup> “Annual Report on Sexual Abuse and Sexual Assault by CBP Employees,” U.S. Customs and Border Protection, 2016.

The direct violence perpetrated by state actors at the border, and the manner in which American securitization policy exacerbated the issue immensely, only demonstrates one aspect of sovereign violence and does not even account for the majority of death at the U.S.-Mexico border. In fact, it is the violence imposed upon migrants by non-state actors - including environmental factors and civilians - that most significantly constitutes the apparatus of death at work in the Southwestern borderlands. Here, the distinction between direct and structural violence will be blurred, due in large part to the dynamics of violence as it manifests through non-human and non-state actors. However, my point remains the same: that United States border policy is responsible for the production of violence at the Southwestern border. One policy in particular, known as Prevention Through Deterrence (PTD), produced a bloody legacy that has defined the U.S.-Mexico border as one of the deadliest in the world. PTD is a strategy that was implemented by Border Patrol in 1993 in an attempt to address high numbers of unauthorized border entry and wide public scrutiny regarding current border policy. Prior to 1993, the standard procedure for agents was to attempt to apprehend migrants after they had crossed into the United States.<sup>156</sup> PTD was introduced as a strategy intended to address the problem directly at the border by securitizing areas with high instances of unauthorized entry. With sub-operations like Operation Blockade in San Diego and Operation Hold-The-Line in El Paso, urban points of entry into the U.S. were sealed off by fences, barbed wire, additional agents, response teams, cameras, and other technology.<sup>157</sup> As a result of this, migrants are funneled through desert and wilderness in an attempt to reach the U.S. border. While migrants who attempt this journey are still at risk of experiencing violence at the hands of a Border Patrol agent, they face a myriad of other

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<sup>156</sup> De León, *The Land of Open Graves*, 30.

<sup>157</sup> *Ibid.*



challenges that condemn them to almost certain death or trauma.<sup>158</sup> Migrants attempting the journey through the Sonoran desert, for instance, are likely to encounter harm and death in a variety of other ways: injury, dehydration, hypothermia, heat stroke, exhaustion, wild animals, infection, bandits, human smugglers, and sexual and physical abuse are regular challenges that migrants face during their journey to the border.<sup>159</sup>

It is easy to dismiss this kind of danger as a “natural” part of undertaking a journey throughs such a landscape. However, the hardship migrants experience on the way to the border is a form of violence sanctioned by American border policy; though indirect, it is just as much a result of border strategy and law as deaths directly perpetrated by border agents or in migrant holding facilities. The deterrence model has been widely scrutinized in Jason DeLeón’s *Land of Open Graves*, where he claims that PTD is merely a strategy conjured by Border Patrol in order to “draw on the agency of animals and other nonhumans to do its dirty work while simultaneously absolving itself of any blame connected to migrant injuries or loss of life.”<sup>160</sup> De León highlights that while PTD has had little impact on the numbers of people attempting to cross the border, it has resulted in an upsurge of fatalities as people try and fail to make the journey.<sup>161</sup> While Border Patrol estimates 6,000 have died since the 1990s, other estimates are far higher.<sup>162</sup> And, as De León explained in depth, many bodies are never recovered, so precision is impossible.

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<sup>158</sup> Ibid., 35.

<sup>159</sup> Ibid., 35.

<sup>160</sup> Ibid., 43.

<sup>161</sup> Ibid., 35.

<sup>162</sup> Rory Carroll, “U.S. Border Patrol uses desert as a ‘weapon’ to kill thousands of migrants, report says,” *The Guardian*, 7 December 2016.

