

Bare life: border-crossing deaths and spaces of moral alibi

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Abstract. This paper examines the US border control strategy of ‘prevention through deterrence’ as an instance of biopolitics that has resulted in an alarming increase in migrant deaths over the past sixteen years. I argue that this policy renders unauthorized migrants as ‘bare life’, individuals whose deaths are deemed of little consequence. Geographic space has been an essential aspect of this policy, both for its presumed (though not realized) deterrent power and in the fact that it provides a moral alibi that enables policy makers to deny responsibility for the deaths. This study contributes to recent conversations on biopower and bare life by (1) highlighting the fact that biopower as it pertains to the constitution of ‘the population’ is far from being solely a local or national phenomenon, but rather is inherently connected to drawing distinctions between the national and the international and by (2) arguing for the significance of race in this process.

Introduction

Deep tensions strain at the edges of the nation-state and the contemporary mobilities that continually contradict presumptions of stability and stasis which underpin conventional notions of a world of sovereign entities which are willing and able to control movements across and within their territories. Foremost amongst the many tensions is the one created by the relative ease with which human beings traverse the numerous spaces demarcated as sovereign, most notably those whose movements are deemed ‘unauthorized’, ‘undocumented’, ‘irregular’, and ‘illegal’.⁽¹⁾ States throughout the world have responded to this form of human mobility with restrictions meant to make unauthorized border crossings difficult and dangerous and thus to discourage them. Nowhere is this more powerfully exemplified as in the US border control strategy of ‘prevention through deterrence’, which was put into practice in the 1990s and which remains the cornerstone of US border enforcement policy. The result in too many cases has not been deterrence but tragedy and a skyrocketing death rate of migrants crossing the US–Mexico border in increasingly dangerous and remote areas. Over the past decade or so writers, both academic and nonacademic, have created a large body of literature on this topic.⁽²⁾

The borderlands of the world are particularly appropriate sites for examining contemporary instances of state(s) of exception and the creation of ‘bare life’.⁽³⁾ Geographical border areas are the prototypical margins of ‘the state’, ie spaces where law and order are simultaneously rigorously enforced and elided and where tensions are often the most obvious and the most extreme. An essential task of statecraft is thus to manage the tensions that are inherent at the borders. Such management takes place against particular historical, social, and political backgrounds. In terms of unauthorized migration, this background includes issues of race and class as illustrated by the

⁽¹⁾ By saying that human beings move with relative ease I do not mean to discount or trivialize the extreme hardships that many encounter. That is, indeed, the substantive focus of this paper.

⁽²⁾ For example, see Annerino (1999); Bacon (2008); Jimenez (2009); Nevins (2010).

⁽³⁾ See Jones (2009).

fact that poor, relatively unskilled, but often highly sought after, Third World migrants have at various times been both wanted and unwanted—wanted for their labor but unwanted as human beings. In a word, they are perfect candidates for being reduced to bare life. In this paper I examine the issue of migrant border-crossing deaths around the US–Mexico border and the policies that have led to the drastic increases in these fatalities. Scholars across a number of disciplines have, in recent years, turned their attention to the concepts of biopower and bare life offering insights into how power is exercised and statecraft practised. This paper contributes to this conversation in three ways. (1) I highlight the fact that biopower is exercised differentially across different populations. It is thus important to raise the question of who is the subject population of biopolitics/biopower. The subject population here consists of human beings who cross the US–Mexico border without documentation. This implicitly calls attention to the relevance of Foucault’s writings on biopolitics for the international realm. While Foucault’s focus often seems to be on very local operations of power, these are not unconnected to the international, and indeed, when it comes to border politics, local practices of power are inextricably linked to the international or the external.⁽⁴⁾ I argue that Foucault’s work has much relevance for understanding border politics, whose fundamental purpose is the construction of boundaries demarcating the internal versus the external. Further, I suggest that race is significant to this process and that Foucault’s writings are extremely suggestive and helpful in illuminating important aspects of border politics. (2) I call attention to the significance of geographic space/landscape in the process of obscuring official state responsibility for the moral consequences of the bare life that is made possible by the creation of spaces of exception. I thus draw explicit attention to the ethical/moral implications of biopower. Drawing upon the works of Foucault and Agamben as well as recent discussions of their work, I highlight the significance of geographical space to this particular practice of statecraft in the borderlands circa the US–Mexico divide. I suggest that the spatial landscapes in these areas have been essential to the workings of statecraft during the past twenty years and that these spaces have functioned to provide a *moral alibi* for any responsibility on the part of the United States for the deaths of undocumented migrants. (3) Finally, in the conclusion I briefly raise the question of agency in the context of bare life and the state of exception. Often discussions implicitly seem to presume the absence of agency, thus precluding the possibilities for resistance. To be sure, official government responses to the tension between sovereignty and human mobility have created ‘exceptional’ spaces in which human beings are subject to being reduced to bare life. However, these spaces, while ripe with that potential, do not always result in an actualization of bare life. Possibilities for resistance inhere in exceptional politics.

