
Rhetoric, Governmentality, and the Construction of “Illegal” Immigrants in the Post-social State

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Abstract

Jonathan Inda argues that disillusionment with the welfare state by a variety of political forces has led to the development of the post-social state, one that seeks to govern by means of “managing the choices of the citizen.” For Inda, the proliferating discourses on immigration construct “illegal immigrants” as people unable to fulfill the responsibilities of citizenship and as threats to the social body. Grounded in the work of Foucault and other governmentality scholars, this paper examines the current wave of anti-immigrant discourses, locating them within the post-social state as instruments of governmentality. This paper also explores previous examples of anti-immigrant discourses, in particular those surrounding California’s Save Our State initiative, to examine the ways in which the rhetorical shifts of anti-immigration advocates reflect changes in the post-911 exercise of governmentality. An analysis of these discourses demonstrates that the rhetoric used by anti-immigrant advocates portrays illegal immigrants as unethical subjects representing a physical danger to the social body, upholding gendered, racialized, and criminalized representations of immigrants.

Introduction

Immigration has rapidly become the defining domestic policy issue of our current presidential administration. It has done so through its construction as the point of intersection between numerous domestic policy considerations. Social Security reform, the War on Drugs, national security, and national identity are only some of the issues implicated in the recent discussions on immigration policy. The massive immigration protests sparked by the passage of H.R. 4437 (The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005) in the House of Representatives serve as just one example of the place immigration issues have taken in the American political consciousness. Not since 1994 when California voters passed Proposition 187 has immigration been so discussed not only among policymakers, but also in popular media, filling the pages of editorials, news broadcasts, and online discussion forums. The proliferation of both governmental and public discourses on immigration opens new opportunities to examine the ways in which rhetoric constructs “illegal” immigration. As Kent Ono and John Sloop argue, immigration rhetoric “*shifts* borders, changing what they mean publicly, influencing public policy...rhetoric at times even determines where, and what the border is.”¹ This rhetorical construction determines not only the physical space of the border but also the way in which “illegal” immigration across the border is represented as a problem. The problematization of the immigrant is constructed by a “variety of experts such as social scientists, politicians, INS/DHS bureaucrats, policy analysts, and the public” who depict ““illegal” immigrants as threats to the well being of the social body.”² The discourses that represent “illegal aliens” in opposition to what Jonathan Inda calls an “ethical

citizenship" are of particular interest to this project. Beginning with an examination of Michel Foucault's work on governmentality and extending this analysis to the development of the post-social state, this work examines the rhetoric of both current and previous anti-immigrant discourses in an effort to expose the role of government rationality in constructing gendered, racialized, and criminalized representations of immigrants.

Michel Foucault and government rationality

In *The History of Sexuality: an Introduction* (1976), Michel Foucault describes what he terms "biopower," which he calls a "power exercised over persons specifically in so far as they are thought of as living beings: a politics concerned with subjects as members of a *population*."³ This relationship between population and the state is one of management exercised not only on the level of large scale interventions against entire populations but also on a localized level where the state attempts to control and manage individuals within a population. This management, expressed as a variety of "techniques of power," is "designed to observe, monitor, shape and control the behavior of individuals."⁴ Exercised in a variety of locations, these techniques of power (or more specifically the description of them) constitute the subject of a significant portion of Foucault's work. While *Discipline and Punish* (1975) and *Madness and Civilization* (1961) can be read as examinations of the local exercise of these techniques of power, Foucault theorized that similar techniques of power governed populations at the level of state sovereignty. This exercise of power, concerned with the management of population of the level of the state (as opposed to local institutions) constitutes a governmental rationality, or in Foucault's words, a "governmentality." In a series of lectures at

the College de France in 1978, Foucault defined governmentality as the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security.⁵

Colin Gordon takes Foucault's idea to mean that governmentality comes to represent a "system of thinking about the nature of the practice of government...capable of making some form of that activity thinkable and practicable both to its practitioners and to those upon whom it was practiced."⁶

The explosion of discourses dealing with the problems of "illegal" immigration provides an opportunity to examine ways in which these discourses have constructed immigrants as governable. This paper will examine previous scholarship on the correlation between anti-immigrant discourses (and the knowledge they create) and the increased repressiveness in dealing with the problem of "illegal" immigration. Before engaging the issue of immigration, however, it is important to discuss the development of the post-social state and the implications this shift in state function had on the exercise of governmentality.

