On Borders and Biopolitics: An Interview with Eithne Luibhéid

Samantha Herr  
*University of Kentucky*

Tim Vatovec  
*University of Kentucky*

DOI: https://doi.org/10.13023/disclosure.20.15

Follow this and additional works at: https://uknowledge.uky.edu/disclosure

Part of the Feminist, Gender, and Sexuality Studies Commons, and the Human Geography Commons

This work is licensed under a Creative Commons Attribution-Noncommercial 4.0 License.

**Recommended Citation**  
DOI: https://doi.org/10.13023/disclosure.20.15  
Available at: https://uknowledge.uky.edu/disclosure/vol20/iss1/15

This Article is brought to you for free and open access by *disClosure: A Journal of Social Theory*. Questions about the journal can be sent to disclosurejournal@gmail.com
**On Borders and Biopolitics: An Interview with Eithne Luibheid**
Conducted by Samantha Herr and Tim Vatovec

Eithne Luibheid is Associate Professor of Gender and Women’s Studies and Director of the Institute for LGBT Studies at the University of Arizona. She is the author of *Entry Denied: Controlling Sexuality at the Border* (2002); co-editor of *Queer Migration: Sexuality, U.S. Citizenship, and Border Crossings* (2005); and editor of a special issue of *GLQ on Queer/Migration* (2008). She was a presenter in the 2010 Spring Lecture Series of the Committee on Social Theory with the talk “Pregnant Migrants Aim for Ireland.”

**dC:** How did you become interested in your current research topics of immigration, sexuality, and citizenship?

**EL:** I come up with a different answer every time I think about this question. I could answer in terms of specific autobiographical experiences, or in terms of identities that I inhabit, or experiences in graduate school, or scholars and activists who seek to change the world and whom I find inspirational. None of those narratives would be wrong. But they would not be entirely right, either, and I wonder what anyone would learn from them. Mainly, your question made me reflect about the moments when we’re supposed to reference our own lives in order to account for our academic interests. There are times when doing so is important or strategically useful. But drawing equations between experiences and interests makes me uneasy. It reminds me of Joan Scott’s essay about the evidence of experience. Experience is not self-evident, even to oneself, and how experience shapes academic interests is not self-evident either. Perhaps the more interesting question is why people often try to make these correlations, and what this tells us about contemporary society.

**dC:** What is your understanding of law for the purpose of your own work as a scholar of immigration, sexuality, and citizenship? What does law do with regard to your interests? What are its limitations?

**EL:** To invoke the language of biopolitics, the overarching issue that troubles me is the ways that some people’s lives are fostered and supported, while other people’s lives are made vulnerable and difficult or unfostered to the point of death.

So my interests in law are, what is the role of law in upholding this very unequal distribution of regimes of living and dying—and can law ever be used to challenge these inequalities? These are not simple questions, and there’s not really a yes/no answer.

A starting place, though, is to refuse to buy into the common-sense view of law as a neutral arbitrator of existing social relations, and instead, to historicize the emergence and operations of legal regimes. When we do that, we realize that law emerges under specific conditions, which means it serves particular interests. Having said that, though, law’s operations should not be understood in a functionalist or reductive way; they’re far more complex, messy, and contingent than that.

In my work, it has been very useful to think about law as being productive. In other words, law does not merely adjudicate; instead, it produces, or calls into being, particular identities, assemblages, and relations of rule. For example, there’s an important scholarship about how the law actively constructs racial distinctions in very particular ways, which change over time. These distinctions carry very significant consequences in people’s lives.

Or in my book *Entry Denied* and in works by scholars like Matthew Coleman or Janet Halley, or in queer migration scholarship in general, you see the uneven, contradictory, incoherent way that law constructs lesbian and gay identities. This legal construction does not reflect nor exhaust the full spectrum of how lesbian and gay identities may be formed and lived. So we should not treat law as totalizing the range of possibilities for lesbian or gay being. But we should be very concerned about the brutal consequences that remain attached to the legal construction of lesbian or gay identity, or indeed, many other kinds of identities, too.

In my recent work on the construction of the so-called illegal immigrant, I directly engage these sorts of concerns. Nicholas De Genova aptly describes that the undocumented immigrant is not someone who exists...
outside the law, which is a common conception; rather, the undocumented immigrant is constructed through and because of law. But mainstream media, politicians, and many scholars tend to ignore or naturalize the operations of law that have produced some migrants as "illegal." In so doing, they’re complicit with state power, and they miss an important chance to ask how and why certain people come to be designated as illegal while others do not. They miss the chance to ask how the designation of certain people as illegal immigrants stems from and reinforces a particular mode of national formation, and if this is really the sort of nation that we want. They miss the chance to ask how illegalization of migrants connects with transnational and neo-colonial histories and ties. As you can see, once you stop naturalizing the operations of law, all sorts of interesting and important questions arise.