There are numerous dangerous border areas in the world, such as the Strait of Gibraltar, the minefields between Greece and Turkey, the Indian Ocean, and remote sections of the Greek–Bulgarian border (Weber, 2009; Carling, 2007).⁽⁵⁾ The focus of this study is on one such place, the southwestern deserts that make up the borderland areas separating the United States and Mexico, which contains some of the harshest terrain in the United States as well as some of the most extreme temperatures. In these

⁽⁴⁾ For a recent discussion on Foucault and the international see Jabri (2007).

⁽⁵⁾ The Platform for International Cooperation on Undocumented Migrants (PICUM) publishes a monthly newsletter which contains a section reporting on “death at the border” throughout the world. Most recently twenty-one migrants died when their boat capsized between the Comoros and the French Island of Mayotte in the Indian Ocean on 23 November 2009 [see PICUM (2009)]. The deaths occur so frequently that it is indeed difficult to keep abreast of them. See also *Arizona Daily Star* (2010) and *Associated Press* (2010).

extreme locales we find an intersection of biopower and the creation of a space of exception, which produces bare life that can be taken without apology, classified as neither homicide nor sacrifice. Biopower, so conceived, is not solely a politics of making life live but also a politics of making life die. The case at hand illustrates one way that these phenomena play out on the ground. I do not attempt to make arguments as to the superiority of, for example, Agamben's versus Foucault's conceptualization of biopower. Belcher et al (2008) make the important observation that Agamben's affinity with Foucault is often lost in the various interpretations of these two theorists. For the purposes of this paper, it is not necessary or even desirable to come down on one side or the other, but rather to look for insights that can illuminate the wielding of contemporary forms of power and the consequences that ensue. My goal here is to let the situation and practices contribute to our understandings of how biopower works and how some human beings are turned into bare life. As noted above, it is also important to appreciate that like everything else biopower and the politics of exceptionalism are not monolithic fortresses of power. Rather, they are characterized by tensions and cracks within which human beings practice various forms of resistance.

Biopower and bare life in the US – Mexico borderlands

"Citizens, let us offer the protest of corpses."

Victor Hugo *Les Misérables*, quoted in Derrida (1994, page 96)

On Friday, 6 July 2007, volunteers with two local humanitarian groups in Tucson, Arizona, Humane Borders and Samaritans, went in search of Prudencia Martin Gomez, age 18 from Guatemala. She was headed to Oakland, California, to join her boyfriend/fiancé and had been missing since 11 June in the Ironwood National Forest, a 129 000-acre expanse of land, in the Sonoran Desert 25 miles northwest of Tucson. There are no facilities in the Ironwood National Forest, and visitors are warned of the hazards of the extreme heat. Human beings simply cannot survive in this part of the southwestern deserts for as long as Prudencia had been missing, so there was no pretense that they would find her alive, and they did not. The official location of her body was recorded as GPS: N 32°25.455/W 111°307.80 (*Arizona Daily Star* 2010). Prudencia had fallen ill and had been unable to continue. Her fellow travelers left her with water, but it was not enough. She was only a mile south of a Humane Borders' water station, but a mile can be a very long way in the desert, in the month of June, when one has already walked a long distance. Authorities determined that Prudencia had died on 15 June. The recorded high temperature on that day was 115°F. Prudencia was a contemporary version of what Agamben (1998) refers to as bare life, life that can be taken without apology, classified as neither homicide nor sacrifice. She was US border policy stripped to its essence. And hers, tragically, is not an isolated example. In 2004 Mario Alberto Diaz, 6 feet tall with a black belt in karate and working on a masters degree in biology crossed the border near Sasabe, Arizona. His body was discovered twenty days later in a creek in the foothills of the Sierrita Mountains (Bourdeaux, 2004). In the summer of 2005 the Pima County medical examiner in Tucson, Arizona, had to rent a refrigerated tractor-trailer to store the bodies of migrants due to the record number of deaths that year (*Arizona Republic* 2005). The deadly trend continues. Even as apprehensions have steadily declined, deaths continue to rise (McCombs, 2009).⁽⁶⁾ The migrant death count for fiscal year 2009 is the third highest since 1998. In the fifteen-year period since "prevention through deterrence" was first introduced approximately 5000 migrants have died, though near

⁽⁶⁾ *Associated Press* 2009, "Border deaths up despite apparent dip in crossings", 8 April, reported by No More Deaths e-mail to author, 9 April 2009.

universal agreement exists that estimates of migrant deaths are undercounts and the actual number is likely much higher (Coalicion de Derechos Humanos, 2007).

