

WAITING ON THE BORDER



A micropolitics of temporal
and spatial, migrant
penitentiary practices in the
city of Rotterdam

Rogier J.
Frederiks

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Henk van Houtum

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LIST OF ABBREVIATIONS

AZC	<i>Asielzoekerscentrum</i> (asylum center)
BBB	<i>Bed Bad Brood</i> (old shelter policy for undocumented migrants)
DCR	<i>Detentie Centrum Rotterdam</i> (detention center at Rotterdam-Den Haag Airport)
DJI	<i>Dienst Justitiële Inrichtingen</i> (federal penitentiary agency)
DT&V	<i>Dienst Terugkeer & Vertrek</i> (federal expulsion/deportation agency)
ECSC	European Coal and Steel Community
EEC	European Economic Community
IND	<i>Immigratie & Naturalisatiedienst</i> (federal immigration admission and integration agency)
IOM	International Organization for Migration (UN organization that represents UN member countries in migration issues)
JI Schiphol	<i>Justitiële Inrichting Schiphol</i> (detention center at Schiphol Airport)
LVV	<i>Landelijke Vreemdelingen Voorzieningen</i> (new shelter policy for undocumented migrants)
NGO	Non-governmental organization
ROS	<i>Rotterdams Ongedocumenteerden Steunpunt</i> (my internship organization – an organization which represents undocumented migrants)
VBL	<i>Vrijheidsbeperkende Locatie</i> (restrictive shelter location which is used as an ‘alternative for detention’)

1. INTRODUCTION

1.1. The Dolmatov case: Why do we detain/deport migrants?

On a very cold, early morning on the 17th of January 2013, warders of the Rotterdam Detention Center discovered the lifeless body of Russian political activist Alexandr Dolmatov. After being declined political asylum by the *Immigratie & Naturalisatiedienst*¹ (IND), Dolmatov decided that the only way out of his misery would be to end his own life. Dolmatov's suicide caused for a lot of controversy, both nationally as well as internationally. Why was his asylum request denied, despite many sources and witnesses claiming that Dolmatov was being threatened because of his political activism? And why was he put in a deportation center in the first place?

As with many of these cases, there was quite a big stir for the first few weeks following the event. National newspapers were continually commenting on the political debate that followed the event. But after a few weeks, the public attention shifted to new things and public calls for reform faded away. After an investigation by the Justice and Safety department, it was concluded that several federal bureaus in the migration 'chain' (*migratieketen*) were to blame for what happened to Dolmatov.

Although there was a big public outcry, a parliamentary debate and an institutionally produced report on the failures of the migrant detention/deportation regime, a systemic change failed to take place. The public outcry may have been intensive, but it was only focused on the particular case of Dolmatov; as how to prevent a suicide within the carceral system from happening again. The same holds for the institutional report that followed the events. Notwithstanding some critical voices on the fringes of the political left, nearly none of the critiques have been directed at questioning the intrinsic mechanisms of migrant detention itself. Therefore, it is societally relevant to ask ourselves: why do we detain and deport migrants? Naturally, other questions follow; like: is it something new, or is it a continuation of normal practices? Why do we do it now, and why did we do it before? How do we do it, and how did we do it before? Are we really so afraid of these people that we have to treat them

¹ Immigration and Naturalization Service.

like criminals? Answering these questions, hopefully produces a critique that is politically and socially empowering and that changes our current entrenched and normalized understanding of migrant detention/deportation.

Academically, migrant detention is a practice that has been discussed to a great extent. Nevertheless, to my understanding, the question of *why* we detain and deport these people has never been answered to a satisfying degree. There is an abundance of intriguing literature on the topic, but the question as to *why* is simply too complex to answer. It is a question that is essentially philosophical in nature; it touches upon topics such as the inner-workings of *power* and the ontological quality and genesis of *sovereignty* and mechanisms of *exclusion* and *enclosure*. The question, therefore, asks not for a definite closure, but rather for a continuing assessment. Consequently, this thesis functions as only an addition to and a contextualization of the existing literature, and as a stepping stone to further research. I hope to offer a minor piece to an infinite puzzle that is the reality of migrant detention and b/ordering processes. The research question of this thesis is: why do we detain and deport migrants?

The aim of this thesis is to research the moral infrastructure of the decision-making involved in migrant detention. To answer the main question, I am using a theoretical framework that draws from several theoretical models that are found in social theory and philosophy. Mainly, I will use notions that are revolving around the sometimes elusive concepts of (*disciplinary and bio-*) *power*, *prison*, *biopolitics* and *sovereignty*.

Much of the literature on prison, biopolitics, power and sovereignty, conceptualizes areas of detainment as pivotal *substrata* of a broader social world. It is from these sites of power production that we can begin to understand our modern times and social world. In Foucauldian theory, the prison is the model which other disciplinary control mechanisms – like the school, the hospital and psychiatry ward – were modelled on. Moreover, Giorgio Agamben states clearly that: “... the birth of the camp in our time appears as an event that decisively signals the political space of modernity itself..” (Agamben, 1998, p. 174). This means that the camp, which appears in the form of detention centers or refugee camps, is an essential principle or determinant from which to understand the inherent power mechanisms of our social world. This thesis aims to

critically review and utilize the aforementioned broad theoretical stance on biopolitics. The aim is to synthesize Agambian and Foucauldian models on biopolitics, see where they theoretically converge or diverge, and use my qualitative data to see if the final theoretical framework holds up against the empiric reality.

This theoretical framework delves deep into the genealogy of the carceral system; both to its relatively recent utilization for detention, fixation and deportation of migrants, as well to its longer and more general history as a mechanism of social control and normalization. Furthermore, in my thesis, I perform a deconstruction on the 'becoming of the migrant'. Why is the immigrant criminalized in our current system? I show through my research how spatial fixation through penal measures is just one of many components of the contemporary internalized border regime in the Netherlands. From the standpoint of Rotterdam as a pivotal, axial city of social, cultural and political development, I hope to arrive at a widely applicable theoretical and societal critique on migrant detainment in the Netherlands.

1.2. Thesis layout

I divide my thesis in four parts, or questions: the *where*; the *what*; the *how*; the *why*? Additionally, I include a methodology chapter, which is the third chapter. The first chapter answers the question: *where* do we detain/deport migrants. In this chapter, I explain my choice for the city of Rotterdam and the societal and academic relevance of my thesis. Furthermore, it contains a comprehensive account of my internship at the NGO the ROS Foundation (*Rotterdams Ongedocumenteerden Steunpunt*). It was this organization that gave me access to numerous sources for data collection. Especially their large network gave me access to numerous respondents and meetings that proved to be enormously valuable for my thesis.

In the third chapter, I discuss my methodology and research design, my dealings with *sans papiers* and federal bureaus, and also the pitfalls of doing research on migrant detention/deportation.

The fourth chapter answers the question: *what* is the detention/deportation regime? This chapter focusses not so much on migrant detention, but more on the

biopolitical system, or *apparatus* as a whole. It is concerned with giving a general overview of the academic literature available. Furthermore, the chapter aims to problematize and contextualize the carceral system as an axial mechanism from which to understand broad social and political mechanisms of power and control. Moreover, in this chapter, I position myself epistemologically as an agent of knowledge production, and therefore also as an inevitable agent of power production.

Thereafter, the fifth chapter answers the questions: *how* do we detain/deport migrants? This chapter builds a new genealogy of the migrant detention center in the Netherlands with a comprehensive overview of figures and numeral data on relatively recent developments of migrant detention and deportation. Moreover, I complement this data with my own qualitative data obtained in the field. I give first-hand impressions of migrant detention. In this chapter, I argue that migrant detention and deportation strategies are modes of confinement and exclusion that are increasingly practiced beyond the penitentiary institution. The practice of detention itself is in decline, but biopolitical practices are conspicuously and increasingly being dispersed through local practices. Through my data collected on the local Rotterdam policy concerning undocumented migrants, I show how detention and deportation strategies are shifting

The sixth chapter will be dealing with the question: *why* do we detain/deport migrants. This chapter's objective is to contextualize the previously answered sub-questions by critically analyzing and deconstructing discourse concerning b/ordering practices. Essentially, I pinpoint the ontological and epistemological qualities of 'migrating' through space and time, contrasting this with the historical and current discursive mechanisms at work in delegitimizing migration and the 'migrant'. This chapter questions our preconceived notions of what exactly constitutes migration. Furthermore, through a discursive deconstruction which starts with Derrida's concept of the *stranger*, I arrive at a contextualization of the whole body of data

The seventh chapter will be the conclusion of my thesis. In this chapter, I firstly present a reflection on the process of researching in the domain of migration policy. Moreover, I talk about my mistakes and the things that I have learned throughout the thesis. Thereafter, I discuss the theoretical strengths and shortcomings of my thesis.

