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Techniques of Humiliation: Neoliberalism and the Noncitizen's Body

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Krome was out in the middle of nowhere, in southwest Miami ... The shame of being a prisoner loomed large. A stigma most couldn't shake. To have been shackled, handcuffed, many said, rubbing that spot on their wrists where the soft manacles were placed on them soon after they made it to the American shore; "I have known no greater shame in my life."

EDWIDGE DANTICAT, *BROTHER, I'M DYING*, 2007

Cuando me llamaba, me contaba que la maltrataban a ella y a los otros detenidos transexuales. Los humillaban, como hacían otras personas. Los agentes de Inmigración, las guardias de seguridad, hasta las enfermeras las trataban mal. Se reían y burlaban de ellas. También me decía que no le estaban dando cuidado médico. Tenía miedo porque no le estaban dando sus medicamentos. Le estaba pidiendo a los agentes de ICE que le ayudaran a verse con un médico.

OLGA ARELLANO, *EN LAS SOMBRAS DE LOS ESTADOS UNIDOS*, 2009

Abstract: This article argues that the disciplining of noncitizens becomes a constitutive characteristic of neoliberalism. Examining two narratives about bodily deprivation in detention centers, the study pursues the psychic life of statelessness through tragic testimonies that not only point to subjection, induced through techniques of humiliation, but also to the neoliberal contradiction between “inclusion” and practices of regulation. Readings interrogate the problem of normativity in neoliberalism. In particular, the article argues against normative presuppositions about both race and gender, demonstrating how this leads to the denial of medication and death in detention facilities.

Key Terms: Noncitizen; Testimony; Transgender; Subjection; Trauma; Neoliberalism; Biopolitics

Neoliberalism and subjection are critical terms for theoretically accounting for the noncitizen. The bodily experience of migrants today expose ethical and legal violations of neoliberalism, such as the denial of prescribed medicine in penal institutions. Detention arbitrarily reconfigures citizenship into a protracted ritual abetting security rather than democracy.¹ Although the terms of citizenship and democracy take on the appearance of natural, universal, and moral law, each ironically serves as the premise to deny medical care; to arbitrarily raid homes, schools, neighborhoods, restaurants, and cafeterias; to transfer, detain, deport, shackle, and murder. Neoliberal governance thus effectively produces a governmental rationality that ultimately no state or institution is responsible for the noncitizen.²

The criminalization of noncitizens works in tandem with neoliberal destruction, as governmental funding allocates excessive amounts for regulating and even killing, rather than providing any social support. In 2014, the United States Federal Budget allocated a total of 20.4 billion dollars for detaining migrants.³ Such statistics lead scholars to argue that the “prison cell” is a “more fitting metaphor than the melting pot,” in fact, asking whether the “Statue of Liberty [should] be holding the sword of freedom in one hand and a pair of handcuffs in the other.”⁴ To gain legitimacy, neoliberal institutions increasingly rely on punishment, including sanctioning techniques of subjection, and the management of the noncitizen's body.

This study turns to testimonies published in 2007 and 2009, in California and New York, to argue that

statelessness becomes a constitutive characteristic of neoliberalism.⁵ Despite a pervasive sense of anxiety and fear of detection by state officials, these narratives conjure the noncitizen's "trace"⁶ and mourn before reading a public. To consider the noncitizen as a "trace" is to account for the imprint left by the corpses Danticat and Arellano mourn in their testimonies. Each of the lives, now departed, still hauntingly leave a "trace" or ghostly mark on their narratives. Both narratives, resembling traumatic recollection structured by an incommensurable gap between the horrific event and the difficulty of narrating it, are published during the time of the largest mobilizations for undocumented rights in the U.S., performing a right to testimony frequently denied to noncitizens in court.

LOSING AN ELDER

The previous words above bear witness to a sense of humiliation, of disbelief and of loss, as a result of immigration detention and death. The first epigraph, from Edwidge Danticat's mournful memoir, *Brother, I'm Dying*, relates her Uncle Joseph's untimely passing, prompting the immigrant author to write her only work of non-fiction.⁷ His transfer to the Krome detention facility, a set of concrete buildings set up as a prison for primarily Haitian migrants in Southwest Miami, turns lethal and deadly. "Krome," writes Danticat, "meant nothing less than humiliation and suffering" to all Haitians.⁸ Her eighty-one-year-old uncle's status as a prisoner prohibits family from the right to regularly communicate and stand by his side as he lay dying. When guards confiscate prescribed blood pressure and prostrate medicine at Krome, Uncle Joseph suffers a seizure and is, subsequently, transferred—his feet in shackles—to a ward for prisoners at Jackson Memorial Hospital, where he dies.

As Danticat writes, migrants are frequently held captive by the false choice between "exile and death."⁹ This double bind intensifies in her uncle's case, as he does not even wish to reside in the U.S., but is traveling, with a valid visa, as he had for thirty years, to seek medical care and momentary refuge with family. But due to one error in responding to questions at Customs, officials erroneously assume he does not have "papers" and transfer him to Krome. In Uncle Joseph's case, exile or the inability to return to Haiti is literally a living death. For the Danticat family, burying him as a "dead prisoner" in the "soil of a country that did not want him" leaves his kin with an unbearable sense of humiliation and hopelessness.¹⁰

The story of Uncle Joseph's death opens up a set of important questions about the political condition of noncitizen immigrants. How can sovereignty unlawfully strip the noncitizen's body of dignity and agency, as well as the right to kinship? In Danticat's account of her uncle's bodily pain and deprivation, the story of how detention violates a family member's dignity lingers on as a traumatic memory dispersed across borders.¹¹ By turning to testimony, this inquiry critiques such neoliberal regulation of migrants, including its heteronormative presuppositions about kinship and racially-biased notions of healthcare. Undoing the violence of neoliberal regulation then requires confronting normative assumptions about bodily health, sexuality, and kinship in appeals for inclusive citizenship. Danticat's posthumous investigation uncovers evidence of Uncle Joseph communicating, during his first medical screening at Krome, the need for the "traditional Haitian medicine" he carries in order to prevent bleeding and live. Yet, not only do Krome officials prohibit Uncle Joseph's prescribed pills but they confiscate two bottles of herbal medicine described as "voodoo-like potions."¹² This case then points to a biopolitical and ethical crisis of care within neoliberal institutions demarcated for regulating noncitizens.¹³