In regards to PTD, De León adds, "...the Border Patrol has intentionally set the stage so that other actants can do most of the brutal work...I see this environment as the perfect silent partner in boundary control."<sup>163</sup> He also notes that the architects of this strategy, as well as others who enforced it in later years, were aware of its lethality, justifying the deaths as the cost of protecting the nation: for example, he cites a 1997 account from the Government Accountability office that identifies "deaths of aliens attempting entry" as one of the "indicators for measuring the effectiveness of the strategy to deter alien entry."<sup>164</sup> Truthfully, Prevention Through Deterrence did not, in fact, deter migrants, but created a space which isolated migrants from the public eye, funneling them away from urban areas of entry and forcing them to instead attempt to undertake dangerous pathways characterized by perilous terrain, extreme climate, and inconceivable violence. PTD is perhaps the most salient example of the state of exception, which is largely a political condition, materializing as geographic. The terrain surrounding the U.S.-Mexico border was transformed effectively into a deathscape where a migrant becomes a *homo sacer* owing to their intent to cross a border and may thus be killed with impunity - by wild animals, climate conditions, bandits, or agents. The actor that perhaps best exemplifies the unpunishability of migrant death, however, is the vigilante. Jason De León recounts his horror at the presence of *cazamigrantes* within the Southwestern borderlands - translated to "migrant-hunters," *cazamigrantes* - in recent years, a number of border crossers have reported white men, dressed in camouflage, shooting at them in the desert.<sup>165</sup> Quite literally, the Southwestern borderlands have become a space in which civilians may attempt to kill migrants

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<sup>163</sup> De León, *The Land of Open Graves*, 61.

<sup>164</sup> *Ibid.*, 67.

<sup>165</sup> *Ibid.*, 52.

for sport, understanding that the isolated landscape and unforgiving environment signifies the impunity of their actions.

### *Zero-Tolerance*

The use of “deterrence” as a strategy of justification for lethal policy brings me to a third condition of violence: detention. As PTD rendered the migrant a *homo sacer*, the criminalization of border-crossing produced by strategies like Operation Streamline allowed the migrant’s sacred life to extend beyond the borderlands and well into the nation, providing the framework for the policies of detention that characterized both the Obama and Trump administrations. Obama’s presidency has been perceived as taking a progressive approach to immigration reform compared to his predecessor, attempting to direct the scope of deportation to “criminals” as opposed to children, families, and those who had not committed any crimes. However, the Obama administration oversaw the deporting of 3 million - an estimated 1.7 of whom had no criminal record. These mass deportations were largely due to the administration’s expansion of enforcement, an effort which supporters of the administration argue was a way to appeal to the conservatives who opposed progressive migration reform. Regardless of intent, the internal enforcement of the Obama administration did not only result in mass deportations but a shift from “returns” to “removals.”<sup>166</sup> “Returns,” which were used during the first term of the Bush administration, signified the deportation of a migrant in such a way that their fingerprints were not taken and their immigration records were unmarked. At the tail end of the Bush administration, the DHS shifted instead to formal “removals,” a process which created a

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<sup>166</sup> Sarah R. Coleman, “A Promise Unfulfilled, an Imperfect Legacy: OBAMA AND IMMIGRATION POLICY.” *The Presidency of Barack Obama: A First Historical Assessment*. (Princeton University Press, 2018) 184.

permanent record - an action which meant that those who were attempting to cross again risked jail time and were prohibited from applying for legal status for at least five years. The Obama administration embraced removals more forcefully, as formal removal charges were filed in cases up almost 30% from Bush's final year. Under the Obama administration, the scope of criminality was broadened to apply to at least 90% of cases, contributing to a foundation upon which Obama's successor, Donald Trump, could exacerbate the violent effects of American migration policy.