When they debated, formulated, and put into effect the various border control operations collectively known as prevention through deterrence, policy makers likely had never heard of GPS: N 32°25.455/W 111°307.80 or the Ironwood National Forest or the Sierrita mountains or the many other locations at which migrant bodies have been, and continue to be, found. However, it is arguably inconceivable that they did not know of the harsh conditions to which migrants would be subjected under this border strategy. The Border Patrol's own blueprint for one of the early and well-known manifestations of the new operations, Operation Gatekeeper, noted that it would channel migrants to locations where "the days are blazing hot and nights freezing cold".⁽⁷⁾ In this section I argue that the prevention through deterrence border control strategies exemplify Foucault's theoretical writings on how biopower, sovereign power, and racism can be articulated with one another thus to function in concert. While biopolitics, as formulated by Foucault, is generally understood as being concerned with the governance and regulation of a population in matters such as health and sexuality, it is also consistent with what Agamben refers to as bare life. For Foucault the emergence of the "problem of the population" coincided with the development of an art of government wherein the main concerns of government were on the wealth, longevity, health, and sexuality of the population, giving rise to the notion of biopower as "making life live" (Foucault, 1991). Through regulations in these matters, subjects become entangled in the practices of statecraft. Agamben has critiqued what he calls Foucault's "progressive disqualification of death" (ie the circumscription of the issue of death to discussions of classical sovereign power), offering a conceptualization of biopower which focuses on the ways in which sovereign power produces a radical exposure abandoning subjects, stripping their identities to that of bare life, and thereby creating spaces of exception or a "juridical void" which permits abuses and killings without punishment.⁽⁸⁾ While Agamben's theorizations of biopower and its relation to bare life are invaluable for understanding how modern power works, he arguably draws a bit of a strawman when it comes to Foucault. In *Society Must be Defended*, Foucault poses the following question. How can biopower, whose function is to improve life and prolong its duration, kill? "How can the power of death, the function of death, be exercised in a political system centered upon biopower?" (2003, page 254). His definition of 'killing' is not "simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejections, and so on" (page 256). Clearly Foucault recognizes that biopower does not preclude the taking of life. He responds to his own question by turning to race, suggesting that race performs two functions: (1) it introduces a break in the domain of life under power's control between what must live and what must die thus fragmenting the field of the biological that power controls, and (2) it establishes a relationship between life and death. "If you want to live, you must take lives, you must be able to kill" (2003, pages 254–255).

⁽⁷⁾ The quote is from ACLU Press release, "Petition challenges deadly US Border Enforcement Strategy", 10 February. Quoted in Doty (2001, page 526).

⁽⁸⁾ Agamben critiques Foucault for not giving sufficient attention to bare life, ie to circumscribing the problem of death to the realm of sovereign power and ignoring or understudying/underelaborating on how death may figure in biopolitics. For an excellent discussion of the concept of biopolitics, and specifically comparisons and contrasts between Foucault and Agamben, see Coleman and Grove (2009). Also see Coleman (2007).

Before considering how this phenomenon has played out in US border control strategies I want to highlight two interrelated issues that are addressed somewhat peripherally or implicitly by Foucault but that are key when it comes to examining border politics and policies. First is the issue of citizenship. Foucault's writings refer to the population, but clearly the population is not a monolithic, all encompassing entity. Foucault's writings on biopolitics can and have been interpreted to mean the local or national population thus lending credence to the criticism of his neglect of the international. However, as noted earlier, when his ideas are put to work in the arena of border policies, the international looms large, and it becomes clear that the definition of who is part of the 'the population' and who is not is to a great extent what is at stake. So the issue of citizenship and the citizen is vitally important.⁽⁹⁾ For the citizen to live, the undocumented must be permitted to die. Those lacking citizenship are potentially bare life.⁽¹⁰⁾ The second issue that warrants consideration is how Foucault understands race. Foucault asks, "What in fact is racism?" and refers to the appearance of distinctions, a hierarchy amongst races, and racism's inscription within the state (Foucault, 2003, page 254). However, he is vague on precisely what race *is*. I am not suggesting that this imprecision needs to be corrected or that it is a lacuna in Foucault's writings. I call attention to this so as to maintain a space for an understanding of race that can incorporate 'differentialist' or 'neoracism', which is highly significant in understanding how race enters into contemporary border politics. Nation, citizen, and race have been historically intertwined in complex ways that are virtually impossible to unravel. This is clearly illustrated in contemporary immigration policies in the United States and throughout the world.

