

## Dossier: Economies and Times of Deportation

# The deportation power

Nicholas De Genova

When we contemplate deportation,\* it is revealing, in the spirit of Michel Foucault, to excavate a genealogy of the actual practices. ‘We have to analyse [power]’, as Foucault remarks concisely, ‘by beginning with the techniques and tactics of domination.’<sup>1</sup> Elsewhere, Foucault credits Marx with having provided him with ‘the fundamental elements of an analysis’ concerned with ‘not just the representation of power, but of the real functioning of power ... power in its positive mechanisms.’<sup>2</sup> Deportation must be approached precisely as a technique or tactic of domination, a ‘positive mechanism’ of ‘the real functioning of power.’ So how, we may ask, has deportation emerged as an actual ‘mechanism’ of power, and what is its genealogy?

Various forms of expulsion long predated deportation as we know it today, as William Walters has so insightfully demonstrated,<sup>3</sup> and the targets of such tactics were often citizens. As a specific, juridically inscribed, and ordinarily individualised mode of immigration enforcement, deportation really only comes about in the latter part of the nineteenth century. Prior to that, migration had been largely unregulated and state borders were relatively open for the transnational mobility of labour. In the United States, for instance, provisions for the deportation of ‘undesirable’ migrants were only enacted as a means of enforcing the explicitly racist Page Act of 1875, specifically targeting Chinese migrants, whereupon the denial of admission at a US port of entry would trigger a

deportation. Then, with the subsequent Chinese Exclusion Act of 1882, the purview of deportation was broadened to become a penalty for lacking a certificate of legal residence, and thus a form of interior immigration enforcement rather than just a pragmatic remedy to the inadmissibility of a migrant interdicted at a border.<sup>4</sup> Immigration law itself was virtually non-existent until this era, which introduced a panoply of racial, religious, moral, criminological, public health and political exclusions, prominently distinguished by the sorts of overtly racist laws, enacted across the Americas and beyond, which specifically sought to bar the migration of Chinese labour. In this regard, it is instructive that deportation was first enacted not against *all* non-citizens and therefore not primarily as a way to enact a partition between citizenship and non-citizenship, but rather as a technique for the exclusion of a particular, expressly racialised, and racially denigrated category of transnational human mobility. In a sense, the primacy of this racial obsession preceded and importantly prefigured what were still relatively inchoate notions of national identity and even citizenship. The service that deportation thereby did for hardening and clarifying the boundaries of nation-state space and citizenship is evident, but perhaps becomes much more stark only in retrospect. Maybe the ‘deportation creep’ that eventually comes to contaminate the presumptive security of citizenship can thus be seen to have started even sooner, beginning with a rather specific and circumscribed

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target among the full spectrum of non-citizen ‘foreigners’ and advancing inexorably to encompass them all – to the point that now, on an effectively global scale, there is virtually no non-citizen (including the ostensibly ‘legal’ ‘permanent resident’) who is not potentially deportable, given the right combination of circumstances and triggering contingencies.<sup>5</sup> Daniel Kanstroom demonstrates how the mounting use of deportation law as a form of ‘extended border control’ also came to serve the ends of ‘post-entry social control.’<sup>6</sup> Little surprise, then, that deportation increasingly sweeps up into its purview putatively ‘suspect’ categories of citizens, again prominently featuring those who are racially affiliated with ‘foreignness’.<sup>7</sup>