Brother, I'm Dying recuperates "traces" of multiple lives lost to restrictive citizenship. Uncle Joseph appears not as isolated, but in relation to other bodies at the threshold of life and death. Attesting to the cruel legal limbo noncitizens face,¹⁴ Danticat writes of visiting Krome, in 2003, as part of a community delegation meeting with refugees fleeing Haiti, primarily by sea, but she never anticipates her uncle, arriving by air, will be confined to the same walls and brutal indifference a year later. Her uncle's detention links to fragments recalling Haitian political history, including the 1991 and 2004 coups against the democratically elected Jean Bertrand Aristide, as well as through material objects: a napkin with her uncle's last handwritten words, a plane ticket from Port-au-Prince to Miami tucked in a Bible, and his written sermons as a pastor. But she also takes legal action through the Freedom of Information Act to retrace his detention and document how immigration officials perceive him with disdain. In retrieving and recasting government files, *Brother, I'm Dying* offers a quasi-ethnographic account of neoliberalism and its institutions such as Krome, the Department of Homeland Security, the Office of the Inspector General, the Bureau of Customs, and even the hospital.

Mourning Uncle Joseph requires a return not just to a personal memory, but to official depositions, police reports, clinical assessments, and customs forms: the texts of regulation. Danticat's method recuperates a "trace" or the absence of a bodily presence, hauntingly still present and felt, as the imperative for writing, and reframing discourses on immigration. "We Haitians," she writes, "recite spells to launch our dead into the next world, all while keeping them close, building elaborate mausoleums for them in our backyard."¹⁵ Through montage and elegy, *Brother, I'm Dying* retrieves a digital picture attached to her uncle's immigration file, grievance forms filed with ineffective UN programs in Haiti, and his citations of the book of Genesis—to award the detained and disappeared face the dignity of remembrance. She conveys the depth of her loss by moving between the present and childhood memories, recalling her uncle as a parent who raised her in Haiti from the age of four to twelve, while her biological parents migrated to the U.S. for work. As a result, a notion of a nuclear family does not adequately represent kinship in the narrative. *Brother, I'm Dying* is then also about the resilience of the witness's love, as she retrieves the remains of the migrant dead scattered across borders through memory.¹⁶

Another key aspect of the narrative is the simultaneous bodily deterioration and death of Danticat's biological father, who is also Uncle Joseph's brother, from incurable pulmonary fibrosis in Brooklyn. Memory is necessarily diasporic in the text, as the non-linear narrative shifts between remembrances of her uncle's words on liberation theology, tales of his childhood under the U.S. occupation of Haiti,¹⁷ and Miami living rooms filled with painful memories of the lives disappeared under the Duvalier dictatorship. In particular, the text recalls one of Uncle Joseph's childhood memories in 1933, during the final days of the U.S. occupation, when he sees American troops playing soccer with the bloody head of a decapitated Haitian man.¹⁸ Uncle Joseph would sometimes tell Danticat this story, as she remembers during his funeral in New York. Such depictions of U.S. power run through *Brother, I'm Dying*, including speculative rumors and Aristide's own claims that the U.S. flew into Haiti to capture him and place him in an American plane during the 2004 coup. Such references to U.S. power intersect with fragments about the traumatic effects of domestic laws and policy on different members of the Danticat family, capturing the brutal contradictions in the neoliberal

rhetoric of democracy and citizenship. As Uncle Joseph's brother mourns his death, he implicitly protests and situates the corpse in the multiple tragedies of Haitian history: "He shouldn't be here," my father said, tearful and breathlessly agitated [...] "If our country were ever given a chance and allowed to be a country like any other, none of us would live or die here."¹⁹

While institutions regulate and punish migrants for "illegally" crossing a border, U.S. sovereignty presumes the right to enter Haitian land, air, and politics and acts violently without impunity.²⁰ This tragic irony is not lost to Danticat, as she reflects when the family has no choice but to bury Uncle Joseph in the U.S.:

Did he think it ironic that he would soon be the dead prisoner of the same government that had been occupying his country when he was born? In essence he was entering and exiting the world under the same flag. Never really sovereign, as his father had dreamed, never really free [...]. Would he proverbially turn in his grave?²¹

Haunted by memories of occupation, military violence, and sovereignty, the text characterizes neoliberal governance also as haunted by the missing corpses and lives scarred by the militarism of two violent states.²² As Latin America and the Caribbean were effectively the staging ground for neoliberal policies and regulation,²³ her uncle's disappearance and detention evoke the trauma of military rule in Haiti. Providing an account of the psychic life of statelessness and testifying to migration also as a constant condition of humiliation and trauma, *Brother, I'm Dying* is not a biography but, in fact, conjures a "shattered collective psyche."²⁴

Uncle Joseph's life can't then be understood as separate and self-contained, but only as entangled with multiple bodies. An account of Uncle Joseph's detention intersects with numerous stories of bodily suffering and dislocation at Krome: backs broken, flesh scarred, skin burned, ailing and injured inmates denied medical attention, sleep deprivation, overcrowding, shivering from cold, and constant dysentery and emesis.²⁵ The noncitizen's deprivation presents an ontological crisis, described by key political theorist of statelessness, Hannah Arendt, as the "nakedness of being,"²⁶ a condition of brutal bodily

subjection under state power.²⁷ The legal designation of “alien” or “illegal” sanctions the state to transgress U.S. law, authorizing detention officials to violate rights, suspend constitutional law, injure bodies, and even kill, through “deliberate indifference” without impunity.²⁸ This “deliberate indifference” is made evident in the curt responses and gaps Danticat finds in written reports on Uncle Joseph’s health and belongings at Krome, omitting the fact that he is aging, ailing, and carrying much needed medicine.²⁹ These omissions speak tacitly to the fact that the managers of detention centers know they are violating constitutional law and, thus, hide the tracks of their violence.