Governmentality in the post-social state

For Foucault, the exercise of governmentality is not a function of the state, but rather the state is "a function of changes in practices of government."⁷ The state goes through a variety of transformations (liberal, neoliberal, welfare, etc) based on the deployment of government rationality. Prior to the current stage of development, the state could be described as a social state, one

whereby governmentality was exercised to minimize the risks of free-market capitalism through a variety of state interventions aimed at sustaining the welfare of individuals. This social state "conceived of the subject as an individual who was to be governed through society—within a nexus of collective responsibility."⁸ Thus a system of governing individuals was constructed around welfare policies such as access to healthcare, government subsidies, and small protections of rights. Criticism of the welfare state, especially in light of the capitalist restoration in Soviet Russia, the proclamation by British Prime Minister Margaret Thatcher that no alternative to capitalism exists, and Francis Fukuyama's claims of the "end of history," all had the effect of changing the practices of government as described by Foucault. This disillusionment with the social state was followed by a shift away from the practice of government as provider and replaced by decentralized, non-governmental, and market-based actors that took the responsibility of risk management. As Jonathan Inda describes it, the post-social state "seeks to govern not by means of society but through managing the choices of the citizen, constructed now as a being who aspires to be self-actualizing and self-fulfilling."⁹ This self-actualizing conception of citizenship demands that individuals take an active role in managing the vituperative effects of capitalism and withdraws the safety nets provided by the social state. Here again, the nature of the state is changed by the techniques of governing; in this case the post-social state is the result of a market-oriented approach to citizenship where the state's role is no longer "securing the life of the population...through strategies directed and funded by the state, but through the instrumentalization of a desire for self-reliance."¹⁰ This instrumentalization works to manage the choices

of the individual by determining which choices constitute ethical citizenship, defined as the ability to manage risks successfully without the necessity for state intervention. This distinction produced a division between ethical citizens, those who effectively managed their risks, and unethical subjects, imprudent individuals who have failed to manage the risks endemic to the free-market economic policies characteristic of the post-social state.¹¹ Yet as Foucault warns us, “discipline was never more important or more valorized than at the moment when it became important to manage a population” and the management of choice by the post-social state is no exception.¹² The post-social state disciplines its charges through a variety of citizenship technologies that aim both to activate ethical citizenship in unethical bodies and restrict those seen as incapable of exercising responsible risk management. The intervention against unethical bodies becomes necessary not simply as punishment for failing to participate in ethical citizenship but also as preventatives against their interference with the exercise of ethical citizenship by others. This intervention is imperative to the functioning of the post-social state, constituting “a growing dependence of crime and punishment” in which “the post-social police state flourishes as a penal dragnet comes to blanket and demarcate racialized zones of exclusion.”¹³

The construction of “illegal” immigrants as threats to the well-being of the population represents the exercise of citizenship-restricting technologies on the part of the post-social state. Discourses that work to problematize “illegal” immigrants—as economic, cultural or physical harms to the social body—render immigrants governable, vulnerable to a variety of repressive interventions in the name of defending the ethical citizenry. Examining the specific

discourses that work to construct immigrants as an anathema to the social body demonstrates how these discourses represent the exercise of a governmentality by which the post-social state seeks to govern unethical bodies through their exclusion. This exclusion is constructed through racialized, criminalized and gendered representations of "illegal" immigrants.