If today we have come customarily to understand the susceptibility to deportation as a principal and defining distinction that separates citizenship and non-citizenship,<sup>8</sup> we need to remain vigilant against ever imagining that citizenship can be assumed to be somehow equated with any presumable ‘safety’ from various forms of coercive expulsion. After all, the other conventional association with the term ‘deportation’ – especially in many European contexts – is Nazism’s herding of Jews and other ‘enemies’ into prison labour camps, which of course were eventually converted into death camps. So, it seems perilous to become complacent about the idea that deportation could ever be exclusively reserved only for non-citizens. If nothing else, the meticulously legalistic proclivities of the Nazis demonstrate precisely that citizens can always be stripped of their legal personhood and subjected to any and every atrocity otherwise more routinely reserved for non-citizens. Indeed, over recent years, and still today, we have witnessed reactionary statist campaigns against the spectral threat of ‘migration’ even in contexts where those who are made to stand in as the ‘foreign’ object of nativist contempt and suspicion are not in fact migrants or refugees at all. In particular, there have been an escalation of nativist convulsions against ‘illegal immigrants’ targeting native-born (racialised ‘minority’) fellow citizens. In the eastern borderlands of the Democratic Republic of the Congo, native-born Congolese citizens who are the descendants of Hutu and Tutsi people resident for generations on the Congolese side of the border have been derisively labeled

‘Rwandans’ and targeted for expulsion.<sup>9</sup> Similarly, in the Dominican Republic, the native-born descendants of migrant workers who were recruited generations earlier from neighbouring Haiti have been recast as ‘Haitians’, legally stripped of their birthright citizenship, and rendered stateless, denigrated as ‘illegal immigrants’ in the only land where they have ever lived.<sup>10</sup> Meanwhile, in Myanmar (Burma), Rohingya Muslim native-born citizens have similarly been legally stripped of their citizenship, castigated as ‘illegal immigrants’ from Bangladesh, and subjected to vicious pogroms, confined in virtual concentration camps, massacred and driven across the border in the hundreds of thousands.<sup>11</sup> Indeed, these examples are but a few of the more extraordinary among a proliferation on a global scale of new formations of nativism directed not merely at migrant ‘foreigners’ but towards minoritised fellow citizens who may be repurposed as virtual or de facto ‘foreigners’ – indeed, often as outright ‘enemies’ – *within* the space of the nation-state.

None of this is to deny or dispute the basic truth that deportation today pervasively serves as a defining feature of the sociopolitical difference between citizenship and non-citizenship, which is to say, in other words, the functionality of deportation in our contemporary sociopolitical scene for enacting in a very blunt and deeply consequential way the divide between the ‘inside’ and ‘outside’ of the space of the state. But, as I have often argued,<sup>12</sup> while deportation is obviously devastating for many people who are actually deported as well as for their loved ones and so many others directly connected to them, the most productive power of deportation operates for the great majority of people who are susceptible to deportation but who do *not* get deported. This is how deportation contributes to the precaritisation of migrants. Importantly, this means that deportation, perhaps more than anything else, does a crucial work of subordination on the ‘inside’ of the space of the state. And then, on the ‘other’ side of the border, ‘outside’ the space of the deporting state – as Nathalie Peutz, Clara Lecadet, Tanya Golash-Boza, Shahram Khosravi and other contributors to the growing ethnographic literature on the aftermaths of deportation have shown<sup>13</sup> – there is life after deportation

even if the departing state imagines deportation to be a kind of closure, a seemingly conclusive act of dumping ‘undesirable’ migrants onto the ordinarily poor countries to which they are juridically affiliated by their (sometimes only apparent) citizenship. Furthermore, life after deportation frequently involves the re-mobilisation of the deported migrants, the re-initiation of their migratory projects, often against all odds and under circumstances that may look more than ever like the flight of refugees from conditions in which life is truly inviable. But this reminds us that even under the worst of circumstances, and within the very asphyxiating constraints of various regimes for governing human mobility, there are persistent manifestations of autonomy, which I have called the ‘autonomy of deportation’.<sup>14</sup>

The moral economies of ‘deservingness’ that are often invoked to defend some migrants against deportation frequently become complicit with uphold-

ing the supposed appropriateness of deportation for others. Meanwhile, the internationalisation of an effectively global regime of deportation depends ever more comprehensively on the infrastructures that undergird and facilitate it. What partly fascinates me is how these two concerns may be linked – how the infrastructures and apparatuses and other technologies of power that allow for people to be disposed of (the *dispositifs*, if you will) are inseparable from the discourses and logics and rationalities that render something as appalling and violent as deportation into something so apparently mundane, so seemingly ‘normal’. This has much to do with the ways that bureaucracy is implicated with the proverbial ‘banality of evil’, as Arendt called it, but, more specifically, it is centrally concerned with the configuration of migration as a purely and merely ‘administrative’ affair, generally constructed so as to be ‘outside’ of the purview of politics proper.<sup>15</sup> This is why every question



Image: Shahram Khosravi, *Elliniko* (2017)

of migration and borders has to be rescued from the normalisations of technocratic discourses and rationalities, and rendered apprehensible as a question of struggle.