The text’s method also challenges associating life with legal documentation through a disjointed collage of family stories, emotions, and objects without any institutional archive, constructing what Anne Cvetkovich calls an “archive of feelings”³⁰ about the everyday trauma of migration. Danticat’s writing underscores the contradictions in neoliberal citizenship, as well as accounts for affect, by registering emotional responses to exclusion from rights. One of the affective responses is the sense of humiliation felt by detained migrants. As Danticat witnesses at Krome: “The shame of being a prisoner loomed large. A stigma most couldn’t shake.”³¹ After interviewing forty deportees, Irum Sheikh also finds that most “carry a deep sense of shame and guilt” and find it “very difficult [...] to talk about their experience.”³² In her last brief phone conversation with her uncle in Krome, Danticat hears this sense of shame when he hangs up abruptly after she tells him the family and community in Haiti, where he is the pastor of a church, now knows of his imprisonment.

This recurring sense of “no greater shame” than classification as a criminal is a mark of subjection, as well as neoliberalism regulating noncitizens through humiliation: a technique of inducing both bodily and psychological harm. In particular, shame is a recurring traumatic inscription of the unutterable violence of statelessness, exemplifying the double bind between a need for juridical protection and the stigma of exclusion from rights. Detention nullifies the basic bodily and juridical rights of noncitizens, making lives such as Uncle Joseph’s ontologically worth no more than a classification of “alien 27041999.”³³ Quantifying lives into numbers, faceless and breathless objects, permits the state to suspend constitutional laws and deny rights, including the provision of medicine and healthcare.³⁴

LOSING A CHILD

The testimony of Olga Arellano, narrated verbally but composed by the journalist Sandra Hernández, also bears witness to the dying noncitizen’s body chained to a hospital bed in San Pedro, California in 2007.³⁵ Arellano—a low-wage domestic worker and single mother from Jalisco, Mexico—testifies how guards and medical staff denied her daughter Victoria (affectionately called Vica by her mother and sister) the right to take her HIV medication in detention for nearly two months. She ultimately dies handcuffed. Arrested for a traffic violation, a common technique for checking immigration status that exemplifies the quotidian regulations migrants confront. Officials deny Vica’s pleas for dire medicine even after she begins heaving blood. They also reject demands to remove the chains around her dying body. As Arellano sits with Vica during her last moments in the ICU, where she is finally transferred after nearing death in detention, she testifies to the chains around her daughter’s dying body as indicative of the cruelty of the stateless condition.

Again, states regulate noncitizens through bodily deprivation, gratuitously violating flesh without impunity. In the eyes of the state, Vica is an outlaw and, thus, unworthy of dignity even in death. Even a touch between a mother and her dying child becomes suspect: “Vigilaban todo el movimiento que hacíamos.”³⁶ This constant surveillance militaristically imposes norms on migrant bodies, restricting touch and movement as well as the possibilities for affiliating across axes of subjection. The asymmetry between norms and rights divides citizenship, sanctioning techniques of bodily deprivation through normative codes about sex, medicine, and corporeal “nature.” For instance, the perception of trans bodies as defying “nature” often leads to mistreatment, denying medical care, and even state-sanctioned violence.

When Arellano narrates her daughter’s death, she emphasizes that Vica spent most of her two and a half months in a detention ward designated for trans migrants. Thus, the seeming separation between LGBT and stateless rights collapses. Trans and migrant rights activist, Bamby Salcedo, also recalls “deliberate indifference” in Vica’s death in the facility where both were detained: “Because of the ignorance of the medical staff and the guards and the people that work in these facilities, she ended up dying chained to her bed.”³⁷ Salcedo’s comments offer a critique of regulation and appear in an important six-month inquiry into the horrific conditions facing trans detainees,

as approximately 75 trans migrants are detained nightly in “humiliating, dangerous, and even deadly” conditions.³⁸

Since detention centers architecturally reproduce anatomical divisions between males and females, trans detainees are also disproportionately subject to the psychologically and corporeally damaging captivity of solitary confinement. Isolating transpeople is a technique of relegating non-normative bodies disposable and socially dead.³⁹ Confining trans migrants to isolation enforces assumptions that non-normative and particularly trans bodies are shameful and thus no more than waste. The rampant rates of detention, denial of basic care, and punishment through solitary confinement effectively desubjectifies the noncitizen body.⁴⁰ Trans bodies face a double subjection in detention, captive to the medical staff's gaze (disciplinary power) and instruments of punishment (biopolitical power).

Lawyer and scholar, Dean Spade, reiterates how subjects who do not fit into administered racialized or gender norms in asylum, employment, and immigration cases “paid the price in exclusion, violence, and death” (11-120). In *Assuming a Body*, queer theorist Gayle Salamon also traces a common trope of the trans body as a “border crossing of sorts” and, hence, a critical schema for considering policy decisions. Salamon argues the anatomically deviant body effectively becomes state property.⁴¹ According to the National Center for Transgender Equality, transpeople indeed face a greater threat of incarceration and, if imprisoned, mistreatment:

Nearly one in six transgender people (16%, including 21% of transgender women) have been incarcerated at some point in their lives—far higher than the rate for the general population [...] The categorical denial of transition-related medical care is common, as is prolonged isolation of transpeople, which has been shown to have devastating effects on mental health.⁴²

The coding of both undocumented and LGBT bodies as pariahs demonstrates a crucial link between migrant and sexuality rights.⁴³ As a result, critiques of gender normativity are not merely a secondary consideration for migrant studies.⁴⁴ For Arellano, such a sociological

separation is impossible; as Vica's death demonstrates, the regulation of trans bodies works in tandem with restricting citizenship.