When one naturalizes the operations of law that designate some people as "illegal," however, another thing that happens is that we cannot find ways to effectively discuss the nature of the violence, exploitation, and suffering that some undocumented people experience because of their juridical status, nor can we consider ways to address it. The discussion about the exploitation and abuse of undocumented migrants has become stuck between two poles, one insisting that migrants have human rights, and the other saying that as people who broke the law, undocumented migrants get what they deserve, including in some cases, extreme suffering and death. This problem of how to address abuses directed at the undocumented has many echoes with Judith Butler’s recent works that explore how some lives stop being considered as human, and therefore, befall suffering that cannot be acknowledged, addressed, or grieved. Butler certainly highlights the role of law, among other factors, in bringing about this situation. And these are issues about which I am deeply concerned.

I’m concerned for many reasons, including that there’s something intolerable about the silencing, erasure, objectification, and brutalization of humans. Also because we know that when law produces its outside, its other, its humans about whom we don’t have to care, it is also producing the inside, the human, in particular ways. To return to the idea of the illegal immigrant, that person importantly helps to delineate and constitute who and what counts as the legal immigrant or the citizen. The subtraction of value from people designated as illegal contributes to the overvaluing of certain other people who are designated as citizens. And these are issues that we need to carefully consider.

**dc**: How does social theory factor into your work? Who are some of your favorite theorists, and why?

**EL**: I’m most interested in works that think about problems of social justice, and that address multiple kinds of inequalities and hierarchies, because they’re interested in the problem of how we can refashion a different kind of world.

Your question could also be understood as involving whether there are some theorists and scholars I find myself returning to. I would say yes, though my interests also move on, so it’s not all that stable.

Anchor scholars for me are Foucault and his interlocutors; Jacqui Alexander; Cathy Cohen in the last few years; and always people like Lisa Lowe, Yen Le Espiritu, Lauren Berlant, Aihwa Ong, Pat Zavella. Recently the work on undocumented migration, as well as work on nationalisms, transnationalisms, and colonial legacies; queer of color work; I could go on and on.

**dc**: How does your own work engage with the intersection of family, sex, and law? What themes do you find at the juncture of those three terms?

**EL**: I engage this intersection mainly through the lens of immigration, refugee, and asylum laws and policies. From my point of view, families, attachments, and intimacies are incredibly varied, and this is a good thing. I track how immigration, refugee, and asylum laws and policies are informed by, uphold, and reinscribe particular, limited models of family that render other models invisible, unvalued, demonized, or, even worse, as a form of cultural pathology or a danger that has to be destroyed.

Anne McClintock offers a useful model for thinking about these problems. She argues that the discourse of “family” naturalizes, and allows states to reinscribe, forms of hierarchy that are gendered and generational, and become translated into space and time hierarchies, too. I would argue that immigration and asylum law significantly works in that way, and I’m interested in highlighting and challenging that. I’m interested in making sure that queer families are included in that analysis.

A related concern builds from the scholarship on intimacy and attachment as feeling very private, yet as being modes through which states and capital actively seek to incorporate migrants into nation-state and workplace projects in particular ways. Put simply, how do states and employers seek to produce particular forms of intimacy and attachment, and use them to organize relations of governance and biopolitical projects, especially where migrants are concerned? Within this question, I particularly explore how immigration preferences, particularly those that describe which family ties may become a basis for legal admission, and asylum rules, participate in these logics, and try to use migrants’ attachments as a means to make them governable in sexual, gendered, racial, and class ways.
I'd also argue that there's a shifting balance, in that having family ties used to offer a way for migrants to mediate or soften some of the harsher aspects of immigration law. For example, if you were found to be deportable, but you had a citizen spouse or children who depended on you, you might be able to get permission to remain anyway. So in that instance, recognized family ties became a means to mediate or overturn deportation. But since the mid-1990s, these family ties provide fewer and fewer possibilities for vitiating harsh immigration laws and instead, relatives and family members are finding themselves subjected to new forms of surveillance, and families in general are finding themselves more likely to be unrecognized, or to have members frozen into different statuses with different life chances, or being actively destroyed when they do not serve particular kinds of governance objectives.

This is not to suggest that states or employers ever fully succeed in using intimacies and attachments in those ways, but it is to say that this is an important issue that we need to track, and that brings migration scholarship into dialogue with other bodies of work, such as the critical feelings project or the work on affect, intimacy, and subjectivity more generally.