The observation that there are always those who demand more deportation rather than less is crucial. It recalls to mind that the larger economy of deportation – by which I mean its economy of power, and specifically the uneven distribution of deportation – tends to operate in a context where there are always many more illegalised and deportable migrants than the number who are actually deported. And those who are hostile to migrants know this perfectly well, because the social fact of ‘illegal’ migration is a more or less public secret. It is also in this respect that the highly visible spectacles of migrant illegality not only stage border enforcement as a grand act of ostensible exclusion but also tend simultaneously to expose such border policing efforts as always inherently beleaguered and insufficient. In this way, they serve to authorise the incessant demand for *more* control, more enforcement, more border reinforcement, and thus serve nonetheless as reminders of the permanent presence of still more ‘illegal’ migrants and the incorrigible versatility of ‘irregular’ or ‘unauthorised’ migrations. The border spectacle, which presents itself as a scene of exclusion, in fact also reveals its own obscene underbelly of subordinate inclusion.<sup>16</sup>

Here, we must recognise the remarkable systematicity with which deportation ever increasingly supplies capital with the ever-renewable resource of routinely disposable labour, in the exquisite form of illegalised (hence, deportable) migrant labour. As I have long argued, even in the face of escalating deportations (in the United States and across the world), it is usually still the case that only a minority are actually deported while the great majority of those who are susceptible to deportation remain in a protracted condition of vulnerability to this profoundly punitive repercussion of the law. What emerges then, in a still more stark way, is the pivotal role of deportation in producing the conditions of possibility for sustaining the casual and callous disposability not only of migrant labour *per se*, but also the outright and abject *disposability of human life*. Whole categories of people are simply treated as superfluous and,

although their illegalised (hence, ‘cheap’ and tractable) labour is plainly in great demand and truly desirable to many employers, their (racialised) bodies, their persons, their lives and the wider communities in which they participate are branded as ‘undesirable’ and rendered virtual ‘waste’, human ‘garbage’ to be simply disposed of. It is in this sense, perhaps, that deportation has assumed a paradigmatic quality in our era of neoliberal global capitalism.<sup>17</sup>

*Nicholas De Genova is Professor and Chair of the Department of Comparative Cultural Studies at the University of Houston. He is co-editor of The Deportation Regime: Sovereignty, Space, and the Freedom of Movement (2010).*

### Notes

1. Michel Foucault, *Society Must be Defended: Lectures at the Collège de France, 1975-1976* (New York: Picador, 2003), 34; cf. Michel Foucault, ‘The Subject and Power’, *Critical Inquiry* 8 (1982), 788.
2. Michel Foucault, ‘The Meshes of Power’, in *Space, Knowledge and Power: Foucault and Geography*, eds. Jeremy W. Crampton and Stuart Elden (Aldershot: Ashgate, 2007), 156.
3. William Walters, ‘Deportation, Expulsion and the International Police of Aliens’, *Citizenship Studies* 6:3 (2002), 265–292; reprinted in *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*, eds. Nicholas De Genova and Nathalie Peutz (Durham, NC: Duke University Press, 2010), 69–100.
4. Angelo N. Ancheta, *Race, Rights, and the Asian American Experience* (New Brunswick, NJ: Rutgers University Press, 1998); Robert S. Chang, *Disoriented: Asian Americans, Law, and the Nation-State* (New York: New York University Press, 1999); Bill Ong Hing, *Making and Remaking Asian America Through Immigration Policy, 1850-1990* (Stanford, CA: Stanford University Press, 1993); Hyung-chan Kim, *A Legal History of Asian Americans, 1790-1990* (Westport, CN: Greenwood Press, 1994); Adam M. McKeown, *Melancholy Order: Asian Migration and the Globalisation of Borders* (New York: Columbia University Press, 2008); Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill, NC: University of North Carolina Press, 1995); Alexander Saxton, *The Indispensable Enemy: Labour and the Anti-Chinese Movement in California* (Berkeley, CA: University of California Press, 1971); cf. Kitty Calavita, *U.S. Immigration Law and the Control of Labour, 1820-1924* (New York: Harcourt Brace Jovanovich, 1984); Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge, MA: Harvard University Press, 2007).
5. See, for example, Julie A. Dowling and Jonathan Xavier Inda, eds., *Governing Immigration Through Crime: A Reader*