Arellano's testimony emphasizes how Vica's story speaks to the rampant mistreatment of many transgender detainees within the U.S.⁴⁵ As if ventriloquizing voices never allowed due process, she strategically bears witness to generalized techniques of humiliating trans detainees: “Everyone humiliated them, just as others had before,”⁴⁶ Arellano states (my translation). Her words expose the gendered rationality of security as complicit with unlawful violations of bodily needs and health in detention, making painfully evident the role of heteronormative reason in restricting citizenship. If the burgeoning field of migration studies simply reinstitutes normative kinships and anatomical assumptions,⁴⁷ then it also excludes bodies touched by the dual nexus of stateless and sexuality rights. Such obfuscations limit the possibilities for imagining citizenship differently, regardless of sexual, bodily, and communitarian identifications.

In *Transforming Citizenships: Transgender Articulations of the Law*, Isaac West asks: “What are the stakes in understanding transpeople as legal subjects imbued with agencies beyond those associated with criminality?”⁴⁸ Based on extensive research on trans Latinas, Marcia Ochoa probes and plays on this question by recuperating the Spanish vernacular term for trans women performers—*transformistas*—to argue for a “perverse citizenship”: a non-normative “truly inclusive social project” that imagines citizens not as consenting to state violence but as embracing the complexity of political subjects. In particular, Ochoa argues trans women dissimulate shame and reimagine citizenship. While *transformistas* may “bring shame upon themselves, their families, the nation,” Ochoa writes, “they are not afraid of this shame; rather, they embrace it, turn it around, use it as a weapon.”⁴⁹ In this example, subjection acts in paradoxical and unexpected ways by dissimulating humiliation and evacuating its techniques of power.

Bearing witness to Vica's emotive life requires recognizing trans bodies as sensory subjects who often challenge assimilationist and restricted notions of citizenship. When eight trans detainees in Vica's ward refuse and risk themselves in order to demand medical treatment for Vica, another ideal of citizenship emerges. In *Border Matters*, José Saldívar theorizes how an account of “undocumented area of subjectivity” contests *la frontera* as

a “state apparatus.”⁵⁰ In the *Psychic Life of Power*, Judith Butler also considers how subjects interpolate but also refuse an apparatus, outlining a “metaleptic reversal” in which the “subject produced by power becomes heralded as the subject who founds power” (97). This moment of refusal occurs when the other transgender detainees in Vica’s ward appeal for her right to treatment by disobeying the nightly headcount, although this action could lead to being shot or facing other punishments by guards. When this appeal is consistently denied, they tend to Vica’s bodily wounds and take turns carrying her to the bathroom. In nursing Vica, fellow trans detainees perform an ethics of care and inaugurate an alternative notion of citizenship: an ideal of governance as both embodied and relational, despite the militarism of borders.

Reframing immigration then requires critiques of normalized notions of kinship and sexuality. Arellano’s words expose migrant death as resulting also from the norming of gender as sex. Despite the veritable *pesadilla* of losing a child, she narrates the details of her child’s bodily pain: “Creo que los pulmones le dolían porque cada vez que se movía, gritaba.” The officers, standing guard over a hospital bed, insist on keeping her dying body in chains despite screams, a struggle to breathe, and the fact she poses no physical threat. Arellano appeals: “Les rogué. Por favor, quítale la cadena. Deje que muera en paz.”⁵¹ Chains on a weak and ailing body as well as deafness to this vulnerability are an egregious corporeal subjection of noncitizens. Arellano’s question to the guard is also one to ask about American law: is life or law of greater value to you?

REGULATING NORMS, BODIES, RIGHTS

Vica’s case demonstrates several key factors about the regulatory norms of neoliberalism and the governing, not only of noncitizens, but also families, neighborhoods, lovers, allies, and children identified with the noncitizen and the migrant. Arellano’s testimony lays bare how regulating the undocumented body draws from gender norms prevalent in the private sphere. When narrating, she often slips into other memories and reveals her own guilt in her failure to accept Vica’s gender deviance as a child:

Me siento culpable de algunas cosas que hice. Me empecé a sentir avergonzada de mi propio hijo. El llevaba

el pelo largo y se sacaba la cejas [...] Lo mandaba a su habitación.⁵²

These words posit an analogy between the room where Arellano would shame Vica into hiding as a child and the humiliating taunts in the detention facility, suggesting that mourning Vica also requires facing the extra-legal regulation of gender and sexuality, and “tracing the network” in which shame appears. In *Tropics of Desire: Interventions from Queer Latino America*, José Quiroga contextualizes the “mark of social shame produced by homosexualities,” arguing that the queer body is “always in the realm of exile,”⁵³ or stateless. Violence against trans migrants results from the same “deliberate indifference” (a legal definition of a crime) leading to Uncle Joseph’s death, but also a dual condition of exile both at home and in the world.

Like Vica, noncitizen bodies are constructed and confined, temporally and spatially, through a “reiteration of norms.”⁵⁴ The problem of normativity is relevant, at once, to a critique of neoliberalism and its reliance on biomedical presuppositions about the body. In particular, both Arellano and Danticat testify to how normative perceptions of bodies and health result in death: the illegal yet routine technique of denying prescribed medicine to detainees. Despite appeals, officials remain “deliberately indifferent”⁵⁵ to the dire medical needs of both Uncle Joseph and Vica. Such a technique speaks to institutional perceptions of the noncitizen as without rights or socially dead, while the noncitizen’s bodily sensations testify to the cruel techniques employed by neoliberal governance to manage populations.