Under the Trump administration in 2018, the DHS enacted what is commonly known as the "zero-tolerance" policy. While some aspects of the policy, such as family separation, are largely attributable to the Trump administration, other features, such as the detainment of migrants in prison-like facilities, preceded Donald Trump's inauguration and have simply been exacerbated by zero-tolerance. However, what makes zero-tolerance a compelling example of necropower is the further criminalization of migrants, building from the enforcement reforms of the Clinton, Bush, and Obama administrations, and the human rights violations that accompany it. Under the zero-tolerance strategy, every person caught crossing the border without authorization is to be referred to federal prosecution, whether or not they have valid asylum claims or are first time offenders.<sup>167</sup> Detention was once restricted to those who posed a definite risk to public safety; under zero-tolerance, asylum seekers, first-time offenders, and all others apprehended at the border are detained in facilities in what is called "civil detention." They are not serving time for a crime, but waiting for a hearing to determine whether they may legally

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<sup>167</sup> Tal Kopan, "New DHS policy could separate families caught crossing the border illegally," *CNN Politics*, 7 May 2018.

remain in the country. Their detention is justified as being intended to ensure that people show up for the hearings.<sup>168</sup>

Though President Trump reversed the feature of family separation after intense political pressure, he instructed the DOJ to overturn the Flores Agreement<sup>169</sup> so that children, and families with children, can be held indefinitely in U.S. Immigration and Customs Enforcement (ICE) facilities.<sup>170</sup> In detention centers, migrants wait an average of more than four weeks to be released, though it is reported that some are held for years and even decades. Thousands of detainees have reported sexual and physical abuse inside the facilities.<sup>171</sup> The environment of many of the centers has been characterized as inhumane, with migrants (including children) facing conditions including but not limited to: poor nutrition; limited or no access to showers, baths, or toothbrushes and toothpaste; extreme overcrowding; limited or no access to necessary medications; freezing temperatures; exposure to the elements; physical abuse; sexual abuse; and limited or no access to legal counsel.<sup>172</sup> At least six children died in holding facilities in 2019,<sup>173</sup> and at least 24 migrants have died in ICE facilities<sup>174</sup> alone during the Trump administration—numbers that don't include the range of other facilities holding migrants.<sup>175</sup> Causes of death range from illness to suicide to physical trauma to unknown.<sup>176</sup>

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<sup>168</sup> Emily Kassie, “Detained: How the U.S. built the world’s largest immigrant detention system,” *The Guardian*, 24 September 2019.

<sup>169</sup> The Flores Agreement limits the time for holding children and families with children to 20 days.

<sup>170</sup> John Wagner, Nick Miroff, Mike Debonis, “Trump reverses course, signs order ending his policy of separating families at the border,” *The Washington Post*, 20 June 2018.

<sup>171</sup> Kassie, “Detained: How the U.S. built the world’s largest immigrant detention system.”

<sup>172</sup> Cedar Attanasio, Garance Burke, Martha Mendoza, “Attorneys: Texas border facility is neglecting migrant kids,” *AP News*, 21 June 2019.

<sup>173</sup> *Ibid.*

<sup>174</sup> More than half of migrant detainees are held in private facilities.

<sup>175</sup> Hannah Rappleye, Lisa Riordan Seville, “24 immigrants have died in ICE custody during the Trump administration,” *NBC News*, 9 June 2019.

<sup>176</sup> *Ibid.*

Policies such as Operation Streamline and zero-tolerance are largely responsible for strategies that allow migrants to be stripped of their rights and face extreme violence, abuse, and death. The Trump administration has acknowledged the cruelty of some of the features of zero-tolerance, specifically family separation, claiming that the measure was intended to deter migrants from attempting to cross the border.<sup>177</sup> However, as measures such as PTD demonstrated long ago, strategies of deterrence are largely ineffective - at least in capacity to deter migrants from crossing borders. The Southwestern U.S. border, and the policy that has informed what it is today, finds a brutal efficacy through the process of stripping away a migrant's political life and inflicting sovereign violence upon them. Prevention Through Deterrence, in generating copious death at the Southwestern borderlands, created a space of exception where a migrant could be extracted from their political life, forcibly reducing them to a *homo sacer*; the migrant, in only their intent and attempt to cross the border, became a target for manifold violence permitted and exacerbated by national policy. Strategies of illegalization, such as the IIRIRA and Operation Streamline allowed the migrant's sacred life to shadow them, beyond the borderlands and well into the United States, ensuring that that migrant found themselves in a nearly permanent state of exception - a *homo sacer* by way of their inevitable burden of illegality. The zero-tolerance policies introduced in the 2010s are both a consequence and exacerbation of their predecessors, seeing to a spectacle of securitization that disguises the legacy of sovereign violence ordained by decades of brutal policy - a legacy which is manifest in the detention centers, at the borders, and throughout the entirety of the United States.