- (Stanford, CA: Stanford University Press, 2013); Melanie B. Griffiths, 'The Convergence of the Criminal and the Foreigner in the Production of Citizenship', in *Citizenship and its Others*, eds. Bridget Anderson and Vanessa Hughes (Basingstoke: Palgrave Macmillan, 2015), 72–88; Ines Hasselberg, *Enduring Uncertainty: Deportation, Punishment and Everyday Life* (Oxford: Berghahn Books, 2016); Daniel Kanstroom, *Aftermath: Deportation Law and the New American Diaspora* (New York and Oxford: Oxford University Press, 2012); Nathalie M. Peutz, 'Embarking on an Anthropology of Removal', *Current Anthropology* 47:2 (April 2006), 217–241; Juliet P. Stumpf, 'The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power', *American University Law Review* 56 (December 2006), 367–419.
6. Kanstroom, *Deportation Nation*, 92.
  7. Jacqueline Stevens, 'U.S. Government Unlawfully Detaining and Deporting U.S. Citizens as Aliens', *Virginia Journal of Social Policy & the Law* 18:3 (2011); cf. Kanstroom, *Aftermath*.
  8. Bridget Anderson, Matthew Gibney and Emanuela Paoletti, eds., *The Social, Political and Historical Contours of Deportation* (New York and London: Springer, 2013).
  9. Stephen Jackson, 'Sons of Which Soil? The Language and Politics of Autochthony in Eastern D.R. Congo', *African Studies Review* 49:2 (September 2006), 95–123; Stephen Jackson, 'Congolité: Elections and the Politics of Autochthony in the Democratic Republic of the Congo', in *Rhetorics of Insecurity: Belonging and Violence in the Neoliberal Era*, eds. Zeynep Gambetti and Marcial Godoy-Anativia (New York: Social Science Research Council and New York University Press, 2013), 63–92; Lars-Christopher Huening, 'Making Use of the Past: The Rwandophone Question and the 'Balkanisation of the Congo'', *Review of African Political Economy* 40:135 (2013), 13–31.
  10. Eve Hayes de Kalaf, 'Dominican Republic Has Taken Citizenship from up to 200,000 and Is Getting Away with It', *The Conversation*, 19 June 2015, <https://theconversation.com/dominican-republic-has-taken-citizenship-from-up-to-200-000-and-is-getting-away-with-it-43161>; Eve Hayes de Kalaf, 'How a Group of Dominicans Were Stripped of Their Nationality and Now Face Expulsion to Haiti', *The Conversation*, 8 April 2015, <https://theconversation.com/how-a-group-of-dominicans-were-stripped-of-their-nationality-and-now-face-expulsion-to-haiti-39658>; cf. Stacie Kosinski, 'State of Uncertainty: Citizenship, Statelessness and Discrimination in the Dominican Republic', *Boston College International and Comparative Law Review* 32:2, (2009) 377–398; Edward Paulino, 'Anti-Haitianism, Historical Memory, and the Potential for Genocidal Violence in the Dominican Republic', *Genocide Studies and Prevention* 1:3 (2006), 265–288.
  11. Chris Lewa, 'North Arakan: An Open Prison for the Rohingya in Burma', *Forced Migration Review* 32 (2009), 11–13; Cresa L. Pugh, 'Is Citizenship the Answer? Constructions of Belonging and Exclusion for the Stateless Rohingya of Burma', Working Paper #76 (October 2013), International Migration Institute (IMI), Department of International Development, University of Oxford. Also Working Paper #107 (October 2013), Centre on Migration, Policy and Society (COMPAS), University of Oxford, accessed 20 October 2018, [https://www.compas.ox.ac.uk/media/WP-2013-107-Pugh\\_Stateless\\_Rohingya\\_Burma.pdf](https://www.compas.ox.ac.uk/media/WP-2013-107-Pugh_Stateless_Rohingya_Burma.pdf)