“Deliberate indifference” in the cases of Uncle Joseph’s and Vica’s detention is a pernicious example of how neoliberal regulation normalizes state violence and punishment, restricting constitutional rights while private detention contractors continue to receive public funds.⁵⁶ In the 1976 case, *Estelle v. Gamble*, the Supreme Court ruled that the denial of medicine to incarcerated persons is an unlawful act of “deliberate indifference,”⁵⁷ and a “cruel and unusual punishment”⁵⁸ violating the Eighth Amendment. And yet a recent six-month study found the denial of medication gravely impacts detained migrants, in general, and trans migrants, in particular.⁵⁹ Depriving detainees of medicine exposes a brutal contradiction between the ideal of citizenship as a natural right and the materiality of stateless bodies.

Both Danticat and Arellano bear witness to the “trace” of undocumented lives as bodies in close proximity to us.⁶⁰ These narratives are critical for accounting for the undocumented body, a particular condition of exclusion from rights distinct from a generalized notion of immigration.⁶¹ Coupled with an emergent body of fictional writings about the undocumented condition,⁶² the testimonies counteract a pervasive neglect and turning away from the noncitizen. In the chapter “Afflictions,” Danticat recalls how Uncle Joseph dies, vomiting, pleading for medical care, and appealing for his rights as his breath slowly ceases. But the Krome medical staff alleges that he is “faking” and thus ineligible for care.⁶³ Such tragic incidents not only point to how citizenship converts life into death, but also to neoliberalism’s indifference to bodily vulnerability and the violence of its governmental norms.

NEOLIBERAL DETENTION AND THE NONCITIZEN

In *The Citizen and the Alien*, Linda Bosniak says citizenship is “an ideal understood to embody a commitment against subordination, but [...] can also represent an axis of subordination itself” (9-11). Karma Chávez refers to the duality of citizenship as a “double discourse” split between a rhetoric of inclusion and reform without challenging heteronormative reason (13). Queer critiques of exclusion from citizenship demonstrate how the increasing invisibility of non-normative bodies in public only intensifies actual violence on them (Duggan, 13). Yet, law-centered appeals for reform frequently neglect critiquing the very norms and disciplinary modes prompting this exclusion (Spade, 109). Highlighting specific techniques of regulation, such as denying dire medical care, confining and isolating transpeople, as well as restricting the right to mourn, pinpoints exactly how the noncitizen’s bodily deprivation becomes constitutive of neoliberal governance.

Increased immigration enforcement colludes with state privatization and de-democratization,⁶⁴ as evident in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“Welfare Reform”), with increased suspensions on habeas corpus for detainees after the Antiterrorism and Effective Death Penalty Act of 1996.⁶⁵ Ironically, the word “responsibility” divests the state from any ethical accountability to care for noncitizen bodies within the state, also failing to recognize widespread dependence on the noncitizen’s care. As Martin

Manalansan shows, Filipino trans migrants frequently employed in caregiving positions are denied healthcare.⁶⁶ Laws such as the Patriot Act of 2002 further consolidate even graver and perilous conditions for noncitizens, extending nineteenth-century techniques of constructing racialized foreigners as enemies of the state, as in the first deportations and detentions authorized by the Chinese Exclusion Act.⁶⁷

In *Crossing Over*, an account about eight migrants crushed to death under a truck that does not see them, Rubén Martínez chronicles these forms of exclusion in the neoliberal present as disproportionately impacting Latinos. Occurring a few days after video-recorded images of border patrol officers beating migrants to near death flash across Los Angeles television,⁶⁸ Martínez writes, as if a forensic anthropologist, “The bones of these migrants are hidden in the sludge at the bottom of the Rio Grande and scattered across the open desert” (18). Danticat’s account also begins from the flesh and bones of migrant corpses: “The immigrant artist must quantify the price of the American dream in flesh and bone.”⁶⁹ In these writings, flesh and bones are bodily “traces” providing a type of forensic evidence, unmasking a neoliberal contradiction between a rhetoric of borderless inclusion and migrant death. “Traces” of the noncitizen’s flesh and bones haunt the spaces constituted by the materiality of borders, in stark contrast to the virtuality of migrant bodies on television screens.⁷⁰

Even tacit consent to migrant death destroys the possibilities for democratic life, as does the proliferation of increased detention centers and border walls. As Aihwa Ong argues, such neoliberal “technologies of subjection” mutate citizenship and authorize the differential regulation of populations (6). Neoliberal “technologies of subjection” include new forms of enclosure; a new phenomenon of nation-states, Wendy Brown argues, characterizes neoliberalism in *Walled States, Waning Sovereignty*. Border walls are “iconographic of this predicament of state power,” but also the “weakening of state sovereignty, and more precisely, the detachment of sovereignty from the nation-state.” These critiques unravel the contradictory rationality of sovereignty in neoliberal times.⁷¹ Sovereignty acts lawlessly, extending beyond its legislated territorial jurisdiction to rule without impunity.⁷²

While neoliberalism claims to birth a borderless world, an architecture of containment such as border fences and detention centers restricts rights, intensifies

militarism, and holds the noncitizen's body captive to a "machinery of exclusion."⁷³ The regulation of noncitizens contradicts the rhetoric of a global and borderless world, as migrant bodies become disposable matter, literally corporeal property, and targets of states without any entitlement to rights. A stark contrast thus emerges between the neoliberal "global citizen" and techniques of inducing bodily deprivation to noncitizens, as in the cases of Uncle Joseph and Vica.

CONCLUSIONS: RECONFIGURING KINSHIP

Dios me dio un hijo para amar, no para juzgar.

OLGA ARELLANO

Were we still aliens in death, I asked, unwanted visitors still?