Finally, I give a comprehensive overview of the thesis and a thorough answer on my thesis question.

2. WHERE DO WE DETAIN/DEPORT MIGRANTS?

“To a wise man, any country is his homeland.”

--Desiderius Erasmus, *Collected works of Erasmus: Adages*

2.1. The city of Erasmus

To find an organization that could help me with my research and internship, I had made contact with Theo – one of the coordinators of the ROS foundation. This organization supports undocumented migrants with finding solutions for practical and juridical issues in their everyday lives. Because this organization is a very vocative opponent of the detention/deportation regime, I reckoned ROS foundation to be an interesting place to start collecting data. So, I was going to meet Theo for a coffee at ROS’s office.

It was a grey Wednesday morning that I stepped out of the train on Rotterdam Central and that I walked about 20 minutes to *Binnenrotte* square. The above quote by Desiderius Erasmus (1466-1536), the well-known Dutch humanist philosopher and theologian, was one of the first things that caught my eyes as I walked onto *Binnenrotte* square. It was written in Dutch as “*Heel de aarde is je vaderland*” in pink neon letters on a big white building which houses the city’s main library. The square itself feels open and airy. Rotterdam seems to be a spacious city with many big squares, tall skyscrapers in light modernist architecture and a wide array of cultural flavors. Everywhere around me I hear people talking in different tongues. No one really looks like one another. This is clearly a city of color – a city of difference.

Erasmus’s famous quote referred to himself as he knew no boundaries concerning his academic endeavors; he did not know borders, as he lived, studied and taught in many places around Europe. Erasmus preached a discourse of more tolerance, peacefulness and openness: a long awaited narrative, since it was during his time that people were finally standing up against centuries of oppression and corruption by the Roman Catholic Church. Five centuries have passed. Nonetheless, Erasmus’ quote seems all the more relevant for today’s times. Currently, we are witnessing an increasing

enclosure of our imagined European space; both from the inside as from the outside. With this comes a global segregation; an intensifying inequality. Perhaps we Europeans can still claim the whole earth to be our motherland. We can travel and settle almost anywhere in the world. Nevertheless, for most people in the Global South, immigrating to Europe turns out to be nothing short of a feverish dream.

2.2. Increasing border internalization/externalization

Many authors have been reporting on a process of increasing border internalization and externalization (Balibar, 2004; Bialasiewicz, 2012; Minca, 2015). Firstly, there is the apparent externalization of the EU's borders. EU's border policy is progressively being externalized to human traffickers and despotic governments (Van Houtum & Lucassen, 2016). Increasing *outsourcing* and *offshoring* has taken place on the fringes of the European border landscape. Over the last few years, the EU is "extending its penetrable border *beyond* its territorial border" (Bialasiewicz, 2012, p. 847). These practices lead to ". . . 'off-shore' black holes where European norms, standards and regulations" are not applicable (Bialasiewicz, 2012, p. 861). On the outward liminal spaces of the EU, human rights are being crossed and disregarded on a daily basis. ²

Human rights abuse happens not only by drowning of immigrants in the Mediterranean (Raeymaekers, 2014), neither only by willful negligence in the Greek, Turkish and Italian refugee camps, nor solely by EU funded abuse and deterrence in the Libyan detention camps (Baldwin-Edwards & Lutterbeck, 2018). This enclosure and its coercive and violent extremities not only manifest themselves on the outward liminal spaces of the European territory. A rather powerful and coercive enclosure is also visible within the European Union itself; directly impinging on the human rights on which the EU was founded on.

² This paragraph contains paraphrases from my paper *Populism at the gates of European politics: Europe's hardening borders* (Frederiks, 2018).

2.3. Rotterdam as a pivotal city

In Rotterdam, we can observe these mechanisms of coercive enclosure as well. As is with many substantial, modern cities, Rotterdam performs an axial function for observing and experiencing rapid, global, social and cultural developments. Furthermore, Rotterdam seems to be a laboratory for new political phenomena. Perhaps, many of these developments might be observable in the cities of Amsterdam and Utrecht as well. Nonetheless, it seems as if Rotterdam holds a special, exceptional function. As if any global, social, cultural and political process or movement is first pioneered in the city of Rotterdam.

First of all, Rotterdam is the largest port city of Europe. Historically, this made the city susceptible to influences and people from all over the world. Furthermore, Rotterdam is both a culturally colorful city as well as set in a harsh social and political climate. The populace of Rotterdam is approximately 50% non-autochthonous, which means that according to traditional labeling, about 50% of the residents in Rotterdam have a 'non-Western' background (Centraal Bureau voor Statistiek, 2018). For years, people have raved on about Rotterdam's culturally diverse qualities. Opposingly, others have deemed Rotterdam to be the laboratory site of a failed experiment: 'the Left's experiment of multi-culturalism'. As a result, Rotterdam was the first city to birth a substantial right-wing party in the early 2000's. Its late leader Pim Fortuyn symbolizes a seemingly polite and contentious political climate, which harbors a grim and violent underside. Fortuyn was murdered for his political ideas. Since then, the atmosphere has thickened – not only in Rotterdam, but everywhere in the Netherlands. Finally, Rotterdam holds the only fully functioning deportation center for adult *sans papiers* in the Netherlands.

Rotterdam, to me as a provincial at heart, who lives and studies in a relatively small city like Nijmegen, seemed to be an urban jungle. High-rise buildings like I was used to from London or Paris; street dwellers in so many different shapes, sizes and colors; and a feeling of unremitting social and economic activity. Moreover, Rotterdam has a darker political underside: right-wing politics of exclusion and a fully functioning deportation center. Because of Rotterdam's axial function, it is from there that I want to commence illustrating my narrative on increasing policies of border internalization.

2.4. Meeting the ‘gatekeeper’

I did not know what to expect. I had been in contact with Theo³, one of the founders of the ROS foundation, for only a week. He invited me over to his office, since I mentioned to him that his organization seemed interesting to me for my thesis. When I arrived at the office, I was greeted by another ROS employee. As Theo came into the waiting room to pick me up, immediately, I could feel that he was extremely engaged with the subject. He was busy, but he was also eager to hear me out and tell me about his organization. As we sat down in a meeting room, Theo started talking about his work and about his organization. He told me that he started the ROS Foundation about 14 years ago together with Connie. He felt that with the tightening of many of the regulations concerning naturalization and asylum, there was a growing number of people who became increasingly vulnerable. People with no documents were often subjected to intimidation by the migration police, put on the streets and fired from their jobs because they did not hold legal work permits. In every possible way, life got harder for people without documents. I was impressed with Theo’s engagement with the topic. He seemed to really live for his work and for the people involved.

I told him about my thesis ideas and how I hoped to be able to do research about migrant detention. He replied that he did not know if he could be of help and if he would have time to supervise my thesis. The ROS foundation deals with undocumented migrants in detention who have been or want to be admitted into ROS’s voluntary return program. This program is set up with subsidies provided by the *Dienst Terugkeer & Vertrek* (DT&V)⁴. This federal bureau partially runs the Detention Center Rotterdam and is normally occupied with forced deportation of undocumented people. The ROS foundation is fundamentally against migrant detention and forced deportation. Therefore, they want to offer an alternative. Theo told me that the organization’s main focus is return, shelter and legal advice. ROS has two locations: One office location and one shelter location. The office location usually holds up to five employees, almost all of whom are working part-time. The shelter location houses vulnerable women without

³ Fictitious name.

⁴ Federal agency concerned with the expulsion of rejected asylum seekers.

documents and organizes language courses, business courses and future orientation courses. On this location there are usually two to three employees at work.

Although he had other things on his mind that day, Theo seemed interested in what I was doing nonetheless and said that although he did not know how to offer me a proper internship, he could definitely help me. That day, I met a lot of people through Theo, as I would also do in later months. I really had a good first impression of the organization and the people at ROS seemed to like me too. Hence, Theo eventually offered me to visit them the next week so that I could see and feel how a normal day at the office (and shelter) was like. I enthusiastically accepted.