Struggles over recognizing same-sex couples for purposes of immigration have highlighted some of these questions, and the complexities involved. For we are dealing with multiple forms of inequality, and even though some same-sex couples are now recognized for immigration purposes in a handful of countries, the scholarship suggests that they are mainly middle class, have social and cultural capital, and fit the valorized model of the privatized, responsible citizen who focuses on domesticity and consumption. That's not to suggest that even those same-sex couples don't face extraordinary forms of scrutiny, difficulty, and struggle. But it is to draw attention to the many kinds of same-sex relationships and intimacies that are still left out by this model, and to ask who gains and who loses.

I'm interested in how people engage, inhabit, work from within, and attempt to transform the models that are inscribed and lived through immigration/asylum law.

Ultimately, I believe that we need to recognize and support family forms in all their diversity and multiplicity—or indeed, the refusal of family forms. We need to acknowledge that the ability to cross an international border should not hinge on your family form. And that all humans need access to the means to have livable lives, with basics like food, housing, healthcare, and education for everyone, rather than these being contingent on family status. And I think ensuring these basics is definitely possible in this world.

---

DC: How do you conceptualize the border? What are the impacts of the border on immigrants' lives beyond entry?

EL: There's an extraordinary and rich scholarship on borders, which goes in many directions. As scholars like Robert Alvarez describe, that scholarship ranges from treating the border as a literal place and space, to treating borders metaphorically. For me, all these strands are illuminating, and help me to think more deeply.

Border scholarship always presents conceptual, epistemological, and political issues, all of which have to be addressed. Modes for addressing these are never stable but change over time. They also depend on the specific problem you're working on. For instance, it's a truism, but one of the important effects of transnationalism scholarship has been to challenge the ways that categories like nation, culture, community, society, and race were conceived as bounded in ways that reified nation-state and nationalist logics. The study of borders and borderlands was one of the areas that drove a reconceptualization of these categories, and opened up new questions. So whenever you work with issues about borders, you have to be reflexive about your own conceptual and epistemological assumptions.

My own work is most interested in how migrants negotiate and experience nation-state borders, so I'm addressing a specific set of issues within the broader discussions on borders and borderlands. Migrants, however, are a very diverse group of people, so their relationships to nation-state borders are also quite varied. For instance, the recent collection by Denise Segura and Pat Zavella focuses primarily on non-elite Mexican women who negotiate the U.S./Mexico borderlands—which includes but also goes beyond the border strictly speaking, yet the border is always there in many ways. By contrast, Alhwa Ong has examined how diasporan Chinese entrepreneurial elites negotiate nation-state borders, using what she calls flexible citizenship practices, and this involves a quite different set of issues about borders. Yet, in either case, nation-state borders don't disappear; they're important, and structure possibilities and constraints, but just not in the same ways for every migrant.

I deal with the border primarily in reference to immigration control. Over time, I've come to address not just those who are excluded, but also, the fact that those who are let in or come in remain shaped, governed, subjectified if you like, by the relations of power that are perhaps most visible at the border, but that also extend into and multiply within the territory of the nation-state itself, so that the border is never absent. Of course, at the other end of the scale is the fact that the relations of power and policing that are evident at the territorial border don't just extend into and multiply in uneven ways within national space, but also extend outward, such that many nation-states also rely on what some scholars call...
On Borders and Biopolitics

"remote border control." This means that policing may occur many thousands of miles away from the actual territorial border, and long before migrants ever arrive, for example, at consular offices, or through expanding networks of electronic surveillance, or when European Union countries offload their border control functions onto nation-states that ring the core countries, or when the US coastguard patrols waters to prevent boats from Haiti from ever arriving so people can seek asylum, or countries literally invade other countries to prevent possible migration flows. These issues show how borders and border control ramify in many directions.

I've been increasingly interested in how relations of power and surveillance that are evident at the border not only thoroughly condition migrants' lives once they are within the U.S., but also increasingly try to extend to and condition the lives of relatives and friends. They do this by working through associational ties, and trying to codify and criminalize things like giving a ride in your car, or offering food or water, or other mundane but important practices of sociality among humans. Related to this, there is also an important scholarship about how the policing of migrants, both at the border and after entry, authorizes and legitimizes racialized, gendered, heterosexist and class-specific forms of policing and violence that is directed to subaltern citizens, which need to be of serious concern.

In all of my work, I've tried to extend existing scholarship about these matters to substantively address sexuality and gender as important factors.