EDWIDGE DANTICAT

In the chapter "Hell," Danticat does not write of a punitive afterlife, but everyday encounters with "whatever you fear most" (180). In the text, the deaths of Uncle Joseph, and her undocumented cousin Marius from AIDS in Miami at the age of thirty (after entering the U.S. as airplane cargo), leads to an agonizing sense of a living hell. The lack of any "trace" of Marius' presence in the U.S. is the very "void" moving her to write: "I am writing this because they can't" (24). In so doing, *Brother, I'm Dying* posits memory and grief as borderless, contesting the juridical association of life with citizenship papers. After Marius' death, she returns his body back to her aunt in Haiti only to find herself in a Kafkaesque maze: officials state the corpse requires "papers" to cross borders (191-192). Both Uncle Joseph's and Marius' deaths attest to the irrational cruelty of immigration laws in neoliberal times, perceiving the noncitizen as a life of no value.

Migrant death thus becomes shrouded in irony, since noncitizen bodies are routinely deported in life but refused transit in death. Marius' life mirrors his death, leaving "no trace" or documents of his time in the U.S., appearing only through his mother, Tante Zi's mourning. She carries a picture of her son's corpse with her at all times as a "daily reminder of his passing" (192). Embodiment, as in the moment of trans detainees caring for Vica despite restrictive laws, again bears witness to the possibilities for reversing the noncitizen's subjection. Like Tante Zi, Arellano and Salcedo also mobilize their own bodies to counter neoliberal violence against migrants, carrying the noncitizen's corpse into public.

These acts bear witness to neoliberal regulations, while accounting for the trans-generational effects of trauma. Techniques of humiliating noncitizens enable states to regulate without seeing a face or a living body, but these bodies are to others a beloved elder, child, and friend. Both Danticat and Arellano reckon with the proximity of state violence and death not in Haiti or Mexico, but in the states of Florida and California where they reside. Moreover, Danticat makes apparent a generalized normalization of death under neoliberalism when she observes, while in an airport: "Maybe we're all dying, one breath at a time" (55-59).

One of the artifacts Danticat discovers, while researching her uncle's death, is a secret file and unknown alien number tracking each of his trips to the U.S. Although the file is empty, containing nothing but a name, number, and country of origin, it serves as the rationale for detaining all Haitians who entered the U.S. in the early 1980s, with or without valid documentation. When attempting to retrace the rationality of Uncle Joseph's detention, Danticat discovers that this arbitrary and archaic rule leads to his detention:

There is a form called a Discretionary Authority Checklist for Alien Applicants, which is meant to assist examining Customs and Border Protection officers in deciding whether to detain or release a person like my uncle. On the checklist are questions such as: Does the alien pose a threat to the United States, have a criminal history or terrorist affiliations or ties? Is s/he likely to contribute to the illegal population or pose some other considerable threat? [...] I suspect that my uncle was treated according to a biased immigration policy dating back from the early 1980s when Haitians began arriving in Florida in large numbers by boat. (219-20)

This passage captures a banal yet entrenched bureaucratic logic of neoliberalism, construing an entire nationality as a "threat."⁷⁴ As thoughtless prejudgments and bias lead to Uncle Joseph's death, the case exposes an egregious corruption of the ideals of citizenship and democracy in

neoliberal times. In both Uncle Joseph's and Vica's cases, a brutal discrepancy appears between institutionalized exclusion and constitutional law.

While trans and other migrant conditions may appear unrelated, Krome (the facility where Uncle Joseph was detained) is also where a guard twice rapes Christina Madrazo, a trans migrant from Mexico. Alisa Solomon's essay "Trans/Migrant" interprets Madrazo's failed legal appeals as a blatant indication of how refusing to identify with a fixed and decipherable gender or national borders results in punishment: "The liberal state labors to fortify its borders by designating who is, and who may become, 'natural.'"⁷⁵ Not only are there numerous cases where gender nonconformity and statelessness touch upon a single body, but the similar techniques of humiliation leading to Vica's and Uncle Joseph's deaths make apparent the nexus between race and sexuality in regulation.

If the ideals of natural law—a right must be given to everybody or nobody—are taken seriously, then detention as the denial or arbitrary suspensions of rights results in a restricted democracy for both citizens and noncitizens. These testimonies call into question why citizenship is so restrictively defined, demonstrating also to what extent subjects accept and refuse the conceptual terms of citizenship in their own formation. The trans body is not the only one impacted by the regulatory machinery of immigration law and policing, as the effects of political exclusion reverberate across the entire kinship and social network to which the noncitizen belongs. Thus, while the wounds and chains on the detained body testifies the most acute aspects about the violence of immigration law, the traumatizing effects extend well beyond an individual to an entire network and community who understand their own bodies in relation to the noncitizen.⁷⁶

Indisputable in Arellano's testimony is the complicated yet resilient bond between a migrant mother and her trans child. In fact, as she narrates how Vica died chained to a bed, she pauses to make note of the fact that she is no longer psychologically able to work. Yet, she persists in bearing witness and posthumously gifting Vica the dignity she all along deserved, all the while speaking against the chains of citizenship laws. Throughout her testimony, Arellano intersperses accounts of her own gendering beginning with her first pregnancy at the age of fourteen, and her heroic efforts to cross a border in order to raise two children as a low-wage, single mother. She

recalls her own father ignoring her on the street due to the shame of an unwed, teenage pregnancy. Yet, the family she forms with Vica and her sister (the one person who unequivocally accepts Vica's sexuality) is bound by the matrilineal bonds between women. Ultimately refusing to be shamed, Arellano's words beseech a public response to migrant detention and death, as well as normative assumptions about gender, sexuality, and "family" in the increasing scholarship on immigration.