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<sup>177</sup> Nick Miroff, "Border arrest data suggests Trump's push to split migrant families had little deterrent effect," *The Washington Post*, 8 August 2018.

## **Exploitation and Erasure: National Systems of Oppression**

The brutality exercised as a result of border policy - in the desert, within the detention centers - is a mechanism that is both a method of subordination and subordination manifest. As discourses of danger have made possible these policies of illegalization, deterrence, and zero-tolerance, the policies themselves both actively subjugate the migrant while simultaneously acting as evidence of the subjugation already imposed upon the migrant by the performative aspect of discourses of danger. The sovereign cycle of self-reproduction thus relies on the ever-pervasive dynamics which divide insider from outsider and discipline any sort of ambiguity, which aids it making the process itself so difficult to identify - it is boundless and unaffixed to any sort of geographical or temporal constraints. Thus, those migrants who find themselves within the interiority of the United States, those who have avoided deportation and prolonged detention, and even those who might have achieved asylum or residency, are likely to remain the targets of sovereign violence as long as they remain in the country and perhaps even beyond. The direct violence sustained by state-sanctioned strategies of illegalization, deterrence, and zero tolerance has two direct outcomes that track the migrant beyond the borderlands and into the state that I will discuss in this chapter. The continued violence experienced by migrants living within U.S. borders represents the permeation of border policy into the interiority of the state, categorically demonstrating how such policy deliberately provides two essential conditions of sovereign reproduction: economic exploitation and systemic erasure of the migrant narrative.

### *Economic Exploitation*

The economic exploitation of the migrant has become a profitable business that begins in the detention center. Not all holding facilities are state-run; in fact, less than half of detainees are held in ICE centers or local and county jails. The rest are held in facilities run by private prison corporations like GEO Group and CoreCivic. These groups derived between 20% and 25% of their profits from ICE, which has now become their biggest client.<sup>178</sup> The policies of criminalization generated a lucrative business in detaining nonviolent offenders, rapidly filling up holding facilities and producing billions of dollars in revenue for these corporations - effectively, laundering taxpayer money into the private sector.<sup>179</sup> De León credits this unethical pattern with the business relationships private corporations have formed with American legislators, stating “both parties seem to have agreed that if one builds more detention centers the other will find ways to fill them.”<sup>180</sup> While detention-profiteering may come at the cost of the American taxpayer, the lack of transparency surrounding this truth coupled with the spectacle of securitization provided by heightened detention sends a powerful message to American citizens: that the nation-state is fulfilling its promise of protection against migrants who would, if not detained, threaten American security and prosperity.

The exploitation of the migrant is not only a manner of specticality to ease American fears; it is an exploitation necessary to the American way of life. As recently as 2018, the Bureau of Labor Statistics reported that migrants (both authorized and unauthorized) make up 17.1% of the American workforce, contributing to vital industries such as farming and food production and

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<sup>178</sup> Rappeleye, “24 immigrants have died in ICE custody during the Trump administration.”

<sup>179</sup> David Dayen, “Below the Surface of ICE: Corporations Profiting from Immigrant Detention,” *In These Times*, September 17 2018.