As I walked into office the next week and we went to several meetings with other NGOs and governmental organizations, I was introduced by Theo as the new student intern. Over the course of four months I would be around the office and around the shelter for about two or three times a week. The internship has given me insights in a vast array of places and events that I would otherwise not have been able to access. For this, I am very grateful. Therefore, I would like to thank the ROS foundation and Theo Miltenburg for their continuing support.

Usually, I would be in the office and have meetings with *sans papiers*. Furthermore, I was often dispatched to the shelter location to attend future orientation courses with migrants and to teach a cycling course. Moreover, I have had access to several meetings and policy events. Lastly, the ROS employees let me access their network, which in turn provided me with respondents and access to the DCR.

2.5. Significance of the internship

As I began doing my observations, I found myself amidst a policy change concerning shelter accommodation and return policies for undocumented migrants. In 2015, Rotterdam was the first city to produce a migrant shelter accommodation policy that was later adopted on a nation-wide scale. This was the *Bed Bad Brood* policy. Due to increased institutional exclusion, undocumented migrants were increasingly living precarious lives on the streets. This program was offered as a partial solution. Money was given by the municipality to the NGOs to house these homeless migrants. During

the *Bed Bad Brood* (BBB), shelter accommodation was offered without any conditions to be met (Appendices S & T). People were kept off the streets for an indefinite period of time.

As of March 2019, a new shelter accommodation policy was implemented: the *Landelijke Vreemdelingen Voorzieningen* (LVV). It integrated certain conditions for admission to the program which were absent in the former BBB. One of the central conditions is that the undocumented migrant works towards her/his ‘voluntary’ return within a time period of a maximum of three months (with an utmost prolongation of one month) (Appendices N & T). Any indicator of an unwillingness to cooperate may be a reason for ejection from the program. Another difference with the old policy is that NGOs, who admission people into their shelter, are given money by the federal government. It appeared to me from an early start of the internship and research, that this policy change signifies a shift in detention/deportation practices: increasingly, civil society actors are outsourced by federal institutions to execute governmental return policy.

Moreover, the other detention center, JI Schiphol, has moved its migrant detention facilities to Rotterdam in September 2018 (Dienst Justitiële Inrichtingen, 2018a). Although the practice of detention is decreasing nationally (Cornelisse, 2016), the Rotterdam detention center sees an increase in occupancy (Dienst Justitiële Inrichtingen, 2019). Hence, we can observe that detention/deportation practices are being centralized to the Rotterdam detention center. Furthermore, the BBB policy that was designed in Rotterdam serves as a blueprint for a nation-wide shelter accommodation program with an integrated return policy that is often framed as an “alternative for detention” (Appendices X & Z). Although there are only limited direct links between local Rotterdam actors and federal institutional actors of the DCR, in a more indirect, abstract way they interconnect: *sans papiers* living in Rotterdam are living precarious lives fearful of detention and deportation (Appendices O, U & X). Thus, Rotterdam is not only a pivotal city in the sense of politics, but moreover it is a pivotal city to illustrate executive policy directives that are implemented on a federal scale.

Throughout my observations and interviews, I increasingly learned to navigate through the complex field of migration policy. I could observe the ties between

institutions and migrants, personal connections between policy makers and institutional connections from organization to organization. I learned of migrant experiences with coercive strategies of fixation and expulsion. I learned of strategies of civil society resistance and of strategies of migrant agency *vis-à-vis* bordering policies. It may seem too broad to take in all these different sources from all these different places, but in the end it shows both the social and scientific significance of starting in Rotterdam. Rotterdam is a city that time and time again shows its leading position in producing coercive social and political trends that have consequences on the national level.

To conclude, Rotterdam is a pivotal place to start if one seeks to further understand the current national policies on bordering practices. As can be read throughout the chapters below, Rotterdam is the birth place of a new restrictive bordering policy that acts as an ‘alternative for detention’. Moreover, detention/deportation practices have recently been centralized to the Rotterdam Detention Center.

3. METHODS OF DATA COLLECTION AND ANALYSIS

“It is not when truth is dirty, but when it is shallow, that the lover of knowledge is reluctant to step into its waters.”

—Friedrich Nietzsche, *The Portable Nietzsche*

3.1. Methodological pluralism

To bid for a more objective stance as a researcher, I employ *triangulation* of data collection. Triangulation “. . . refers to the use of a combination of methods of investigation, data sources, or theoretical frameworks . . .” (Ayoub, Wallace & Zepeda-Millán, 2014). A single method for data collection makes a research design susceptible to be fraught with bias and normative values. One of the most prominent pioneers in criticizing the normativity of singular positivistic methodology was Paul Feyerabend. In his *Against Method* (1975), he writes that the sciences are prone to assessing their own validity as objective and neutral (1993). Meanwhile, a lot of methodologists are not aware that they base validity of their domain of science on principles that are inherent to that specific domain of the science itself. For example, a physicist is not assessing physics’ history in metaphysics and theology.

Feyerabend wants to anarchize the whole complex of the sciences and states that only one principle holds in all possible circumstances of human development: the principle that “*anything goes*” (Feyerabend, 1993, p. 19). What this plea means for science as both a description and critique, is that Feyerabend does not necessarily believe that scientific discovery or “progress” is inherently untruthful or misleading, but moreover that the means of acquiring this discovery and progress and the status that it often attains, is wrongfully dubbed *objective*. While, actually it is nothing more than a form of social exercise amongst other forms of social exercise. Feyerabend wants to bereave the sciences of their high and mighty attributes and separate them from the hierarchic structure they are attached to.

An often-heard critique against methodological pluralism is the idea that the use of different methodologies implies incommensurable epistemological fundamentals (Ayoub, Wallace & Zepeda-Millán, 2014). An example of such a critique is the notion

that external validation of one method by another method is not that much different from using one singular method, since two different methods will include different sets of variables that are not able to either confirm or falsify each other (Ahmed & Sil, 2012). Another often heard critique is that of ontological incommensurability: Different methods would imply different notions of causality (Rohlfing, 2008; Ahmed & Sil, 2012).

In line with Feyerabend, we can object to these critiques with the idea that falsification and validation do often not rest on an objective, linear process of truth-finding. Rather, they are rooted in the practice of “reason” and “argumentation” (Feyerabend, 1993, p. 16). In this sense, validation and falsification are rather conditioned by contingent historical developments, and not by any objective ‘true’ principles. Furthermore, some authors state that mixed-methods makes possible a prioritization of discovery over justification (Ayoub, Wallace & Zepeda-Millán, 2014). Therefore, using a mixed methodology is essentially not an enterprise of justification, but rather an attempt to anarchize and break away from overly repressive and sanitized means of knowledge acquisition and evaluation.

Since I am conducting my research on the prison and specifically the migrant detention center, it is paramount to the critical integrity of my work to keep on reflecting on my epistemological positioning. Knowledge produced on the prison, the migrant and the delinquent, especially within the human sciences, determines the construction of these entities themselves (Foucault, 1995; Armstrong & Jefferson, 2017). Methodological plurality and epistemological anarchism are therefore means in halting the process by which the social sciences partake in the tying of knowledge production and power mechanisms. Therefore, data collection is not limited purely to standardized methods of inquisition but can come from all sources. Furthermore, the assessment of the epistemological normativity of my position is a constant feature of this thesis. This topic comes most prominently to the fore within the theoretical framework of the second chapter, in which I assess my own epistemological positioning.

Thus, triangulation is – in its advocacy of methodological multiplicity – a non-normative manner of data collection. This is supported from the Feyerabendian viewpoint. It is only the last two chapters, that contextualize migrant detention by processing it through a discursive element, where triangulation is properly used to

synthesize all of the different methodologies into one decisive answer. This is further explained in the sub-paragraph on data analysis below.

3.2. Data collection

The two data collection methods that I have been using consistently to a mutually reinforcing degree are conducting *semi-structured interviews* and doing *participatory observations*. A third method that I have employed after doing the fieldwork is the collection of figures, texts and numerical data on the naissance of migrant detention/deportation practices in the Netherlands.