The origins of the 'prevention through deterrence' strategy nicely illustrate connections between the local, national, and global/international and highlight how policies designed for the management of populations at local levels cannot always be considered solely local or national issues. More than this, though, the very distinctions between local, national, and international can be a key aspect of such policies. Three government efforts of the early 1990s that can arguably be considered examples of biopolitics were key to the beginnings of the US border blockade: (1) Operation Blockade/Hold the Line in El Paso, Texas, in 1993; (2) the passage of Proposition 187 in California in 1994; and (3) Operation Gatekeeper in the San Diego/Tijuana area 1994.⁽¹¹⁾ All of these were, in various ways, focused on issues pertaining to the population and were ostensibly very local in nature. However, they were ultimately intimately connected to the international and to reinforcing the boundaries between the two. The process of enacting such a reinforcement involved attempts to define precisely who constituted the population. Operation Blockade began far from the center of sovereign US power in the relatively isolated area of El Paso, Texas, which is located at the tip of West Texas. Surrounded by desert, this area in 1993 was the second busiest sector for undocumented border crossings. The busiest was the San Diego sector. Silvester Reyes, the Border Patrol chief of the El Paso sector, unilaterally launched Operation Blockade on 19 September 1993, deploying 400 agents and their vehicles along a 20-mile stretch of the border between El Paso and Ciudad Juarez, Mexico. (Nevins, 2010, page 111). Prior to this the border patrol strategy had been to apprehend unauthorized entrants *after* they had crossed the border. This meant that

⁽⁹⁾ Numerous scholars address the issues involved in security, territory, and the population. See Nyers (2010).

⁽¹⁰⁾ This is clearly evident in US border policy. See Darling (2009) for a study of how asylum seekers in Britain have been rendered bare life as a result of their lack of citizenship.

⁽¹¹⁾ Much of the background information on these three policies comes from the classic and recently updated study of Operation Gatekeeper in Nevins (2010) and from Dunn's (2009) excellent study of Operation Blockade.

hundreds of thousands who were suspected of being undocumented migrants were stopped every year. Most of those stopped were El Paso residents of Hispanic appearance. Not surprisingly, this led to charges of racial profiling (Dunn, 2009, page 12). With Operation Blockade, apprehensions dropped 80–90%. The strategy received much favorable national publicity and was quickly replicated in October 1994 with Operation Gatekeeper in San Diego, California (Nevins, 2010, page 111). The local situation in California was also a significant factor leading up to Operation Gatekeeper, specifically the debates over and eventual passage of Proposition 187, also known as the Save Our State ballot initiative. Proposition 187 was an antiimmigrant measure that proposed to deny public education from elementary to postsecondary levels, social services, and public health care (excluding emergencies) to unauthorized immigrants. It was passed by 59% of California's electorate. The proposition resulted from the efforts of local immigration control groups in California as well as the national antiimmigrant organization, Federation for Immigration Reform (FAIR)⁽¹²⁾ National level politics were also key factors leading to the border build up of the early 1990s. The antiimmigrant backlash loomed as a potential threat to then President Bill Clinton's reelection. Gatekeeper was followed by Operation Safeguard in central Arizona in 1995, which "redirected illegal border crossings away from urban areas near the Nogales port-of-entry to comparatively open areas" (National Border Patrol, 2000). Operation Rio Grande was launched in south Texas in 1997, which encompasses McAllen, Brownsville, and Laredo (National Border Patrol, 2000).

Border Patrol agents are not the only aspect of US border control strategy. The strategy also includes technology and infrastructure.⁽¹³⁾ Prevention through deterrence has thus expanded to include virtual fencing, a planned 670-mile long physical border fence/wall, and various high-tech surveillance devices on or near the border. More recently called 'Secure Border Initiative', the latest strategy continues and expands prevention through deterrence, focusing on even more border patrol agents; upgrading technology, including increased manned aerial assets; expanded use of UAV's (unmanned aerial vehicles); and increased investment in infrastructure with additional "physical layers" of security and more access roads for the border patrol to facilitate quicker responses.⁽¹⁴⁾ As Foucault notes, apparatuses of security associated with biopower have a tendency to expand. Such apparatuses are centrifugal allowing for the development of ever-wider circuits (2009, page 45) This has certainly been the case with 'prevention through deterrence'.⁽¹⁵⁾ The US Border Patrol is now the US federal government's largest law enforcement agency. This expansion consists not only of broadening the range of strategies for controlling the border on the part of the US government but also the expansion of surveillance and monitoring of the border into the ostensibly 'private' realm. A major aspect of the Secure Border Initiative is SBInet, which consists of a network of surveillance towers with radar and cameras. In September 2006 the Boeing Corporation won the \$70 million DHS contract to develop and build the towers and monitor its subcontractors. Putting these into practice involves Boeing personnel in the actual monitoring of the border

⁽¹²⁾ On FAIR, see Doty (2009). Proposition 187 was later declared unconstitutional.

⁽¹³⁾ Presentation by Jeanne Ray-Condon, Division Chief, TCA, Tucson Sector Headquarters, Tucson, AZ, 8 January 2010

⁽¹⁴⁾ Secure Border Initiative was unveiled by then Secretary of Homeland Security, Michael Chertoff, on 2 November 2005. See "ICE plays key role in Secure Border Initiative", Inside ICE: Volume 2, Issue 3, 14 November 2005. Also see "Fact sheet: Secure Border Initiative", Department of Homeland Security, 23 February 2006.