<sup>180</sup> De León, *The Land of Open Graves*, 113.



paying billions of dollars in taxes. However, a landmark study found that 37.1% unauthorized workers were subject to wage violations, and 84.9% had not been provided the wages they were legally entitled to for overtime work.<sup>181</sup> As I discussed in Chapter 2, the threat of deportation is a factor that prevents unauthorized workers from reporting these abuses. Migrant guestworkers are also highly exploited, despite the fact the fact that they have nonimmigrant visas that allow a “legal” pathway for employment in the United States. Another study found that many of these workers are forced to pay exorbitant fees to labor recruiters (fees that are usually illegal) in order to secure employment. Many of these guestworkers find themselves in a form of debt bondage, with ill-defined conditions of repayment that leave the lender in control of the lende. <sup>182</sup> A number of cases have revealed that some guestworkers have even been forced into human trafficking as a result of such practices. College-educated migrant workers in fields of teaching, nursing, and computer operations have also been subject to firms and recruiters who steal wages and file lawsuits against workers who threaten to quit.<sup>183</sup> The labor abuses of migrant workers and guestworkers allow industries to keep profits low, a practice that is rampant in some of the industries upon which American society is most dependent, such as farming and meatpacking industries.<sup>184</sup>

Effectively, when policy results in the strengthening of the American economy at the cost of migrant wellbeing, sovereignty is unequivocally strengthened. For decades, migrant labor has been essential to the bedrock industries of American life, allowing employers to keep costs down

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<sup>181</sup> Annette Bernhardt et al., “Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America’s Cities” (2009).

<sup>182</sup> “Recruitment Revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change,” Centro de Los Derechos Del Migrante, INC (2018).

<sup>183</sup> Bernhardt et al., “Broken Laws, Unprotected Workers.”

<sup>184</sup> Krystal D’Costa, “What Are the Jobs that Immigrants Do?” *Anthropology in Practice*. Scientific American. 9 August 2018.

at the cost of migrants' workplace rights. Moreover, the illegalization of migration has been profitable even beyond the exploitation of migrant labor-power, as the privatization of holding facilities has allowed certain corporations to capitalize on the industry of detention. The way in which this kind of exploitation produces American legitimacy goes far beyond whether the economy is momentarily in an upturn or downturn; the exploitation of migrant labor, and migrant bodies, is essential to the American way of life. Costs of basic necessities (such as food), lowered at the expense of the brutal exploitation of unauthorized labor and guestworkers, supplement the image of the United States as an entity on which belonging members, or citizens, can rely to provide affordable consumerism through responsible legislation and enforcement. In actuality, the basis of American consumption is operationalized by the largely unfettered capitalist interests of the U.S. government, which allow taxpayer dollars to be funneled into the private sector and the continued, unscrupulous treatment of migrant workers in the workplace. What is more, the erasure of these conditions from the public eye leads many citizens into believing that their economy, and the consumerism it facilitates, is restrained by a cornerstone of ethical workplace laws that have been in effect for a century. It is this erasure of the migrant narrative that I will now discuss, ultimately demonstrating how it is the final, and perhaps most effective, measure of sovereign reproduction.

### *Political Erasure*

Migrant workers, and the exploitation they experience, are unquestionably contributors to the American economy and corporate interests. However, their exploitation achieves something else - perhaps the most critical element in the production of national sovereignty. The erasure of

the migrant is both the core of all other forms of sovereign violence, and simultaneously the final product of each. De León writes, “Immigrants are tolerated when they do the jobs that citizens won’t, but the American public has little interest in hearing their voices, preserving their history, or affording them any rights. This ‘exceptionalism’ pervades all aspects of undocumented life and calls into question our country’s notion of democracy.”<sup>185</sup> Despite the emergence of migrant communities across the country, the migrant is time and time again subject to erasure: they are not invisible, but purposefully forced into spaces that allow for their neglect, alienation, and isolation. Funneled into deserts, detention centers, exploitative workplaces, and underserved communities, the migrant finds their basic human rights violated and themselves disenfranchised, positioned at the intersection of statelessness and sovereignty such that their lives are marked by violence in its many forms. The political erasure of the migrant ultimately breeds the ignorance of American citizens. They believe that the national apparatus of violence - the border policy, the detention facilities, the bolstering of the economy - as well as their own negligence of those less politically privileged, signify that the United States is truly effective in its perceived role: protecting the insider from the outsider. The many ways in which American policy has subordinated the migrant aid in effectively muting the migrant voice to the citizens who wield the most political power - those who will thus remain widely negligent to the active suppression of migrant communities and, as a result, neglect to use their own political agency in combating that suppression. In the United States, where electoral politics is most accessible for the fortunate, those who are most underserved have fewer pathways to empowerment. To a privileged population that espouses viewpoints such as “your vote is your voice,” the actual