The first method that I have used is participatory observation. Since, during my internship, I would be interacting with many different people who all have different experiences and opinions, it appeared to be best to note down all the significant events and interactions with these people. The method of participatory observation has been used for over a century by mostly anthropologists and ethnographers. At the beginning of the 20th century, ethnographic methods were used by anthropologists to study “primitive cultures” (Creswell & Poth, 2018, p. 90). However it was initially a discursive technology of social and cultural control over colonial populations (Evans-Pritchard in Vine et al., 2018), over the last century, ethnographic methodology has moved outside of its colonial context and the method has gained popularity as a proper means for social emancipation (Vine et al., 2018). Although the method remains to reside in a niche, it has been spreading outside of its initial anthropological context. “This suggests that ethnography is a flexible and reflexive methodological tool that can be effectively applied in many research contexts regardless of topic, participants, or indeed discipline.” (Vine et al., 2018, p. 4).

A good definition for participatory observation is that its essence “is to view and to understand events through the perspective of the people one studies.” (Balsiger & Lambelet, 2014, p. 146). Thus, by using participatory observation, the researcher should immerse themselves in the group they want to study. The researcher should get access to the experiences and opinions of people by getting close to them; by engaging in the same activities and by participating in and experiencing the same use of language

(Balsiger & Lambelet, 2014). This is something I have tried to do consistently, as I was working with the ROS foundation. At many instances, I felt that I was entirely included in the process of the work and conversations of ROS's employees. Therefore, by using participatory observations, I had a unique civil society perspective on migrant shelter, detention and deportation policies. The observations have been done by writing down field notes. These field notes have been written down during and immediately after events that I have experienced. Most of them have been marked by a date. Through these notes, it is possible to trace down my decision-making during this research (Appendices A-S).

Apart from observing, the early ethnographer Malinowski stressed the importance of conversing with people for gaining knowledge on the subject (Burgess, 1982). Therefore, as a supplement to participatory observation, I conducted several semi-structured interviews with ROS workers, migrants, a municipality worker, DT&V employees and an IOM (International Organization for Migration)⁵ employee. Semi-structured interviews or in-depth interviews are a method that primarily finds its origins in the methodologies of ethnography, grounded theory and phenomenology (Creswell & Poth, 2018). Several authors claim that, although the interview is essentially a conversation between two or more persons, in some ways it diverges from a normal, everyday conversation (Rubin & Rubin, 1995; Kvale, 1996; Ritchie & Lewis, 2003). They argue that the interview bears a distinct essence from a normal conversation in that interviewer and interviewee position themselves in different roles. Furthermore, they argue that the purpose of the interview would be different from a normal conversation.

I differ from this point of view. First, we should ask ourselves: what constitutes a normal conversation? A conversation and the roles accompanying it differ from situation to situation, from culture to culture, and from person to person. The conversations I have in a business meeting or that I have with a close relative could be quite different in nature. Nonetheless, they are both part of everyday social practices. We use language to converse and within these conversations, power relations and discursive effects are continually articulated, negotiated and reproduced (Fairclough, 2003; Wagenaar, 2011).

⁵ A UN organization that deals with the enforcement of UN-member state ideals concerning migration. In the Dutch case, the IOM is primarily focused on facilitating return for migrants.

I concur with the Feyerabendian view that academic practices do not – ontologically – differ from any of the other social practices. Accordingly, conversations held within the academic world, either between researchers, or researchers and their subjects, are not immanently distinct from the conversations held within other spheres of social life. And therefore, the academic interviewer ought not to conform to views about sanitized and regulated means of knowledge acquisition normatively laid out in methodological textbooks. This means that I did not adhere to any type of specific protocol for the conduct of interviews; except for the previous knowledge I attained during university courses on qualitative methodology.

Despite this being said, conversations held within the academic world produce certain types of discursive knowledge (Foucault, 1995; Fairclough 2003; Wagenaar 2011). In turn, discourse determines power relations and vice versa (Foucault, 1995; Fairclough 2003; Wagenaar 2011). Although an interview could also bear the same intentional purposes as a business transaction (i.g. acquiring and providing information), they can both produce distinct effects. By using contested language and jargon I could for example participate in the scientific construction of a certain type of social phenomena. Thus, it is paramount to the emancipatory value of my own thesis, that I respect my respondents and respect and acknowledge their difficult and vulnerable positions. Concretely, in the field, this meant cautiously approaching the migrant respondents. I had no problems approaching (non-) governmental migration chain (*migratieketen*) workers by email or by social media. However, I made sure to first acquaint myself with the potential migrant respondents. Moreover, I made sure they knew me and grew accustomed to my presence. Then, after a few weeks or even months, I would approach them for an interview. On the one hand, this strategy proved difficult to attain the desired primary data. Firstly, some people would say “no” anyways; they were simply not interested in doing an interview. Secondly, such a cautious strategy disables the approach of large quantities of valuable, potential respondents. I reacted to these difficulties by combining several strands of data, which allowed me to eventually build a strong inductive case.

Above all, by combining interviews with field notes and numerical data, I wanted to prioritize exploration. I did this to gradually build a conceptual, interpretative model

to understand the exact processes involved in migrant incarceration/expulsion. This model is not *a priori* imported, but is formed through both primary data collection, literary readings and secondary data collect. This means that exploration is concerned with step-by-step thought-formation. It is essentially this method of triangulation, which ensures the proper inductive reasoning throughout my thesis. How did I perform this triangulation exactly? Well, I began researching the Rotterdam detention/deportation case. During my observations in Rotterdam, I stumbled upon interesting phenomena that were aligned with detention practices but were exercised outside of the detention center. Then, I began forming my interview questions based on this new information. Meanwhile, I was reading literature as well. This steered me in the direction of viewing bordering policies not just as designed to create *bare life*, but viewing bordering policies also as a way to produce a criminal underclass of rejected, undocumented migrants⁶.

One principle part of my research objective is laying bare obfuscated power structures involved in bordering policies. To avoid participating in the construction of these power structures myself, I have continually reflected well on my personal interaction with the social world that I was researching. In this spirit, I was continually aware that I was not only exploring. Rather, as a researcher, I have been ‘composing a subjective narrative’ around my exploration. I did not simply uncover a ‘veil’ that ‘obscured’ my access to objective facts, but rather I have been producing these social facts myself. This thesis is primarily my own narrative, and secondly the narrative of those that are marginalized by processes of bordering.

3.3. Data analysis

The data analysis has been conducted throughout the data collection. Before I started doing observations and conducting interviews, I began with certain concepts that were steering both the collection and analysis of data. I planned to map out the outward imagination that residents had of the detention center. As soon as I started with my data

⁶ See chapters four and six: *What is the detention/deportation regime? Why do we detain/deport migrants?*

collection, my attention shifted to the policy which is acted out by (non-) governmental actors in the city of Rotterdam. The notion of Agambian biopolitics, which is further elaborated upon in chapter four, appeared to be insufficient to analyze policy practices in a local context. Primarily, it proved itself to be exclusively applicable to exercises of depolitization that happen through juridical and/or spatial exclusion. Albeit this perspective has been proven to be useful for analysis of bordering practices, I felt the need to use an additional conceptual model which would also account for structuring practices practiced outside of the penitentiary context. Therefore, I started reading other literature on bordering practices. As I began reading Foucault and carceral geographic literature, I noticed that concepts of *disciplinary practices*, *biopower* and *fluidity*⁷ were much more congruent with observable reality. However, I was able to maintain a certain focus on Agambian theory, since it was pivotal in explaining forms of institutional exclusion⁸. It allowed me to analyze the fundamental incongruence of migrant rights opposed to citizens' rights, which in turn leads to said institutional exclusion.

Throughout my thesis, I have been moving back and forward from doing data collection to reading literature and finding data. The literature is in this way also a form of data. It is a much more general and broad form of data which acts as a means to interpret the specific primary data obtained by observations and interviews. This means that I have conducted my research inductively. I started from a broad theoretical context which I synthesized with additional concepts. This theoretical synthesis is utilized to arrive at a thought-provoking, inductive contextualization of my case study, to then illustrate a broader tendency of migrant detention/deportation practices.

I have used two types of contextualization throughout my thesis. The first type is found in both chapters four and five. Chapter four sets the theoretical stage from which I build a genealogy on detention/deportation practices in chapter five. The second type of contextualization is found in chapter six. Whereas the former chapters are used primarily to focus on institutional analysis of detention/deportation practices, chapter six focuses largely on the discursive side. The contextualization of chapters four and five is consequently analyzed as a discursive phenomenon. This makes it possible to analyze my findings as being part of a larger and more abstract whole.

⁷ See chapter 4. *What is the detention/deportation regime?*

⁸ See chapter 5. *How do we detain/deport migrants?*

Hence, the triangulation of my data finds its true essence in discerning a form of inter-discursivity between institutional practices and broader *dispositifs* of knowledge/power. From this it is clear that, albeit I have collected a great deal of data, inductive analysis has for the large part been an integral part of the collection.