⁽¹⁵⁾ The latest border strategies also include interior enforcement which consists of increased detention, workplace enforcement, as well as state and local partnerships.

(Logan, 2007).⁽¹⁶⁾ As the various surveillance mechanisms, from agents to high-tech equipment, were put into place, they have collectively contributed to the increase in migrant deaths. Robin Hoover of Humane Borders has measured the locations where migrant bodies have been found, and they are further and further away from populated areas. “The migrants are walking in more treacherous terrain for longer periods of time, and you should expect more deaths”, he says.⁽¹⁷⁾

The significance of prevention through deterrence in terms of the techniques of biopower can be found in the fact that it has not, nor arguably was it ever intended, to *completely* eliminate unauthorized immigration (Nevins, 2010, page 114). Like the border policies prior to it, prevention through deterrence was in part a ‘border game’, rife with symbolic power which functioned to reaffirm the significance of the boundary between Mexico and the United States and at the same time asserted/reasserted the sovereignty of the latter.⁽¹⁸⁾ However, it inaugurated a new intensity in that US border policies became much more than a symbolic game in the sense that crossing the border without authorization now became an extremely dangerous proposition in which death lurked in every new migrant crossing route, through formidable mountain ranges and along desolate, heat-scorched desert lands. In terms of the operation(s) of power, the significance of this new border strategy lies in a subtle shift from the dominance of sovereign, juridical power to biopower. I say ‘subtle’ because I do not mean to suggest that juridical power and biopower are opposed to one another. Clearly, they work together in this case, and it is a matter of emphasis that I am suggesting here. Juridical power intensified the US border enforcement regime. However, biopower is clearly evident as the newly intensified enforcement regime produced a radical exposure for migrants which stripped them of their humanity and permitted their killing without punishment.

In an effort to reduce the probability of some migrants successfully crossing the border and thereby deter others from attempting to cross, prevention through deterrence depended on some human beings being constituted as bare life. The key division involves the creation of bare life, ie the differentiation between those who can be sacrificed for the well-being (or perceived well-being) of others and those whose well-being is ostensibly promoted. Those whose well-being is promoted are the ones who claim that migrants are swamping their country and who clamor for ‘control of our borders’, as well as those who benefit directly and indirectly from the labor of the migrants who successfully cross. Juridical power obviously does not recede completely, but rather works in tandem with biopower. Foucault’s distinction between the population and the multiplicity of individuals is relevant here. The multiplicity of individuals will “only be pertinent to the extent that, properly managed, maintained, and encouraged, it will make possible what one wants to obtain at the level that is pertinent” (Foucault, 2009, page 44). Prevention through deterrence seeks to do just this with the multiplicity of individuals who attempt to cross the US–Mexico border without authorization. ‘Management’ is simply not the concentrated, focused kind of management found with disciplinary power, but is more consistent with Foucault’s notion that

⁽¹⁶⁾ The author also witnessed Boeing personnel in the Border Patrol control room at the headquarters of the Tucson sector of the US Border Patrol, January 2010.

⁽¹⁷⁾ “Border deaths up despite apparent dip in crossings” *Associated Press* 18/09, e-mail from No More Deaths to author.

⁽¹⁸⁾ Andreas’s argument on border policies as symbolic games is key here. See Andreas (2000).

⁽¹⁹⁾ A milieu is understood here as “a set of natural givens—rivers, marshes, hills—and a set of artificial givens”, which appear as a field of intervention; see Foucault (2009, page 21). In this study the southwestern deserts make up the relevant milieu.

the apparatus of security ‘lets things happen’, albeit after certain policies/strategies are in place (page 45). After the apparatuses of security fabricate and organize a *milieu*—ie, after physical barriers, increased numbers of border patrol agents, and high-tech surveillance are put in place—agents of security can just let things take their ‘natural course’.⁽¹⁹⁾ Biopolitics works on probabilities, of minimizing what is inconvenient or risky as opposed to absolute suppression. “Instead of a binary division between the permitted and the prohibited, one established an average considered as optimal on the one hand, and, on the other, a bandwidth of the acceptable that must not be exceeded” (Foucault, 2009, pages 6 and 19). This ‘bandwidth of acceptability’ does not consist solely of statistics but includes the totality of border control efforts necessary to give the appearance of a border securely under control. We see both sovereign power and biopower at work with the latter creating a distinction between those who can be sacrificed and those for whom such sacrifice is regarded as necessary. Clearly, the US economy has always needed immigrant labor and, notwithstanding various periods of economic downturn, will continue to do so. As Cornelius (2005, page 792) notes, this tends to lock “in the current policy mix, under which unauthorized immigrants bear most of the costs and risks of ‘control’ while benefits flow impressively to employers and consumers.” In fact, many unauthorized immigrants bear the ultimate cost in terms of their being sacrificed without consequence. Prevention through deterrence functions simultaneously as evidence that the United States is serious about controlling its borders and as assurance that some will survive and make it to the agricultural fields, the meat-packing factories, and the restaurants of El Norte.