The gendered construction of "illegal" immigrants

The exercise of governmentality as it attempts to manage particular subjects (in this case unethical "illegal" immigrants who threaten the social body) is often deployed along gendered lines. Among the constructed discourses employed by the state in problematizing "illegal" immigration are those that deal with the "hyper-fertility" of immigrant women. For instance, a discourse that focuses on immigrants as a drain on public services reproduces "the historical racist, sexist construction of Mexicanas and Chicanas as 'breeders'" (Ono and Sloop 39). This gendered conception of immigrant bodies as predisposed to higher fertility is often reproduced in public discourses when the purpose is to marginalize immigrant populations. The image of immigrant women as "breeders" was highly prevalent in the discussions preceding the passage of California's Proposition 187. An editorial in *The Sacramento Bee* linked fertility rates with problems in California's healthcare system, claiming that "to provide prenatal and obstetrical care to illegal aliens through the Medi-Cal system alone is a staggering figure given their high fertility rate."¹⁴ This passage also illustrates how the gendered construction of immigrant women interacts with the construction of immigrants as unethical subjects. High fertility rates necessitate excessive

government aid (Medi-Cal), not only constituting a drain on the resources of the state, but also undermining the access of those resources to ethical citizens. A *Washington Post* article written in the aftermath of Proposition 187 describes how legislators around the country worked to construct their own versions of California's ballot initiative. The article quotes a Virginia lawmaker stating that "[i]f the statistics show this is a growing problem and we, in fact, have become a breeding ground for illegal immigrants, then I think we have to take some steps."¹⁵ The presence of immigrant "breeders" becomes a justification for the exclusion of immigrant bodies manifested in repressive legislation that strips immigrants of basic rights now reserved for those who exercise ethical citizenship. While these examples represent public discourses that reproduce gendered representations of immigrants, at times this rhetorical construction is advanced by highly respected policy makers and prescribers. This is evidenced in Samuel Huntington's claim in *Foreign Policy* that the "most immediate and most serious challenge to America's traditional identity comes from the immense and continuing immigration from Latin America, especially from Mexico, and the fertility rates of these immigrants compared to black and white American natives."¹⁶ That such an explicitly gendered construct was published in a major policy journal and written by a former coordinator for security planning for the National Security Council lends credence to Foucault's conception of governmentality as a system of knowledges of populations which renders them governable. Huntington's representation of immigrants' fertility as disproportionate to a constructed normality of "native" fertility rates is precisely the same gendered construction of immigrants as "breeders" which rendered Mexican women governable through

forced sterilization in the 1970s. While the view of immigrant women as "breeders" is certainly pervasive in the systems of knowledge pertaining to "illegal" immigration, those systems also present other gendered constructions of immigrants.

Another example of a gendered construction of immigrants, heightened in the aftermath of the avian flu pandemic hysteria that overwhelmed the American imagination in the first few years of the twenty-first century, was the idea of the immigrant as diseased. Sue Hokana's editorial in *The Sacramento Bee* claimed that the arrival of immigrants brought "diseases once thought to be relatively rare or under control in the United States, such as leprosy, Chagas' disease, hepatitis A, rubella and tuberculosis."¹⁷ The view of immigrants as health threats tends to focus on immigrant women, "constructed as bodies carrying disease, as potential polluters of the citizen body, and as carriers of infection."¹⁸ The Federation for American Immigration Reform's (FAIR) website takes the issue of disease further, reporting that "the problem, however, is not confined to the border region, as illegal immigrants have rapidly spread across the country into many new economic sectors such as food processing, construction, and hospitality services."¹⁹ The spread of disease is constructed as gendered both by the rhetoric of immigrants as "carriers" (an archetypical female role) and by process of disease spread itself, often imagined in relation to the feminine domain of domesticity, or as FAIR puts it, food processing, and hospitality services. The comments from FAIR represent a governmental discourse, constructing knowledges about "illegal" immigrants from the position of policy analysts and political lobbyists. These constructions make thinkable appropriate responses in the name of preserving the well-being of the social body, in this case a gendered

exclusion of immigrants and an increased repressiveness against them to prevent immigrants from “infecting” the body politic. Under such a construction, any level of intervention, even the management of life, becomes justified to ensure the security of the population.