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<sup>185</sup> De León, *The Land of Open Graves*, 199.

voice of those who are disenfranchised goes largely unheard - and their oppression is thus likely to remain unobstructed.

## **Conclusion**

Thus, the United States has fulfilled its promise of protection in the eyes of the citizens and, at last, become re-legitimized in the reproduction of its sovereignty. The instability of sovereignty is central to nationhood, and as such, so is the process of legitimization that the nation-state must engage in over and over again. Therefore, the foundation of American sovereignty rests not only in the ongoing production of xenophobia within its own citizens, but also in its subsequent promise to provide security for its citizens to protect them from the very threat the state created. If American legitimacy is grounded in the manufactured discourses of danger regarding the migrant, and the following promise of security against the migrant, then such legitimacy is dependent on that threat remaining as it is: impending, but external. Therefore, it is not simply the promise of security that legitimizes the state; it is also the fulfilment of that promise that ultimately completes the cycle of reproduction. Under the knowledge that failing to deliver on such a promise will disrupt this cycle, the American state must then resort to necropolitical policy - exercising sovereignty by exercising the right to expose migrants to violence, exploitation, death.<sup>186</sup> The political erasure of the migrant is at the core of this process, muting the migrant voice and allowing the nation-state to take hold of their narrative; a narrative that the United States has wielded as a spectacle of securitization for its citizens, who remain ignorant to the brutal soil upon which American sovereignty is founded. The policies, and their

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<sup>186</sup> Mbembe, "Necropolitics," 12.

consequences, that I have analyzed in this chapter demonstrate something specific: the state's sovereign right to death and violence, forcing migrants into conditions that will likely result in their death, or, at the very least, traumatization. Thus, the United States has momentarily fulfilled the promise to secure its citizens against a threat fabricated by the state in the first place.

The United States should serve as an example of the repercussions of nation-building and border securitization, but it is certainly not the only instance of necropolitical border policy in the world. In fact, what I have described of the U.S.-Mexico border is not an anomaly. The international system is dependent on a series of imagined communities whose existence relies on borders that demarcate insiders from outsiders, yet the consequences of producing inorganic boundaries becomes evident in the actual function of nation-state: it is a relentless machine of self-production, engaging in a never-ending quest for legitimacy. In doing this, the state takes advantage of perhaps some of the most vulnerable people within the international system—people fleeing violence, poverty, and persecution. The nation-state does not simply fail migrants. It exploits them, forcing them into the role of a hollow threat that ends in them paying with their lives. Ultimately, necropolitics is not an abnormality within the international system, or even an unfortunate risk of the system—but an inevitable symptom of the logic of nationhood.

## Conclusion

My research began with a simple question. In the wake of limitless brutality that seemed to define dynamics of migration in the United States, I had to ask why the migrant was so destabilizing that their presence in the country warranted senseless violence. As I worked to resolve this conundrum, my findings broadened and narrowed until I was left with a single conclusion that illuminated the answer to my question as though erupted in flames. The violence inflicted on those who dare to cross international borders *isn't* senseless, but the wanton operation of a political machinery vested with its own preservation. In short, the migrant is destabilizing because the nation-state needs them to be. In the grand operation of nationalization, the transnationality of the migrant is symptomatic, presenting both a great threat to and an essential condition of its existence. As migrants innately challenge the logic of nationhood, their lives are reduced to a point at which they are exposed to the forces of sovereign violence, transformed into a political tool of sovereign reproduction. This process functions as a cycle that is vicious as it is effective, a testimony to the subordination and exploitation vital to the nation-state's continued sovereignty.