How does race figure into all of this? Foucault (2003, page 294) points to racism in response to his own question, “How can the function of death be exercised in a political system centered upon biopower?” For Foucault, racism makes it possible to “establish a relationship between my life and the death of the other that is not a military or warlike relationship of confrontation, but a biological-type relationship” (page 259). The death of the other does not guarantee increased physical safety, but rather is something that “will make life in general healthier: healthier and purer” (page 255). Foucault’s use of the phrase “biological-type relationship” makes possible the interpretation that his conceptualization of race is a biological one. However, it seems questionable to me that, given the overall complexity of Foucault’s thinking, he would be using “biological” in a simplistic way that refers to some objective, neutral classification of humanity in terms of physical markers of difference. His ideas on racism are pertinent to the multiple ways in which identities have been racialized. Race, in its various guises from simplistic biological notions to more nuanced notions, has been significant for immigration policies both past and present. Race, culture, and illegality have become thoroughly intermeshed in contemporary antiimmigrant arguments. Indeed, the very designation of the adjective ‘immigrant’ is often reserved for poor workers from ‘Third World’ countries (Calavita, 2003). In the United States we have witnessed, in recent years, a widespread demonization of undocumented migrants in both official circles and more broadly throughout civil society (Chavez, 2008; Doty, 2009). In its numerous guises race has figured prominently in this process. As Hing (2009) points out such demonization can lead to dehumanization where the migrant is not even treated as human.⁽²⁰⁾

⁽²⁰⁾ Nelkin (1998) notes that antiimmigrant rhetoric has often revived biological notions of race and linked them with culture.

⁽²¹⁾ Hing notes a troubling analogy between unauthorized migrants and hazardous waste dumps made by US Supreme Court Justice O’Connor (2009, see page 41, note 134).

Race, as it pertains to immigration policies, is relevant to the criticisms and questions that have been raised about Foucault's neglect of the international realm and specifically his lack of attention to the operations of power beyond the local and national realms of the West. Jabri (2007) points to the contemporary relevance of race, arguing that it is just as much a part of the "late modern intervention into the societies of others" as it was in the colonial past (Hing, 2009, page 23). When it comes to contemporary US border enforcement strategies, biopolitics is implicated in the very construction of the boundaries that create a national realm as distinct from an international realm, and race is clearly implicated in this. The racialized underpinnings of various contemporary local legislations such as Proposition 187 discussed above as well as the long history of overt and structural racism in US immigration policies culminate in the undocumented migrant as bare life, a subject whose very existence is synonymous with illegality and is therefore deemed a threat to US sovereignty and governance. The unauthorized migrant becomes socially undesirable, and ultimately one who can be killed without consequence. De Genova (2002) observes that "the category 'illegal alien' is saturated with racialized difference and indeed has long served as a constitutive dimension of the racialized inscription of 'Mexicans' in the United States". This is consistent with Balibar's (2005) exploration of the phenomena of racism and his argument(s) that the categories of difference, otherness, and exclusion are crucial to an examination of racism, especially in its multiple forms, notably pertaining to what has been labeled differentialist or neoracism. Balibar (2005, page 20) notes that "globalization as such has, at least in principle, no exterior" and that such exterior as it exists to any degree "is only reinforced by the working of political boundaries as mainly instruments of security and control of the flows of populations with absolutely unequal status and rights". The unequal status and rights of populations frequently break down along racialized lines.

Space as moral alibi

"Still such deaths continue to loom as a tragic byproduct of border enforcement."

Meissner and Kerwin (2009, page 15)

Geographic space clearly figures prominently in prevention through deterrence as it does in any strategy for controlling the territory of a sovereign nation-state. However, space, including geographic space, is not a fixed, apolitical, or neutral object that is simply there. Rather, landscapes and the geographical spaces in which they are situated are implicated in the use of power and are themselves products of coercion, struggle, and resistance.⁽²¹⁾ That said, I believe that it is important to acknowledge that while space itself and the significance attributed to it may be the result of social and political practices, the raw physicality of some natural environments have an inherent power which can be put to use and can function to mask the workings of social and political power. In the case of US border control strategy, geographic space has made it possible to suggest that the consequences in the form of migrant deaths result from 'natural causes'—eg, extreme heat, dehydration, thirst, or exposure to the elements—thus deflecting official responsibility. Prevention through deterrence created numerous spaces of exceptionalism that relied heavily on such geographic spaces. US border control strategies have turned and continue to turn much of the southwestern border areas into spaces of exception, and those who traverse them potentially into bare life. Many of these areas are commonly referred to as 'killing fields'. The US Customs and Border

⁽²²⁾ Numerous critical geographers have called attention to this. For example, see Mitchell (1996) or Price (2005).