The illegality of illegal immigration

The contemporary immigration debate has focused significantly on questions of citizenship, specifically whether “illegal” immigrants can be considered eligible for citizenship. This distinction between legal and “illegal” immigrants “casts immigration in moral terms: those who abide by U.S. laws and procedures...are cast as good and moral citizens, those who do anything but...are seen as bad and immoral ‘illegals.’”²⁰ The criminalization of immigrants also functions as an exercise of governmentality; the discursive construction of “illegal” immigrants serves to render their exclusion not only thinkable, but necessary. As Jonathan Inda has argued, the criminalization of immigrants justifies intervention to protect the well-being of responsible citizens: “the containment of the few therefore becomes a prerequisite for the freedoms of the many.”²¹ One way in which the criminality of “illegal” immigrants is constructed is through discourses which depict immigrants as cutting in line in front of those who seek to enter the country legally. A 1997 article in *The Washington Post* exemplifies this discursive construction. First, the author presents a normalized description of the “legalization” process whereby “the government lets about 386,000 foreigners legalize [*sic.*] each year, and all must wait their turn.” The article contrasts legalized immigrants, those who abide by government regulations, with “illegal” immigrants

who "cut ahead of those who have waited abroad for years to immigrate legally."²² Such discourses are extended to depict "illegal" immigrants as unethical subjects with little consideration for the rule of law. The willingness of "illegal" immigrants to break the immigration laws of the U.S. is understood as a willingness of immigrants to break all laws.

Matthew Nelson's letter to the editor in *The Sacramento Bee* is exemplary of this tactic of governmentality meant to criminalize the unethical immigrant. In the letter, Nelson argued that the *Bee's* use of the adjective "undocumented" was misleading, noting that "[s]ix times the article used the word 'immigrant' or 'immigrants' without the proper preface 'illegal.'" For Nelson, that usage was problematic because "they are lawbreakers.... They do have criminal records, like it or not: They are accused of breaking federal immigration laws."²³ The construction of "illegal" immigrants as lawbreakers, rather than simply those who have broken a law, allows the immigrant to be seen as in continuous violation of ethical citizenship. It is not just the act of having crossed the border "illegally" that frames immigrants as lawbreakers; their very existence represents a daily defiance of American immigration laws making them ineligible for participation in ethical citizenship. A petition circulated by Americans United Against Illegal Immigration demonstrates how criminalized representations of immigrants, that is to say an exercise of governmentality of immigrant populations, can move beyond public discourse and into the realm of politics proper. The petition described the propensity for criminal behavior on the part of immigrants who "do not respect our laws, whether they are the immigration laws, employment laws, tax codes or criminal laws."²⁴ Such claims of knowledge over the criminality

of “illegal” immigrants come dangerously close the logical fallacy of *post hoc ergo propter hoc*, whereby violation of immigration laws implies a readiness to violate others. Constructed as unethical subjects whose mere presence represents a risk to ethical citizens, “illegal” immigrants are deemed governable only through a variety of exclusions, such as confinement or deportation.

A more specific criminalization of immigrants was constructed in the rhetoric of California’s Proposition 187, the so-called Save Our State initiative passed by California voters in 1994. The proposition had numerous provisions, among which was that “illegal” immigrants would be denied access to emergency health care and education. Arguments made against the proposition (and against denying public services to “illegal” immigrants) not only reproduced gendered conceptions of immigrants based on the paternalist assumptions that immigrant groups required state intervention (because of their inability to manage their risks effectively), but also created parallel criminalized representations of immigrants as well. Specifically, the arguments created a link between a lack of education and crime, noting that the passage of Proposition 187 would turn immigrants (and their children) towards a life of crime and delinquency. The assumption was that “criminal behaviors by undocumented immigrants are inevitable...that save for education, undocumented immigrants are by nature delinquents.”²⁵ The construction of a relationship between immigration and criminality, whether as the product of the immigrants’ own illegality by breaking immigration law or as the inevitable result of their disposition that can be curtailed through state sanctioned education demonstrates how both the pro and con sides of the immigration debate surrounding Proposition 187

worked as exercises of governmentality. Both arguments claimed to hold knowledge of immigrants, in this case knowledge of their criminality, and in doing so, render them governable, manageable, and ultimately excludable.