ENDNOTES

- 1 See "Noncitizens as Security Threats: After 9/11" in David C. Brotherton, and Philip Kretsedemas, eds., *Keeping Out the Other* (Cambridge: Harvard, 2007): 80-138.
- 2 See the *Illegal Immigration Reform and Immigration Responsibility Act of 1996* for rhetoric of migrant policing. <<http://www.gpo.gov/fdsys/pkg/PLAW-104publ208/html/PLAW-104publ208.htm>>. Accessed on Feb 24, 2015; in *Democracy and Other Neoliberal Fantasies*, Jodi Dean argues neoliberalism also signals the decline of the state's "symbolic efficiency" (Durham: Duke, 2009): 67.
- 3 Citizen and Immigration Services received \$3.3 billion (2014); Immigration and Customs Enforcement received \$5.4 billion (2014); and U.S. Customs and Border Protection, \$11.5 billion (2014).
- 4 Brotherton and Kretsedemas: ix-xii.
- 5 See Cathy Caruth, ed., *Trauma: Explorations in Memory* (Baltimore: Johns Hopkins, 1995), for how trauma complicates associations between narrative, time, and location.
- 6 For "trace," see Gayatri Spivak's "Translator's Preface," to Derrida's *Of Grammatology* (Baltimore: Johns Hopkins, 1997) and also "Figure and Trace" in *A Critique of Postcolonial Reason* (Cambridge: Harvard, 1999).
- 7 In *Create Dangerously: The Immigrant Artist at Work* (New York: Vintage, 2010), Edwidge Danticat identifies not as a "Haitian" or even a "Haitian-American" author, but as an "immigrant artist." For her, immigration is a condition of close proximity to death: the "immigrant artist ponders the deaths that brought her here, along with the deaths that keep her here, the deaths from hunger and executions and cataclysmic devastation at home, the deaths from paralyzing chagrin in exile, and the other small, daily deaths in between" (17). Hereafter, cited as "Create."

- 8 Danticat, *Brother, I'm Dying* (New York: Vintage, 2007): 223. Hereafter, cited as "Brother."
- 9 "I Am Not a Journalist" in *Create*: 51.
- 10 *Brother*: 251. Danticat's family decides to bury Uncle Joseph in New York, although this is a painful choice: "During his life, my uncle clung to his home, determined not to be driven out ... Now he would be exiled finally in death."
- 11 I am here pursuing Jacques Derrida's critique of sovereignty, uncoupling it from democracy or freedom, *Rogues: Two Essays on Reason* (Stanford: Stanford, 2005).
- 12 *Brother*: 225.
- 13 I am drawing from the term "care," from its genealogy in critical theory and philosophy.
- 14 Danticat employs the terms "trace" and "void" frequently in her writing, narrating from the "void" left, for example, by her cousin Marius' death.
- 15 *Create*: 17.
- 16 *Create* also refers to death as dispersion and scattering: "In Haiti people never die ... heroes who are burned at the stake are said to evaporate into a million fireflies": 16.
- 17 Uncle Joseph is born in 1923 during the U.S. occupation of Haiti (1915-1934).
- 18 *Brother*: 245.
- 19 *Brother*: 249.
- 20 See Daniel Kanstroom, *Deportation Nation* (Cambridge: Harvard, 2007); Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton UP, 2004).
- 21 *Brother*: 248.
- 22 For "borderless memory," see Marianne Hirsch and Nancy K. Miller, eds., *Rites of Return: Diaspora Poetics and the Politics of Memory* (New York: Columbia, 2011).
- 23 See Francine Masiello's *The Art of Transition: Latin American Culture and Neoliberal Crisis* (Durham: Duke University, 2001) on dictatorship and memory.
- 24 "Daughters of Memory" in *Create*: 64.
- 25 See "No Greater Shame" in *Brother*: 204-211.
- 26 Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace & Co., 1951): 292. See Ayten Gündoğdu for Arendt's relevance for migration studies today.
- 27 See Judith Butler's *Psychic Life of Power: Theories of Subjection* (Stanford: Stanford UP, 1997) for "bodily subjection"; Saidiya Hartman's *Scenes of Subjection: Terror, Slavery, and Self-making* (Oxford: Oxford UP, 1997) for "racialized subjection"; Dean Spade's *Normal Life: Administrative Violence, Critical Trans Politics and the Limits of Law* (Brooklyn: South End, 2011) for "subjection" versus "oppression" in transgender studies.
- 28 "Deliberate indifference" is a legal term for "the conscious or reckless disregard of the consequences of one's acts or omissions" despite knowledge that it will result in bodily harm or death. <<http://definitions.uslegal.com/d/deliberate-indifference/>>. Accessed on Nov 2, 2014.
- 29 *Brother*: 219.
- 30 See Ann Cvetkovich, *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* (Durham: Duke UP, 2003).
- 31 *Brother*: 211.
- 32 Irum Sheikh, "Racializing, Criminalizing, and Silencing 9/11 Deportees" in *Keeping Out the Other*: 81.
- 33 *Brother*: 214.
- 34 For the effects of detention on constitutional law, see Butler's *Precarious Life* (London: Verso, 2004).
- 35 Sandra Hernández and Peter Orner, eds. *En las sombras de los Estados Unidos: Narraciones de inmigrantes indocumentados* (San Francisco: McSweeney's, 2009): Olga Arellano's testimony appears on pages 101-115.
- 36 See "Olga" in *En las sombras de los Estados Unidos*: 113. Henceforth cited as "Arellano."
- 37 Cristina Costantini, Jorge Rivas, and Kristofer Ríos, "A Fusion Investigation," Nov 17, 2014. <<http://interactive.fusion.net/trans/>>. Accessed on Dec 2, 2014.
- 38 "A Fusion Investigation." <<http://interactive.fusion.net/trans/>>. Accessed on Dec 5, 2014.
- 39 Lisa Guenther, "Social Death and the Criminalization of Resistance in the California Prison Hunger Strikes" (Aug. 2). <<http://truth-out.org/opinion/item/17948-social-death-and-the-criminalization-of-resistance-in-the-california-prison-hunger-strikes>>. Accessed on Nov 30, 2014.
- 40 *Dispossession* (Cambridge, UK: Polity Press, 2013), Athena Athanasiou considers conditions where bodies are "usable, employable" but eventually deemed "waste matter, or of no use: always available, always expendable": 29.
- 41 Gayle Salamon, *Assuming a Body: Transgender and the Rhetorics of Materiality* (New York: Columbia University, 2010): 8.