Patrol itself uses the term ‘corridor of death’ to describe parts of the Sonoran Desert that extends from Mexico’s state of Sonora into the US state of Arizona (*Customs and Border Protection Today* 2003). Most of these spaces are located far from the urban areas that in the past had been popular crossing spots—eg, San Diego and El Paso—though many of these spaces are amazingly close to centers of population.⁽²²⁾ For example, Ana Rosa Segura-Marcial, a fifteen-year-old girl, crossed the border near Agua Prieta, Mexico/Douglas, Arizona, on 9 August 2002. Her body was found three days later in an orange grove south of Gilbert, Arizona, on the outskirts of Phoenix, one of the major metropolitan areas in the United States (Stern, 2002). The “Yuma 14” who perished in May of 2001 were at various times during their journey amazingly close to population centers, though they would have had no way of knowing this.⁽²³⁾ Thus, Agamben’s ‘camp’ becomes the vast and varied migrant crossing areas, not limited to any specific demarcated or confined space though ‘grounded’ so to speak in specific geographic terrains.

The natural geography of migrant crossing areas provides a convenient moral alibi in terms of where to locate responsibility for the deaths. State officials can simply let ‘nature take its course’. As Cornelius points out, the logic of US immigration policy was that if the major gateways such as the El Paso and San Diego areas could be controlled, “geography would do the rest” (Doris Meissner, former INS Commissioner, in Cornelius, 2005, page 779). Policy makers would argue that the deaths that have resulted from prevention through deterrence are ‘unintended consequences’ and that the intention was to deter migrants from crossing, not to subject them to the high probability of death. However, an argument can be made that the concept of ‘unintended consequences’ functions much as geography does; ie as a moral alibi to shun official responsibility for migrant deaths. The logic of the policy actually depends on the possibility of deaths and would be meaningless in the absence of this possibility. Johnson (2007, page 112) argues that this border control operation “was deliberately formulated to maximize the physical risks for Mexican migrant workers, thereby ensuring that hundreds of them would die”. Behind the theory lay a technology of the human body and the limits of its physical endurance. While this may have remained unspoken, the horrors of a human body without sufficient water was absolutely essential to the success of prevention through deterrence. Other hazards such as the terrain itself and the difficulty of traversing it, the extreme cold of the desert nights, drowning in the water that rushes through canals, and so on could also act as deterrents, but the summer heat is the big killer. It is physically impossible for most people to carry a sufficient amount of water. Writer John Annerino recorded his own

⁽²³⁾ Distance like many other things can be a complex and relative concept. Migrants have died a few miles from cities and towns. I have personally traveled with humanitarian groups on numerous occasions into remote and desolate locations of potential death that in terms of spatial distance are not too far from cities (eg Tucson and Marana, Arizona). The Ironwood National Forest is one example of this. See Doty (2006a). The proximity of a population center has little meaning if migrants do not know the town is near and many, if not most, are clearly unfamiliar with the geography in which they travel. Migrants die in very remote places and also in places that seem remote but are fairly close to population centers.

⁽²⁴⁾ The “Yuma 14” were fourteen Mexican nationals between the ages of sixteen and thirty-five who died in May 2001 in the area of the Camino del Diablo. El Camino del Diablo, or Devil’s Highway, consists of approximately 100 miles of unpaved road stretching from the US–Mexico border through the Sonoran desert to an area near the town of Yuma, Arizona. It is the historic route of Francisco Vazquez de Coronado, who travelled the road in 1540 in his expedition from Mexico City to the Southwest United States searching for gold. The road is desolate, to put it mildly, and temperatures can reach well over 120°F. According to the US Fish and Wildlife Service in the summer a person requires two gallons of water a day just to survive in this region. See Urrea (2004).

body's requirement for fluid when he made a 130-mile trek along Camino del Diablo for six days. The minimum he consumed in one day was two gallons but, on several days he drank as much as five gallons (Annerino, 1999).

In 1999 the American Civil Liberties Union of San Diego and Imperial Counties and the California Rural Legal Assistance Foundation filed a petition before the Inter-American Commission on Human Rights on behalf of 350 migrants who had died in unauthorized entries into the United States during the implementation of Operation Gatekeeper (Jimenez, 2009). The petition argued that US authorities were aware that US border enforcement strategies placed migrants in mortal danger and that they had failed to develop any effective response to the mounting death toll.⁽²⁴⁾ There is a distinctly racial element to this bare life so constructed by US immigration enforcement. In fiscal year 2005, a record year for migrant deaths in the desert, the *Coalición de Derechos Humanos* in conjunction with the Consular offices of Mexico, Guatemala, El Salvador, Honduras, and Brazil issued a report on border-crossing deaths. Of the 282 recorded deaths 138 were from Mexico, 2 were from Guatemala, and the rest were unknown.⁽²⁵⁾ While one may argue that it stands to reason that the number of deaths of Mexicans and Central Americans would be high in that they constitute the majority of unauthorized border crossers, this does not negate the fact that a certain racialized group(s) suffers the most severe consequences of US border policies which have dehumanized them and denied them "the right to have rights."⁽²⁶⁾ Unauthorized migrants have come to constitute what Balibar refers to as the "radically excluded" who are denied the material conditions of life and recognition of their humanity (Balibar, 2001). They are, in a word, bare life, life that does not deserve to live and that is taken in remote hinterlands of the vast southwestern deserts of the United States. The geographical spaces offer a potentially endless deferral of human responsibility.