The first chapter of this thesis illustrated a paradox of national sovereignty, observing the condition of inclusion and exclusion that appears critical to the foundation of the nation-state. I then destabilized this dichotomy, emphasizing how the transnationality of the migrant complicates the logic of nationhood and borders, and furthermore, threatens to reveal the constructed nature of nationalization. In doing so, the ingrained condition of transnationality that accompanies migration threatens the very identity of the nation-state, which operates on the assumption that it is an organic source of sovereignty. I then detail how the state manages to

neutralize the threat that the migrant inherently poses: it is not the elimination of the threat that the state requires, but the dissemination of discourse that portrays migrants as destabilizing factors to national security and prosperity. This use of discursive power allows the nation-state to engage in the performative production of its own sovereignty, and the paradox of national sovereignty materializes: as the transnational nature of migration resists logic of the nation-state, the nation-state simultaneously relies upon this resistance in order to legitimize its sovereignty. Effectively, the transnational migrant is a condition of the nation-state's existence and the key element in the production of sovereignty.

The second chapter analyzed the function of national borders, first examining the conventional wisdom that portrays borders as territorially-bound barriers. I argued against this conception, aiming to demonstrate that the border is aphysical rather than geographic, providing not a physical boundary between insiders and outsiders but a condition of existence imposed upon those at the intersection of sovereignty and statelessness. The national border, I asserted, is not affixed to the seam of two nation-states, but permeates the entirety of the nation-state as a condition of exception foisted upon those who find themselves at a particular political localization. In the next section, I provided an analysis of Agamben's notion of sacred life as it pertains to national borders. I examined how the aphysical localization of national borders allows them to act as a rendering process, rather than a barrier, that strips migrants of their political life and exposes them to sovereign violence. I argued that this process resists the perception of citizenship as a binary and instead exposes it to be a spectrum which can be divided into three ambiguous and flexible classifications of anti-citizen, quasi-citizen, and citizen - each being defined not by their relation to inclusion, but to death. Finally, I considered how the

border-rendering process promotes the deliberate erasure and exploitation of the migrant. I conclude that the nation-state weaponizes national borders as means of engaging in a process of sovereign reproduction. This process allows the reduction of the migrant to bare life with the purpose of exposing them to sovereign violence. As a result of this imposition, the nation-state subjugates the migrant through means of labor exploitation, detention, and physical harm.

The final chapter provided an empirical account of my findings, detailing the operation of the Southwestern United States border with Mexico. I observed the discourses of danger that surround the presence of Mexican and Central American migrants in the United States, attempting to destabilize the conventions that convey migrants as threats to economic and personal security. I then attempted to exhibit the true accomplishment of these discourses of danger, analyzing policies of illegalization, deterrence, and zero-tolerance. Finally, I concluded how, through the exploitation and erasure of the migrant within the United States, the nation-state fulfills a cycle of self-reproduction and, in doing so, strengthens its own sovereignty. It is upon the theft of the migrant narrative in which the state may ultimately begin its cycle of sovereign reproduction, achieved only through the employment of brutal strategy. My definitive intention was to illustrate how national sovereignty requires the subordination and violation of migrants, laying the bloody groundwork upon which every nation-state is constructed.

The theoretical framework and empirical study I have provided in this thesis largely examines the nation-state and its operation, illustrating the way in which migration is weaponized in order to achieve the never-ending production of sovereignty. However, as I conclude this paper, I do not wish the reader to conceive of migrants themselves as a non-agentic tool of national configuration. The perception of otherized individuals as powerless victims is no



more productive than considering them to be hazardous threats, and only serves to embolden conventions of superiority that have allowed hegemonic nation-states to exploit the condition of migration in the first place. Despite the grim undertone of my analysis, I wish to impart upon the reader that migrant communities around the world have exercised their agency not in spite of, but *against* the violence imposed upon them by nationalization - for as the nation-state constructs its own legitimacy against the identity of the “other,” migrant communities have constructed empowerment against these conditions of oppression.