- 42 I thank James Heintz and David Kalal for their comments.
- 43 See Suyapa Portillo's "The Los Angeles May Day 'Queer Contingent' and the Politics of Inclusion" posted in the Huffington Post 05/05/2012. Accessed on Oct 30, 2014.
- 44 See In *Queer Migration Politics* (Chicago: U of Illinois P, 2013), Karma Chávez's critiques gender normativity in demands for citizenship and inclusion.
- 45 See Juana María Rodríguez's "The Subject on Trial" in *Queering Latinidad* (New York: NYU Press, 2003): 84-113; situates the "sexual testimony" in discursive space of citizenship and argues against claims in asylum cases portraying the Global South as intrinsically more homophobic.
- 46 Arellano: 111.
- 47 See Abrego (2014); Ballard (2001); Grillo, ed. (2008).
- 48 Isaac West, *Transforming Citizenship: Transgender Articulations of the Law* (New York: New York UP, 2014): 6.
- 49 Marcia Ochoa, "Perverse Citizenship." *Women's Studies Quarterly* (Fall and Winter 2008): 152-3; *Queen for a Day* (Durham: Duke, 2014).
- 50 José David Saldívar, *Border Matters* (Berkeley: UC Press, 1997): 26 and 96.
- 51 Arellano: 113-114. Both translations are mine, "I think her lungs ached with intense pain, because each time she moved, she screamed" and "I pleaded with them. Please, take off the chain. Let her die in peace."
- 52 Arellano: 105.
- 53 In *Tropics of Desire: Interventions in Queer Latino America* (New York: NYU, 200) José Quiroga argues that exile is the "open secret" and "aura of foreignness" within all queer texts "to the extent that foreignness itself seems to be the metaphor for a relationship that dares not speak its name": 20.
- 54 In *The Affect Theory Reader* (Durham: Duke UP, 2010), Patricia T. Clough writes: "vulnerable biologies" are vulnerable not just due to natural factors such as illness, life, and death, but also due to regulatory policies, military research programs, and a range of social anxieties": 206-225.
- 55 See more on "deliberate indifference" in *Black's Law Dictionary* 10th ed. (West Group, 2014), ed. Bryan Garner.
- 56 In March 2009, Human Rights Watch published a 78-page report, "Detained and Dismissed: Women's Struggles to Obtain Healthcare in United States Immigration Detention." <<http://www.hrw.org/reports/2009/03/16/detained-and-dismissed-0>>. Accessed on Dec 29, 2014.
- 57 Thurgood Marshall, majority opinion, *Estelle v. Gamble*, 427 U.S. 97, (1976).
- 58 See also *Farmer v. Brennan*, 511 U.S. 825 (1994).
- 59 See Fusion report "Why did the U.S. lock up these women with men?" Accessed on Dec 5, 2015. <<http://interactive.fusion.net/trans/>>.
- 60 On witnessing, see Shoshana Felman and Dori Laub, eds., *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History* (New York: Routledge, 1992).
- 61 See Spivak's *Other Asias* (Oxford: Blackwell, 2008) on geography as difference.
- 62 See the figure of the Central-American mother in Helena Maria Viramontes' "The Cariboo Café" in *The Moths and Other Stories* (Houston: Arté Publico Press, 1995); the magical realist figure in "El Gran Mojado" in Karen Tei Yamashita's *Tropic of Orange* (Minneapolis: Coffee House Press, 1997); and Luis Urrea's *The Devil's Highway* (Boston : Little, Brown, 2004).
- 63 *Brother*: 233.
- 64 See Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (Cambridge: MIT, 2015).
- 65 Brotherton and Kretsedemas: 375-378.
- 66 Martin Manalansan, *Global Divas: Filipino Gay Men in the Diaspora* (Duke UP, 2003).
- 67 Recent critics frequently cite Foucault's comments on how neoliberalism inverts nineteenth-century liberalism. Dean: 51; Spade: 105.
- 68 Rubén Martínez, *Crossing Over* (New York: Picador, 2001): 7.
- 69 *Create*: 18.
- 70 Butler's *Bodies that Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993): 27-56.
- 71 Brown, *Walled States, Waning Sovereignty* (Brooklyn: Zone Books, 2010): 240. See also Brown's "Neoliberalism and the End of Liberal Democracy" in *Edgework: Critical Essays on Knowledge and Politics* (Princeton: Princeton UP, 2005): 37-59.
- 72 Brown's reading modifies Foucault's influential description of sovereignty in *Security, Territory, Population: Lectures at the Collège de France 1977-1978*.
- 73 See "Chinese American: Exclusion/Inclusion" at the New York Historical Society, Manhattan 9/26/2014-04/19/2015; Alexander Saxton's *Indispensable Enemy*:

Labor and the Anti-Chinese Movement in California (Berkeley: U of California P, 1971).

- 74 Arsalan's Iftikhar, "Presumption of Guilt," *Keeping Out the Other*: 108-131.
- 75 Alisa Solomon, "Trans/Migrant," *Queer Migrations*: 4.
- 76 A letter sent by the Transgender Law Center to President Obama also beseeches rectification of heteronormative presuppositions in his Executive Order on Immigration Reform. See Transgender Law Center Letter to Obama (June 3, 2014). <<http://transgenderlawcenter.org/archives/10405>>. Accessed on Dec 10, 2014.
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