Conclusion

"There is a Crack in Everything. That's How the Light Gets In."

Leonard Cohen, *Anthem*

In this paper I have examined how geographic space has figured prominently in the border control strategy of prevention through deterrence. Space was conceived as a deterrent to unauthorized border crossers, but instead this strategy has led to dramatic increases in the number of migrant deaths over the past sixteen years. Migrants have been rendered as bare life, and their deaths of little consequence. Space has also served as a moral alibi permitting policymakers to deny responsibility for the deaths. However, as has been often noted regarding Foucault's conceptualization of power, where there is power there is always resistance. "The reason why we have seen the development of so many power relations, so many systems of control, and so many forms of surveillance is precisely that power has always been impotent" (Fontana and Bertani, 2003, page 280). Impotent should not be taken to mean without consequence, and clearly that is not what Foucault is suggesting. In the case examined here, the consequences of the power exercised by the United States at its southern border have been dire for some. Still we can find resistance in numerous forms.

⁽²⁵⁾ It is important to note that this was 1999, and the death toll has continued to climb.

⁽²⁶⁾ See Arizona Recovered Bodies Project.

⁽²⁷⁾ The "right to have rights" comes from Hannah Arendt's *The Origins of Totalitarianism* and is discussed in Balibar (2001).

Prevention through deterrence illustrates an instance in which biopower is operative in constructing/reconstructing the very population that is the subject of government. This, of course, entails the delineation of those who are *not* the population, and this is where we find spaces of exception and bare life. However, while prevention through deterrence did and continues to create spaces in which human beings may be reduced to bare life and killed without consequence, these spaces only create the conditions of possibility. They do not guarantee that those possibilities will actually come to be. Human beings may resist. Many migrants die in the spaces of exception created in the southwestern deserts of the United States. However, some survive, often against all odds, and the very fact of survival is itself a form of resistance. Even those who die arguably exercise something of a counterpolitics sparking projects such as that of forensic anthropologist Lori Baker of Baylor University in Texas who works to identify the remains of migrants who have perished in the deserts of Arizona, the scrublands of Texas, and the waters of the Rio Grande in order to reunite them with their relatives (Doty, 2006b). In addition, there are numerous groups such as Humane Borders and No Mas Muertes whose presence and practices create alternative spaces of human empathy and redeem/reassert the full humanity of migrants. The survival of those migrants who successfully negotiate the dangerous crossings and elude border control authorities attests to the potential for a refusal to be captured in the sovereign state of exception which has relegated them to bare life. In doing so they exercise agency and resistance, though such resistance is admittedly often very fragile. Still their survival and arrival at their destinations signals a subversion, at least temporarily of both the state's exercise of sovereign power as well as biopower. This subversion may be short-lived, or it may last for a very long time. In their discussion of the academic field of geography's use of Agamben's work, Belcher et al (2008) foreground the concept of potentiality, ie the tension between actuality (materialization) and the potential not to be. The notion of potentiality is consistent with the idea that resistance is possible, and I would argue creates an opening for us to imagine some kind of agency on the part of those who are potentially bare life.

Perhaps the ultimate irony, which can be considered a form of what might be called 'intrinsic resistance', can be found in the fact that the border patrol itself is officially tasked with rescuing migrants in distress in the desert, thus highlighting the very complicated nature of a biopolitics that, on the one hand, renders the unauthorized as bare life exposing them to death without consequence and, on the other hand, attempts to prevent the very same subjects from dying. BORSTAR (Border Patrol Search, Trauma, and Rescue) was launched in 1998 as part of the Border Safety Initiative whose two main objectives were to reduce injuries to migrants and prevent deaths in the southwest border region (*Customs and Border Protection Today* 2005). It consists of specially trained border patrol agents who seek out migrants in distress. The existence of BORSTAR might ostensibly seem to undermine my arguments that US border enforcement policy produces migrants as bare life. However, I would argue that what it points to is the inherent instability of any set of practices—even those that create bare life. The official practice of pushing migrants to extremely dangerous crossroads of death and then attempting to rescue some of them indicates that spaces of exception are not hermetically sealed, either physically or in terms of social norms and values. I would argue that spaces of exception are always incomplete with numerous fissures and cracks that hold the possibility of letting in some light, however dim and wavering that light may be.

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