The racialization of the alien

Samuel Huntington's assumption that "Hispanic" women have higher fertility rates than "native" white Americans is a perfect example of how anti-immigrant discourses construct immigrants in a number of problematic ways. Not only are immigrants gendered through a focus on the fertility rates of women (*i.e.*, the "breeder"), but such rhetoric also constructs biological differences between immigrants (primarily imagined as Hispanic, or more specifically, Mexican) and native born (read white) Americans. Similarly, the criminalization of "illegals" is constructed along racial lines. As Ono and Sloop explain, "the biologist [*sic.*] racialization of Mexicanas and Mexicanos and Chicanos and Chicanas in this discourse focus on them as more prone to criminality and violence and more in need of "proper" public education than other groups."²⁶ Here again popular discourse comes dangerously close to reproducing the biological determinism that depicted blacks (and other ethnic groups) as inferior, rendering them governable only by repressive and exclusionary means. Another racialized discursive construction commonly reproduced in anti-immigrant rhetoric is the depiction of the scale of "illegal" immigration. Huntington achieved this depiction of scale with his enumeration of Mexican immigration to the U.S. Relying heavily on statistics to support his argument against immigration, he noted that "by 2000, Hispanics totaled about half of all migrants entering the continental United

States. Hispanics composed 12 percent of the total population in 2000. This group increased by almost 10 percent from 2000 to 2002.”²⁷ For Inda, these “enumerative practices” lead to “the creation and consolidation of a general image of ‘illegal’ immigrants as invasive and out of control.”²⁸ Once determined to present a danger to the well-being of the social body, these invasive “aliens” are deemed removable and excluded. This problematization has “located them in a realm of abjection where they could be subjected to all kinds of punitive measures in the name of protecting the welfare of the population.”²⁹ More often than not, these punitive measures take the form of virulently anti-immigrant legislation like Proposition 187 or more recently, Congressional legislation that attempts to strengthen the ongoing processes of racialization through a militaristic expansion of border security measures, further entrenching the “alien” representation of immigrants.

Conclusion

Anti-immigrant discourses which problematize immigrants along lines of race, gender, or criminality demonstrate the exercise of governmentality in that they seek to create knowledge of the immigrant that render the population governable only in negative ways. In the context of the post-social state, governmentality in its repression and exclusion of a governable population for the sake of the well-being of the social body comes to represent the state’s exercise of biopower. The consequences of that power, however, often has had dire consequences. Foucault observed that “it is as managers of life and survival, of bodies and race, that so many regimes have been able to wage so many wars.” That destructive managerial power is constructed through the exercise of governmentality.³⁰ The

rhetorical construction of "illegal" immigrants as threats to the well-being of ethical citizens represents an exercise of governmentality that makes the exclusion of immigrants seem not only possible, but necessary for the security of the social body.

This analysis is not intended to present a pessimistic view of the future direction of immigration policy. As Inda tells us, such an analysis of power relations can bring to light the connectedness between "thinking and acting, representing and intervening, knowing and doing," and expose the "modern operations of power/knowledge."³¹ This analysis could thus serve for further investigations into the relationship between immigrant discourses and the exercise of governmentality. Such an analysis is also necessary to understand how "biopolitics thus provides a prime instance for what Foucault calls the "strategic reversibility" of power relations, or the ways in which the terms of governmental practice can be turned around into focuses of resistance."³² Such a strategic reversibility seems more pressing in light of the recent proliferation of anti-immigrant rhetoric and adds a sense of urgency to further investigations into the relation between governmentality and the construction of "illegal" immigrants.