3.4. The pitfalls of conducting research

Of course, with conducting a large-scale research, come problems and obstacles. Some I managed to overcome. Others appeared to be a little bit more strenuous and tedious to solve. Overall, three different types of obstacles have arisen during my internship and research: 1. Inability to access policy-making meetings; 2. My limited position as being part of a NGO; 3. The target group of respondents was generally very difficult to interview.

Now, I will talk about the first type. Since, my first day with ROS as an intern, I have been denied access to important multi-disciplinary meetings: the BRIO⁹ meetings. The *Breed Rotterdams Illegalen Overleg* meetings are highly valuable, because all the important actors, both governmental and non-governmental, come together to discuss cases of vulnerable migrants who have been put in the federal shelter program. Vulnerable clients are mostly people who have been admitted to the program on the basis of their inability to legally reside in the Netherlands, and on the basis of their believed willingness to return to their country of origin (Appendix B). Not seldom, people are discussed who ended up in detention after violating the terms of the program. I was very interested in the ways the municipal and federal institutions would deal with such cases (Appendix B).

Although I could fortunately visit one of these meetings, my access to subsequent meetings was denied. The municipality was disgruntled with me and the ROS foundation, because we did allegedly not disclose my ongoing research (Appendix T). The ROS had apparently signed me up for the meeting as a regular intern. After the meeting had ended, some staff members of the municipality found out that I actually was a research intern. I understand their situation: they perhaps felt misled by me and

⁹ *Breed Rotterdams Illegalen Overleg*.

the ROS foundation. In hindsight, I have been too careless in this situation. I thought it would suffice to disclose my position with whomever asked me what I was doing at the meeting. However, I should have been actively communicating my position. It was not a lack of transparency from my side, but rather a lack of experience and communication. Nonetheless, it appears strange to me that the municipality and other actors are so wary of transparency. What do they have to hide from the public or academia? What is their stake in banning me from such meetings? During the meeting, there was also another researcher present. She attended the meeting on behalf of the municipality itself; in order to monitor the LVV policy implementation. It is clear from this that they are not wary of researchers per se, but rather they want to control specific forms of information coming out about their policies.

Despite the misfortune of my inability to access further meetings, this event is highly intriguing. It signals the anxious attitude of institutions operating in bordering processes. Information that should be distributed transparently, is anxiously being kept from the general public and academic researcher (Appendix H). On several occasions, municipality and federal workers would mention to me that they were generally afraid of 'disinformation' by civil society actors. Moreover, during several conversations at networking events, DT&V workers would categorically classify me as "probably being left-wing", because I was studying at the Radboud University in Nijmegen. Although most of these interactions would leave me quite amused, they do signify a darker truth about border policy: un-transparency, distrust and ideological preoccupation are part and parcel of the migration chain (*migratieketen*). Furthermore, these feelings of distrust regulate the interactions between federal institutions, NGO's and undocumented migrants to a certain degree. They make it fairly arduous to access and critique the often-harsh practices that are exercised on undocumented migrants.

A second obstacle to data collection that I have encountered, was the fact that by conducting participatory observation with a NGO, the data I collected was mostly about policy from a NGO perspective. I did not have direct participatory access to the detention center except for the two times that I visited. When I asked how to get clearance to the detention center, most people at ROS told me that it is severely difficult to enter. One needs to know someone working there, such as a pastoral worker or IOM

return officer to gain access. Neither did I have direct participatory access to the policy-maker perspective. I was performing a research as a research intern for the ROS foundation. Introducing myself from this position, often had its benefits and disadvantages. It would sometimes lead to interesting conversations with governmental actors who were opposed to ROS's involvement in undocumented migrant advocacy. At other occasions, it would also quickly set a gap between me and the other person, who would then be less reluctant to give out useful information. This is something I especially witnessed during networking events. Notwithstanding this lack of perspective, some institutions were eager to talk to me (Appendices Y-AA). Moreover, some institutions like the IOM and IND regularly publish materials on their functioning, which are easily accessible online.

Thirdly, I have been immersed within the group of undocumented migrants in our shelter. These people came from all walks of life, but were primarily sub-Saharan African women. The shelter is meant primarily for vulnerable women without documents, but outside of this it also provides services and goods to all kinds of *sans papiers*; including men and women who live somewhere else. Most of my interactions with people were set during the future orientation courses on Tuesday afternoon, and during the cycling lessons on Friday morning, which I held together with ROS employee 'Jan'¹⁰. The future orientation courses were meant for people to gain a clear perspective on their possibilities in the future. Many undocumented peoples have become so dependent on external support, that they have to be activated again to gain back control over their lives. These courses gave them a perspective again; either to build up a future in illegality or in their home country. The cycling lessons were also a means to activate people. For a period of about two and a half months, I would be teaching people to cycle. Most of them were quite immobile to a certain degree, because they were not able to cycle, and did not have sufficient funds to constantly use the public transportation system. Cycling was a way to give to the women of the shelter some form of mobility, but also a way to take them outside and make them active. Because of these activities, I would meet a lot of the people visiting or living at the shelter. I would generally participate in the future orientation course, as if I were also seeking future orientation

¹⁰ Fictitious name.

and in many ways these sessions were inspiring for me too. During these courses, it was interesting to observe the mindsets and behavior of the people participating. Some exuded a sense of hopelessness, while others were quite cheerful and optimistic about their future.

Despite my immersion, it was quite difficult to schedule interviews with people and it was even more difficult to schedule interviews with male clients, especially those who had been in detention. For me personally, it was not easy to outright ask anyone regularly visiting the ROS shelter as a client to participate in my research. First of all, there are a lot of researchers visiting the ROS shelter regularly and many of the *sans papiers* are fed up with answering questions. Furthermore, they are constantly interviewed by governmental institutions, which makes them wary of interviewers. I did not want to leave the respondents with the implication that I was just visiting and interacting with them to use them for data collection. Many of them are made very vulnerable and they should be approached cautiously. Consequently, it took me a few months to ask my respondents to participate.

In the beginning, I would have preferably interviewed mostly men for my thesis. Men are represented significantly more often in detention/deportation centers than are women. Men comprise over 80% [as of 2013] (Vloeberghs, 2013, p. 11) of all migrant detentions. Therefore, they are more representative of the general population. First, I was introduced to an Algerian¹¹ man who had been in detention for a total of one-and-a-half year (Appendix F). The man was certainly interested in meeting me to answer questions about his experience in detention. Later, when I wanted to do the interview, it was difficult to get into contact with him. The organization that represented him was not returning my emails. Thereafter, I approached another man to do an interview. Although I would meet him quite regularly (about once per week) and we would be quite friendly with each other, he declined my request. He seemed reluctant to talk about his experiences. He thought his experiences to be irrelevant and outdated. I told him that his experiences would be very useful nonetheless. He still declined. Naturally I respected his wish. Theo had before mentioned that this man probably has had traumatic

¹¹ In reality, this person is from another country in the same region or continent. I have changed this for the purpose of anonymization.

experiences within detention. This makes it difficult for people to really talk about their experiences. They have to relive the experience, while they are already trying to get past them. There was also a man from Nigeria¹² who promised me to do an interview (Appendix C). Although he seemed eager to talk about his experiences at first, later he was quite ambivalent about his participation. The man was not clear in his intentions and I suspected the man rather to want my company, than to have an interview (Appendix C). He offered me to stay the night at his house. I naturally declined and refrained from engaging in further interview requests.

At a certain point, I was meeting a lot of people on a weekly basis, but I did not know where to find male interviewees. I was mostly surrounded by female undocumented migrants, and I did not meet the male visitors as often that I could ask them to participate in an interview about their detention experiences. I wanted to gain their trust first and I did not feel like I had gained enough of it. This led me to change my strategy. I started approaching female respondents who I worked with in the shelter (Appendices T-W). Meanwhile I was exploring the theoretical possibilities to alter my research approach to not only include detention as a topic, but also bordering policies in the wider locality of Rotterdam. Thus fortunately, my theoretical alterations seamlessly intersected with the practical necessity of finding respondents. In the end, I did not receive the data I intended to collect at first. However, I was able to collect data that was specifically relevant for my changed research objective.