As a final note, I turn to a case in Fort Meyers, Florida, where nearly 100,000 migrants turned out in waves to protest the introduction of the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 (H.R. 4437). The bill at hand proposed severe securitization of the border as well as interior enforcement, seeking to both heighten the criminalization of unauthorized border crossing as well as discourage citizens from aiding unauthorized migrants in their journey. Chris Zepeda Millán demonstrates how, despite existing research claiming that Latin American migrants in the United States were the least likely to participate in political activism, the threat of H.R. 4337 sparked a far-reaching, community-based movement against harmful policy. The array of political actors engaged in this movement was incredibly diverse, with the coalition of the march composed of three organizations: the Concilio Mexicano de la Florida (the Concilio), a group representing over 300 mostly Mexican small businesses; the Coalición de Ligas Hispanas del estado de la Florida, a regional coalition of Latino immigrant soccer leagues with over 10,000 players; and a collective of a handful of independent immigrant activists who called themselves Inmigrantes Latinos Unidos de la Florida

(ILUF).<sup>187</sup> The solidarity exhibited among this array of actors was accomplished by a subordinate group that managed to construct its own spaces of empowerment that remained free from intervention from above, achieved only by the community roots and the political autonomy of the activists involved - undeniably developing “oppositional consciousness and actions” against the subordination of the state. Zepeda Millán illustrates the agency employed by these communities that allowed the mobilization of such a movement, noting organizers who drove hours from their homes to speak to crowds regarding the impact of H.R. 4437; radio DJs who used their publicity to advertise the march; domestic workers who distributed flyers; laborers who organized through their network of colleagues; and owners of food trucks who distributed free meals and water at coalition meetings.<sup>188</sup> It was individual action as well as the work of the coalitions that contributed to the success of the demonstration. One participant was quoted to say that this action “gave people the confidence to participate ... because they knew we were all going to be there ... and that immigration, the police, or whoever [wouldn’t be able to] take everyone away.”

The activism surrounding H.R. 4437 may not be a well-known instance in the scope of migration discourse, yet I believe it conveys spectacular resistance in the face of subordination. The protest of H.R. 4337 demonstrates the awe-inspiring capacity of marginalized groups, who relied on the resources of only their own communities to develop spaces of empowerment and demonstrate their discontent. The case in Fort Meyers exhibits both the heterogeneity of a largely homogenized group wielding their individuality as soccer players, business owners, domestic and manual workers, and organizers to achieve a collective identity that made their political

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<sup>187</sup> Chris Zepeda Millán, “Weapons of the (Not So) Weak: Immigrant Mass Mobilization in the U.S. South,” *Critical Sociology* 42, no. 2 (2016) 276.

<sup>188</sup> *Ibid.*, 278.

demonstration possible. What this single case captures is the spirit of communities who have been the target of sovereign violence; the intrinsic flaw in the national process of sovereign reproduction. The dynamic, cyclical process of sovereign legitimation relies on the constant reconstruction of an identity against an external body; a body which in turn must be brutalized and subordinated in order to fortify the nation-state. However, the nation-state has never, and will never, achieve full control over the migrant narrative. The weapon of sovereign violence will never achieve stasis of national sovereignty, for as it is employed over and over again, it provides something against which the subordinated may forge their own collective identity. As I have stated, the migrant is a destabilizing figure only in that the nation-state requires it to be. This is the primordial flaw of the nation-state: as the nation-state requires instability, it depends on brutality to contain it - and it is this brutality which produces the formation of identity among the marginalized. Ultimately, the necropolitical foundation upon which the nation-state stands is its fundamental weakness, as the targets of sovereign violence will never remain fully suppressed but, in time, become empowered through their own subordination.

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