Notes

- ¹ Kent Ono and John Sloop, *Shifting Borders: Rhetoric Immigration and California's Proposition 187*. (Philadelphia: Temple University Press, 2002), p. 5.
- ² Jonathan Inda, *Targeting Immigrants: Government, Technology, and Ethics* (Oxford: Blackwell Publishing, 2006), p. 3.
- ³ Colin Gordon, "Government Rationality: An Introduction" in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: University of Chicago Press 1991), p. 5.
- ⁴ *Ibid.*, p. 3.
- ⁵ Michel Foucault, "Governmentality" in Burchell, Gordon, and Miller, *The Foucault Effect*, p. 102.
- ⁶ Gordon, "Government Rationality," in Burchell, Gordon, and Miller, *The Foucault Effect*, p. 3.
- ⁷ Gordon, "Government Rationality," in Burchell, Gordon, and Miller, *The Foucault Effect*, p. 4.
- ⁸ Inda, *Targeting Immigrants*, p. 11.
- ⁹ Inda, *Targeting Immigrants*, p. 13.
- ¹⁰ Inda, *Targeting Immigrants*, p. 17.
- ¹¹ Inda, *Targeting Immigrants*, pp. 18.
- ¹² Foucault, "Governmentality" in Burchell, Gordon, and Miller, *The Foucault Effect*, p. 102.
- ¹³ Inda, *Targeting Immigrants*, p. 21.

- ¹⁴ Sue Hokana, Editorials, *Sacramento Bee*, November 16, 2003.
- ¹⁵ Spencer S. Hsu, "Va. Lawmaker Takes Aim at Illegal Immigrants; Senator From Fairfax Rekindles Debate in State, Seeks California-Style Crackdown", *The Washington Post*, January 16, 1995.
- ¹⁶ Samuel Huntington, "The Hispanic Challenge" *Foreign Policy*, March/April, 2004.
- ¹⁷ Hokana, Editorials, *Sacramento Bee*, November 16, 2003.
- ¹⁸ Kent and Sloop, *Shifting Borders* p. 39.
- ¹⁹ "Illegal Immigration and Public Health.", *Federation for American Immigration Reform*, last accessed September 5, 2006 <http://www.fairus.org/site/PageServer?pagename=iic_immigrationissuecenters64bf>.
- ²⁰ Ono, Kent, and Sloop, *Shifting Borders*, p. 26.
- ²¹ Inda, *Targeting Immigrants*, p. 53.
- ²² Constable, Pamela, "Caught Between Home, Homeland; Immigrants in Legal Limbo May Be Forced TO Leave" *The Washington Post*, September 18, 1997.
- ²³ Nelson, Matthew, Editorials, *Sacramento Bee*, December 26, 2004.
- ²⁴ Robert McKinney, "To: President George W. Bush, U.S. Congress, & U.S. Senate." *Petition Online*. Americans United Against Illegal Immigration, 5 Sep 2006 <<http://www.petitiononline.com/4America/petition.html>>.
- ²⁵ Ono, Kent, and Sloop, *Shifting Borders*, p. 33.
- ²⁶ Ono and Sloop, *Shifting Borders*, p. 34.

²⁷ Huntington, "The Hispanic Challenge" *Foreign Policy*, March/April, 2004.

²⁸ Inda, *Targeting Immigrants*, p. 89.

²⁹ Inda, *Targeting Immigrants*, p. 112.

³⁰ Michel Foucault, *The History of Sexuality: An Introduction*, (New York: Vintage Books, 1978) p. 136.

³¹ Inda, *Targeting Immigrants*, p. 9.

³² Gordon, "Government Rationality," in Burchell, Gordon, and Miller, *The Foucault Effect*, p. 5.