The problem I encountered with most of the men who had been in detention, is that they outright rejected my request for an interview. Often, they were too stressed, too tired, did simply not respond or doubted the relevance of their story for my thesis. Still, I did have short interactions with respondents on their experiences in detention. The Algerian man has answered a few questions on his experiences in detention. His answers were short, but he was very clear that he did not want to be detained anymore. He seemed to be a bit traumatized by his experiences in the detention center (Appendix F). Another person I have spoken is a man from Ivory Coast, who I have spoken in the detention center (Appendix R). This man has given out a bit more information.

¹² In reality, this person is from another country in the same region or continent. I have changed this for the purpose of anonymization.

Nevertheless, his answers were a short as well. This man seemed to be at peace with his situation, although he also told me that he was in a difficult situation. At the same meeting, I have spoken a pastoral worker of the DCR (Appendix R). He has given some valuable insights on the mindset of detainees; the ways they feel dehumanized by the prison regime. Unfortunately, I was unable to conduct semi-structured interviews with all of these respondents. In the end, it did not really matter, since my research focus has changed from purely migrant detention to detention *and* restrictive policy directives in Rotterdam

Although these pitfalls can be disenchanting and outright annoying at times, I have experienced that they are an inevitable part of doing research in the field of migration policy and detention. Because of the very serious and destructive nature of both the policies as well as their consequences, I believe that distrust and untransparency are inherent components of migrant policy and detention; both from the side of migrants as well as policy makers.

4. WHAT IS THE DETENTION/DEPORTATION REGIME?

“As soon as you know you are in prison, you have a possibility to escape.”

—William S. Burroughs, *My Education: A Book of Dreams*

4.1. Introduction

To understand what kind of social phenomenon I am trying to explicate and investigate in my thesis, I am asking the *what*: what is the detention/deportation regime? This is quite an open-ended question and it can be answered in numerous ways. For me, the question is about showing the theoretical and conceptual lens which I used to understand the penitentiary practices with – from within and without. Hence, I am reviewing the *what* by showing my theoretical and epistemological basis. The question of *what* then becomes the question of “*how* do I look at the detention/deportation regime from a theoretical perspective?”. In this sense, this chapter is about setting the ontological parameters for conducting my research. It is thus about what I consider to be penitentiary practices. As I show throughout the chapter and especially at the end of the chapter, I theoretically envelop these parameters beyond the physical walls of the prison.

Writing on, conceptualizing and criticizing the migrant detention/deportation center, or any detention center for that matter, often lures us into a default mode of conceptualization. To our socialized bodies it is far more appealing to look at the prison as a box full of inhibited societal harm. We continually accept the prison as a tool for regulating criminal energy; a morally deviant force that is ought to be curbed by penal countermeasures. We view the prison as the societal underside brought to justice in distinct isolation from the rest of society; the delinquent’s punishment and separation from society as the proof of their transgressions (Foucault, 1995).

Through a continuing exposure of prison entertainment like movies, documentaries, reality shows and hit series (to name a few: *Louis Theroux: Behind Bars*, *Shawshank Redemption*, *Prison Break*, *Inside the World’s Toughest Prisons*), we are

tricked into a fixed conceptualization of what prison is and does (Turner, 2017). A distilled popularized version of the prison is exposed to us on a regular basis. Although we assume that we know what a prison is – how it looks like from the inside, and how it operates internally and externally –, we are often just generalizing a very abstract, complex body of ever-changing phenomena. As Armstrong and Jefferson put it poignantly: “. . . the’ prison colonises [*sic!*] more than bodies and more than minds confined within its walls; it appropriates the outsider’s very ability to imagine and critique it.” (Armstrong & Jefferson, 2017, p. 238).

To understand the migrant detention/deportation center, we first have to understand the institutional and discursive emergence of the prison. How then do we start to conceptualize the prison from a critical perspective that evades our ‘common sense’ understanding? How do we move the prison from the margins to the heart of our society? The following paragraphs will answer these questions by drawing up a genealogy of the prison as an essentially *biopolitical instrument for spatial and discursive control*. Both Agamben and Foucault put emphasis on different explications of power and different conceptions of what constitutes a biopolitical *apparatus*. Whereas Foucault directs his attention to *prison* as a paradigmatic model for societal power mechanisms, Agamben focusses on the *camp* as a spatial manifestation of the *state of exception*. I argue that camp and prison are not essentially different categories and can be used in conjunction with one another. Despite their differences, I believe both theoretical frameworks can work in congruence to advance our understanding of the migrant detention/deportation center and its place within the biopolitical *apparatus*. This synthesized theoretical understanding is supplemented with literature from the field of carceral geography, which is much indebted to both strains of biopolitical theorization. From this chapter, we can begin to understand the recent historical developments of the Dutch migrant detention/deportation practices.

4.2. The emergence of the prison

To commence a critical analysis of the prison or camp, it is paramount to understand Foucault’s definition of sovereignty. Foucault’s analysis of disciplinary practices in *Discipline and Punish* (1975) makes use of the concept of sovereignty to contextualize

the development of disciplinary practices throughout the 18th and 19th century. Sovereignty in the Foucauldian sense refers to the absolutist power of medieval and pre-industrial monarchs that manifested itself through specific types of ritualized punitive codes (Foucault, 1995). According to Foucault, any crime committed publicly – in full sight of the public authority – was conceived of as a breach of the monarch’s sovereign power. Corporal punishments were then theatrically enforced as a means of symbolical power restoration (Foucault, 1995). Thus, pre-modern sovereignty was an ‘absolute’ power in that it decided upon the life and death of criminals. Nonetheless, it was an indirect power, for it was ineffective in regulating the social life of the monarch’s constituents (Foucault, 1995).

Then, Foucault locates a historical change: During the end of the 18th century, modes of production changed, and illegality changed with it: property crimes were on the rise. As a counter measure, the *bourgeoisie* was trying to regulate this form of popular illegality by abolishing the corporal theatres of punishment of the pre-modern era – under the guise of more humane forms of punishment (Foucault, 1995). Previously, sovereign punitive measures were open to contestation by the public. Sometimes it would not be the ‘criminal’, but his punishers who would be susceptible to public rage (Foucault, 1995). Therefore, sovereign punishment was viewed as an unstable form of punishment. The subsequent shift in punishment practices entailed a spatial and temporal fixation of the delinquent’s life. The purpose of punishment was changed from restoration of sovereignty to the societal rehabilitation and subjugation of the delinquent’s life. Those who operated outside of the general societal norms, were to be re-integrated. Through the practical use of daily schedules with precisely defined activities, the delinquent’s life was controlled in its every facet. Foucault describes how throughout the 18th century, prison became the main form of punitive practice (Foucault, 1995).

4.3. The formation of the ‘modern subject’

Foucault describes how disciplinary power and punishment practices did not limit themselves solely to the prison, but also were prevalent in the institutions of the school, the factory and the psychiatry ward. Prison formed the basic model on which these

institutional entities originated (Foucault, 1995). This institutional nexus of disciplinary practices made possible the production of the individual 'modern subject' (Foucault, 1995).

Discipline 'makes' individuals; it is the specific technique of a power that regards individuals both as objects and as instruments of its exercise. It is not a triumphant power, which because of its own excess can pride itself on its omnipotence; it is a modest, suspicious power, which functions as a calculated, but permanent economy. (Foucault, 1995, p. 170).

Foucault explains how the modern subject is formed through observation; through segmentation of a subject's time in temporal blocks; through differentiating individuals into small, controllable cells, which are easily observed. Moreover, these practices convoluted with the arrival of the human sciences. The model of individualization and normalization constituted the conditions of possibilities for producing knowledge on the modern subject. Delinquents, psychiatry patients and youths were easily studied through the observational methods of disciplinary power and this in turn made possible knowledge production on the modern subject, which conversely structures the subject as well (Foucault, 1995). Consequently, knowledge and power enter a reciprocal relation. Contrary to the visibility of the sovereign power in pre-Modernity, Modernity produces the modern subject that in its individualization becomes hyper-visible (Foucault, 1995). This is the structuring power mechanism that is not coercive in its violent negation of the subject. Rather, it is coercive in its intricate regulation and structuration of the subject (Foucault, 1995).