  12. Nicholas De Genova, 'Migrant "Illegality" and Deportability in Everyday Life', *Annual Review of Anthropology* 31 (2002), 419–477; Nicholas De Genova, *Working the Boundaries: Race, Space, and 'Illegality' in Mexican Chicago* (Durham, NC: Duke University Press, 2005); Nicholas De Genova, 'The Deportation Regime: Sovereignty, Space, and the Freedom of Movement: Theoretical Overview', in *The Deportation Regime*, eds. De Genova and Peutz, 33–65.
  13. Nathalie Peutz, 'Embarking on an Anthropology of Removal', *Current Anthropology* 47:2, (2006), 217–41; revised version reprinted as 'Criminal Alien' Deportees in Somaliland: An Ethnography of Removal', in *The Deportation Regime*, eds. De Genova and Peutz, 371–411; Clara Lecadet, 'From Migrant Destitution to Self-Organisation into Transitory National Communities: The Revival of Citizenship in Post-Deportation Experience in Mali', in *The Social, Political and Historical Contours of Deportation*, eds. Bridget Anderson, Matthew Gibney and Emanuela Paoletti (New York and London: Springer, 2013), 143–58; Clara Lecadet, 'Europe Confronted by its Expelled Migrants: The Politics of Expelled Migrants' Associations in Africa', in *The Borders of 'Europe': Autonomy of Migration, Tactics of Bordering*, ed. Nicholas De Genova (Durham, NC: Duke University Press, 2017), 141–64; Tanya Golash-Boza, *Deported: Immigrant Policing, Disposable Labour, and Global Capitalism* (New York: New York University Press, 2015); Shahram Khosravi, 'Deportation as a Way of Life for Young Afghan Men', in *Detaining the Immigrant Other: Global and Transnational Issues*, eds. Rich Furman, Douglas Epps and Greg Lamphear (Oxford: Oxford University Press, 2016), 169–81; Shahram Khosravi, ed., *After Deportation: Ethnographic Perspectives* (Basingstoke: Palgrave Macmillan, 2017)
  14. Nicholas De Genova, 'The Autonomy of Deportation', *lo Squaderno* 44 (2017), accessed 20 October 2018, <http://www.losquaderno.professionaldreamers.net/wp-content/uploads/2017/05/losquaderno44.pdf>; Nicholas De Genova, 'Deportation: The Last Word?', in *After Deportation*, ed. Khosravi, 253–66; cf. Nicholas De Genova, Glenda Garelli and Martina Tazzioli, 'Autonomy of Asylum? The Autonomy of Migration Undoing the Refugee Crisis Script', *South Atlantic Quarterly* 117:2 (2018), 239–65.
  15. Nicholas De Genova, 'Deportation', in *Migration: A COMPAS Anthology*, eds. Bridget Anderson and Michael Keith (Oxford: Oxford University Press, 2014), accessed 20 October 2018, <http://compasanthology.co.ukhttp://compasanthology.co.uk/deportation-2/>
  16. Nicholas De Genova, 'Spectacles of Migrant "Illegality": The Scene of Exclusion, the Obscene of Inclusion', *Ethnic and Racial Studies* 36:7 (2013), 1180–98.
  17. Nicholas De Genova, 'The Deportation Regime'; Nathalie Peutz and Nicholas De Genova, 'Introduction', in *The Deportation Regime*, 1–29.