There's much more to say about borders, but perhaps I'll end by saying that politically, I focus on power and violence at borders and their allied sites. This is not intended to deny the agency and creativity of migrants, but because it remains urgent that we question the forms of extraordinary violence, abuse, and exploitation that continue through and because of border controls, and the ways these get naturalized. Within this framework, concerns about borders are deeply allied with concerns about the prison industrial complex, labor struggles, and efforts to conceive and create a transformed world.

_dC: What similarities and/or differences do you see between transnational space and queer (non-heteronormative) space? What implications might these spaces have for resistance?_

Attention to the transnational has certainly opened up important new forms of conceptualization, epistemologies, and politics. However, in my work, I do not conceive of the transnational as a space of in-between, nor particularly as a space of resistance—which is not to say that cannot happen, but that you'd need to persuade me. For me, the transnational and the national co-produce one another in restless, changing ways, and in ways that reproduce inequalities. So I follow the scholarship that says transnationalism has not eroded or abolished the state or the nation; instead, it has reconfigured them. Indeed, Saskia Sassen argues that in the context of transnationalism, states often use immigration control to renationalize themselves and reconstruct their roles, which is an argument that greatly informs my work. I'm also in sympathy with scholarship like Aihwa Ong's: for instance, in *Flexible Citizenship*, she argues that transnationalism is not an unstructured flow, but instead involves tension between movement and social ordering that needs to be analyzed. I also find scholarship such as that of Denise Brennan helpful, because she explores how transnational flows are not equally "liberating" for everyone, but instead, offer some subjects opportunities to enhance their possibilities while contributing to the subordination of other, less privileged subjects. In that sense, she argues that transnationalism remedies inequalities, in ways that we need to explore. There's also work that shows how transnationalism offers opportunities for rebuilding hegemonies. In all of these works, nationalisms and nation states are among the forces shaping transnational circuits and possibilities, so I always think about nations and states as integrally connected with transnationalism. There are many other approaches to transnationalism, but these are the ones that I use for my work, which is focused on flows of migrants across borders.

In terms of the exciting scholarship on queer space, I am equally cautious about romantic or celebratory narratives of resistance or liberation.

_dC: In your chapter, "Heteronormativity, Responsibility, and Neo-Liberal Governance in U.S. Immigration Control," you discuss the neoliberal responsible subject. Has the responsible subject changed since then? If so, in what ways?_

_EL: That chapter was written in 2004 and published the following year, in the context of particular debates. As the chapter explains, the "responsible subject" is not one thing, but instead a construct imbued with relations of power that are constantly shifting. And this is a construct that trails a pretty heavy history.

Talking about the responsible subject offered me a way to take up a point that Lisa Duggan made so beautifully, which was that neoliberalism is often thought of primarily as economic, but in fact, it works also through culture, and we need to explore how economic and cultural domains get linked. She identifies responsibility as one of the hinge points that links the economic and the cultural under neoliberalism. I wanted to extend that insight to discuss first, how a particular model of heterosexuality was becoming valorized as "responsibility," and second, how that was reshaping immigration controls. The connections between responsibility;
On Borders and Biopolitics

racialized, classed, and patriarchal versions of heterosexuality; and shifting strategies of immigration control under neoliberalism, had not been addressed in the scholarship, and I felt that they needed to be. I believe that new logics of control were being formed, and new kinds of questions needed to be asked.

However, neoliberalism itself is not a singular project or program; rather, neoliberal projects and programs have been assembled in various ways in different places and moments, and are continually changing. So it’s important to not reify neoliberalism and its modes of subject production and governance, which are certainly always changing. Instead, we need to historicize and problematize specific instances, which I did, in terms of immigration controls in the US at a specific moment.

The Limits of Empathy:
An Interview with Marianne Noble
Conducted by Rebecca Lane and Jeffrey Zamostny

MN: For my first book, I read a lot of poststructuralist theory, such as that of Lacan and Derrida. Lately, I have been reading other kinds of philosophy—Common Sense philosophy, phenomenology—as well as psychology. All of these should also be well-informed by social theory.

Actually, I think that a lot of psychoanalytic work would benefit from more social theory. Many psychoanalytic critics derive their theory entirely from Freud, and they don’t look at culture at all, only to the family situation a child lived through that is now causing him as an adult to behave in whatever way he’s behaving. But when I was five years old, I asked my mother, “Mom what do you do for a living?” and she said, “I’m a doctor.” I said, “You can’t be a doctor: you’re a woman; you must be a nurse.” This shows that if you just study the family, you cannot understand psychology. I was five; my mother was a doctor, and yet I believed that women could not be doctors. Obviously that message did not come from