4.4. Pre-modern sovereignty

Foucault's conception of sovereignty is a limit-concept and is explicitly used to contextualize the power relations of pre-modernity (Diken & Laustsen, 2005). To understand sovereignty in its contemporary context and its significance as a structuring

principle in Agambian biopolitics, we have to look at the historical emergence of the concept in accordance with the modern territorial state. In early modernity, both Hobbes and Bodin define sovereignty as a *supreme power* whose locus is that of the *body politic* of the *state* or *monarch* and whose width of authority corresponds with the state's *territorial demarcation* and exceeds the confines of the *law* (Johnson, 1985; Hobbes, 1991; Bodin, 1992). Hobbes imagines the sovereign as the body politic of state, wherein the state is imagined as an omnipotent, sovereign body or mythical personification consisting out of bodies of citizens (Hobbes, 1991).

In a similar vein with Hobbes, medievalist Ernst Kantorowicz describes sovereignty as being the symbolically represented 'mythical body' of the king which during the monarch's funeral would be symbolically preserved. A wax effigy of the sovereign would be ritually preserved for a ceremonial burning and was treated as the living king, while his *corpus naturale* would be buried. Hence, the king would possess over two bodies, of which the mythical came to represent the eternal sovereign power that would be transmitted to his successor by ritual burning (Kantorowicz, 2016; Agamben, 1998).

With the emergence of modern states, the mythical, mimetic body of the king is transferred upon the absolute territorial authority of the modern state (Kratochwil & Ruggie, 1986; Agamben, 1998). Thus, conceptually, the modern entity of sovereignty is thought of as a convergence between the state apparatus and the territorial limits of the state. Perhaps the king is already dead and gone as a figure of absolute power, but the body politic of the sovereign as *embodied* in a territorial state body becomes well-alive throughout modernity.

4.5. Schmittian conception of modern sovereignty

This way of envisioning the sovereign body as an abstract theological entity of which its eternal and omnipotent, mythical powers are transposed upon the modern territorial state, brings me to the philosophy of 20th century philosopher Carl Schmitt. Schmitt did not formulate a specific biopolitical project. Nonetheless, he did explicate a notion of sovereignty that – much like Kantorowicz's conception – observed sovereignty to be

something of a mythical, esoteric character. Exactly this notion is important for understanding the Agambian biopolitics which I present in the next sub-paragraph. Schmitt opens up a way of viewing sovereignty as an inherently theological structure, that finds its genesis in Christian theology. He remarks:

All significant concepts of the modern theory of the state are secularized theological concepts, not only because of their historical development – in which they were transferred from theology to the theory of the state, whereby, for example, the omnipotent God became the omnipotent lawgiver – but also because of their systematic structure . . . (Schmitt, 2005, p. 36)

Sovereignty according to Schmitt can only be understood by means of *political theology*. Despite secularization, theology has managed to survive; not in its own specific domain, but rather universally in the expression of the *Political* and specifically in the expression of sovereignty. Distinct from the specific domain of politics practiced by politicians, Schmitt believes that the *Political pervades* every sphere of social life; from economics to the sciences (de Wilde, 2011).

Schmitt envisions the sovereign body to be above any constitutional law. In *Political Theology*, he states the following: “Sovereign is he who decides on the exception.” (Schmitt, 2005, p. 5). This refers to the absolute character of sovereignty; the sovereign is allowed to both institute and exploit a *state of exception*. When the legal order is destabilized due to an emergency of public revolt, the sovereign state can suspend all forms of law as a means to re-establish the legal order. He stipulates the ‘true’ sovereign character further with:

. . . not every extraordinary measure, not every police emergency measure or emergency decree, is necessarily an exception. What characterizes an exception is principally unlimited authority, which means the suspension of the entire existing order. (Schmitt, 2005, p. 12)

The absolute character of the sovereign body lies in its inherent quality to decide on the exception. Schmitt believes that the law can only be constituted and preserved by extra-judicial measures (de Wilde, 2011). Thus, he views this law-preservation and law-constitution as a form of violence. The true sovereign, according to Schmitt, is he who decides on this exception.

4.6. Agambian conception of sovereignty

The Schmittian conception of a state of exception has been a major influence on Agamben's biopolitics. Just like Schmitt, Agamben views sovereignty to be the entity which decides on instigating the state of exception. It is this sovereign exception that forms the basis for Agamben's critique of biopolitics (Agamben, 1998). Agamben tries to analyze the ontological structure of the state of exception, by using a figure from Roman law: the *homo sacer*. This was a legal term that signified a person who could be murdered by anyone with impunity. Nevertheless, it was prohibited to kill this person during sacrifice. The *homo sacer*, was thus banned from the normal workings of the law. He was excluded, but precisely in his exclusion included. Through this mechanism of inclusion by exclusion it becomes apparent, according to Agamben, that the *homo sacer* is stripped of its *bios* (a life predicated by a certain sphere, like *oikos* – home – or *polis* – the city) and in turn is reduced to *bare life* (*zoé*): a life that is stripped of its political attributes and can be subject to any form of violence (Agamben, 1998). Agamben believes that the mechanism of the included exclusion (or state of exception) has been a continuing component throughout human history. The structure is not only visible in the biopolitics of modernity, but is apparent as a main structuring element in juridico-political structures starting with the ancient Greeks (Agamben, 1998)¹³.

The extermination of the Jews and Gypsies in the Nazi death camps is another example or *paradigm* of this structure of included exclusion. The Jews and Gypsies were included within the *nomos* of the camp, but excluded from the larger *nomos* or German law, that includes the camp. They were killed off as if they were not even human. The

¹³ This paragraph and the subsequent paragraphs on Agambian thought have been partially paraphrased from my *Research Proposal* (Frederiks, 2019).

Nazis stripped them of their political being. Their *bios* was taken away, and subsequently also their *polis* destroyed. The horrendous killing that ensued was a biopolitics which was accelerated. (Agamben, 1998). The bare lives of the Jews and Gypsies were instrumentalized for the enlargement of the sovereignty of the Nazi state, since the Nazis claimed the Jews to taint a 'pure' Germanic race. With this claim they believed to justify the extermination of the Jews and Gypsies for the preservation of 'pure' Germanic life. This is exactly biopolitics in its extreme form. In this sense, biopolitics becomes not only a regulation and politization of bare life, but essentially it becomes a *thanatopolitics*: the political regulation of human life's destruction.

Agamben argues that although the thanatopolitics of the Nazi death camps may be history, the camp endures to be the concealed matrix of modern politics (Agamben, 1998; Giaccaria & Minca, 2011). Spatially, this notion is explicated in the idea that the law (*nomos*) adheres to a demarcated territory (*nomos*). In this sense, the notions of law and territory converge. The sovereign decision, which is a suspension of the law, materializes itself in space. Hence, to constitute a law and a territory, is principally an act of violence; one has to create something out of nothing. Where before there was no law or territory, the sovereign now institutes a *nomos*. This is done as an extra-judicial act:

The banishment of sacred life is the sovereign *nomos* that conditions every rule, the originary spatialization that governs and makes possible every localization and every territorialization. And if in modernity life is more and more clearly placed at the center of State politics . . . this is possible only because the relation of ban has constituted the essential structure of sovereign power from the beginning. (Agamben, 1998 p. 111)

This principal mechanism of sovereign power finds its crystallization in the emergence of the biopolitical campspace. Nowadays, the camp is located almost anywhere in the political-geographical spaces of our modern lifeworld (Minca, 2015). Juridically, the

camp denotes a space of 'nonright' (Balibar, 2004; Minca, 2015; Agamben, 1998)¹⁴. The one who is included, is essentially excluded in this space and cannot make demands on the law and territory which includes them through exclusion. To conclude, the notion of Agambian sovereignty signifies the creation and sustenance of *nomos* through its suspension. Subsequently, this entails the biopolitical production of bare life within a modern paradigm of the camp (Agamben, 1998). And parallel to this production, sovereign power establishes and maintains itself. In this sense, the instrumentalization of bare life is a means to an end. The teleological purpose of sovereignty is to enlarge itself (Agamben, 1998). This can only be done through the beforementioned suspension.

4.7. The biopolitical significance of the migrant detention/deportation center

Above, I talked about the philosophical construction of the notion of Agambian sovereignty and biopolitics. Though, if we want to look at the significance of these notions in our own lifeworld, we have to look at the effects and material manifestations of biopolitical practices. According to Agamben, the practical explication of the campspace and the production of bare life occur in all kinds of spheres of modern life. Agamben himself gives several enticing examples: from an increased appropriation and politization of bare life in bioengineering, the law-making violence through police brutality, to the depolitization and dehumanization that occurs in transit, temporary spaces of airport detention centers (Agamben, 1998). It is exactly this last category of biopolitical regulation (the fixation of migrants) that is relevant for my thesis.

Progressively, we can observe the mechanism of camp being effective in regulating flows of people (Balibar, 2004; Diken & Laustsen, 2005; Minca, 2015). On the one hand, the Mediterranean refugee camps, the urban jungle of Calais and the airport detention centers can all be partially understood from this mechanism. They are *non-places* (Augé, 2009), spaces of *transit*. It is here that migrants are locked in, as if they are not really human, but mere animals that you can put in a cage. These are the places that produce a bare life. On the other hand, the migrant detention center has an essential structure of being a carceral institution. Therefore, the migrant detention center can

¹⁴ Idem.

only be understood from the conjunction between the Foucauldian notion of biopolitics – that starts with the prison – and Agambian biopolitics – that ends with the contextualization of migrant detention center within a biopolitical *apparatus*.

Which power mechanisms are at play in constructing the migrant detention center? I believe both Foucauldian and Agambian approaches have their merits. The Foucauldian perspective offers a more detailed perception on how the detention center is constructed and maintained. From the angle of *governmentalité*, we can look beyond the prison and conceptualize the logistics and discursive and institutional dynamics that are nearly invisible when looking at the prison from the inside alone (Wagenaar, 2011). A whole complex network of actors is connected to the construction and sustenance of the migrant detention center. Apart from this governance-view, the Agambian perspective gives us a lead on the juridical exceptionalism inherent in locking up and expelling people without documents. They have a fundamentally different juridical position compared to Dutch or EU citizens. That is why they are prone to detention and ultimately deportation.

Then, it is also important to look at the function of the migrant detention center. As mentioned by DT&V employees in a triple interview, migrants are never detained without a ‘probable chance of deportation’ (Appendix Z). Apart from the fact that this story is contradicted by many other actors in the field, this is seen as a main constitutional *raison d’être* for both the DT&V and the DCR. Their function is eventual ‘return’ of the migrant. As Foucault mentions in *Discipline and Punish*, the failure of rehabilitation is an inherent structural component of the carceral system (Foucault, 1995). The delinquent subject and the category of delinquency or illegality is constructed through this constitutional failure. In the migrant detention center, the function of rehabilitation is substituted with deportation. And as I will show throughout my thesis, the DT&V does not manage to deport so many people. Most migrants are incarcerated and eventually released without deportation. We ought to ask ourselves if deportation is the true and proper purpose of migrant detention, since its overt function is only marginally actualized.

My hypothesis is that we are facing a micropolitics of deterrence that is achieved through exceptionalism, incarceration and spatial fixation. Governments are conducting

anti-immigrant campaigns because the general public wants to immunize itself against the perceived ‘stranger’ at our gates. To further concretize this hypothesis: deterrence is a larger political and ideological strategy to obfuscate a vast expansion in governmental surveillance technologies (more on this in chapter six). If this holds true, we might assess the possibility that the unintended strategic purpose of migrant detainment is the construction of the ‘illegal migrant’. Such a construction has institutional exclusion and exceptionalism as both its causes and consequences, since the stranger already has a different legal position than citizens, but is now being excluded to an even greater extent. It is a practice that legitimizes itself through its own structural failure. In this intersection of both exceptionalism and incarceration, the migrant detention center finds its true biopolitical essence. It is exactly the suicide of Alexandr Dolmatov, who was fleeing political prosecution in his home country, which clearly illustrates the grave consequences of a regime in which institutional exclusion has been proliferated to an unprecedented degree.

4.8. The biopolitical apparatus

To further contextualize the migrant detention center within a biopolitical system, we have to arrive at a satisfying synthesis of Foucauldian and Agambian biopolitics. Their views are partially divergent and each of their approaches cover different parts of the biopolitical. Whereas Foucault focuses on the productive qualities of biopolitical power, Agamben has been largely interested in the negating qualities of biopolitical power. Despite their differences, they also have similarities in their systems of thought. Their convergence is to be found in their very similar views on the existence of a biopolitical apparatus. This is nothing extraordinary, since Agamben hails much of his biopolitical ideas from what was first initiated by Foucault. Foucault, who originally invented the term biopolitics, uses it to describe the processes by which disciplinary practices have been used to govern bodies of subjects as if it were one governable body; the body of the population.

After the anatomo-politics of the human body established in the course of the eighteenth century, we have, at the end of that century, the emergence of something that is no longer an anatomo-politics of the human body, but what I would call a 'biopolitics' of the human race. (Foucault, 2003, p. 242-243)

As we can read from *Discipline and Punish*, Foucault presents disciplinary power practices as a contingent *dispositif* of power/knowledge of which its emergence is indebted and parallel to the model of the prison (Wagenaar, 2011). Biopolitics denotes a new dimension in which disciplinary power breaks away from its original penal constitution. Moreover, biopolitics contextualizes disciplinary power as being historically integrated within a neoliberal, biopolitical apparatus in which disciplinary power convolutes with discursive/normative notions of capital growth: the body population is "mobilized in the process of capitalist production" (Nedoh, 2017, p. 67; Foucault, 2003).

The notion of apparatus is quite abstract. How can we understand this notion? Foucault imagines it as a broad form of governance and networks of institutional and discursive power (Foucault, 2003; Wagenaar, 2011). As he states in an interview, "The apparatus is thus always inscribed into a play of power, but it is also always linked to certain limits of knowledge that arise from it, to an equal degree, condition it." (Foucault in Agamben, 2009, p. 2). This goes beyond the representational government. If we imagine a government, we most likely would imagine the parliament, ministries, municipalities and their representatives. But if we go back to the Schmittian conception of politics versus the Political, we can imagine ourselves a more abstract entity of government that lies beyond the exercise of representational politics. In line with this thinking, Agamben expands on the Foucauldian definition of apparatus: ". . . I shall call an apparatus literally anything that has in some way the capacity to capture, orient, determine, intercept, model, control or secure the gestures, behaviours, opinions, or discourses of living beings." (Agamben, 2009, p. 14). Thus, an apparatus signifies the existence of some sort of coercive regulatory system that conspicuously permeates the social sphere.

Then, if we look at the term biopolitics, biopolitics denotes the systemic regulation of life. Nonetheless, Agamben and Foucault both hold different conceptions on what this regulation entails, and what exactly life entails as an ontological entity. Foucault imagines life to be regulated by powers that are intricately enmeshed with the neoliberal interpellation of capitalist discourse. Life is coerced, but also produced in this sense. Adversely, Agamben envisions biopolitics to be the relation between a sovereign power that negates the *bios* through the excluded inclusion. Although the Agambian conception conceives of life negated, consequently *bare life* is explicitly produced. Therefore, both biopolitical theorizations consider the biopolitical apparatus ultimately as a force that produces a life *separated* (Nedoh, 2017).

4.9. The researcher integral to the apparatus

The ultimate consequence of the biopolitical apparatus is thus a life *separated*. This can entail either the life of the whole population which is viewed as one singular biological entity, or it can mean the *bare life* of the individual who is excluded on the basis of their status or belonging. Both outcomes differ since they imply very differing epistemological foundations. Foucault has a much more dynamic conception of power, whereas Agamben rather focusses on the juridical parameters constituting a biopolitical reality (Deuber-Mankowsky, Diehl & Coles, 2015). Foucault has been quite occupied with the epistemological implications of power and has extensively elaborated on the reciprocal relation between power/knowledge (Foucault, 1995; Foucault, 2003; Wagenaar, 2011). Adversely, Agamben's conception is primarily focused on the subject of ontology. For Agamben, the sovereign power placing "biopolitical life at the center of its calculations," has always existed as a political entity (Deuber-Mankowsky, Diehl & Coles, 2015, p. 66). It is only with the emergence of the modern state that this separation of life becomes apparent. For Foucault, biopolitical life is contingently produced through recent historical processes. However, both conceptions hold merit for my thesis, only the Foucauldian conception is of use for epistemological positioning and critically assessing discourse surrounding bordering practices.

Hendrik Wagenaar for one, interprets the Foucauldian *dispositif* (apparatus) – as "a grid of interpretation" (Wagenaar, 2011, p. 118). "It encompasses both discursive and

non-discursive practices”, says Wagenaar (2011, p. 118). These practices entail “discourses, institutions, architectural arrangements, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral, and philanthropic propositions.” (Foucault in Agamben, 2009, p. 2). This is another abstract definition, but it signifies the apparatus as being much more than a mere systemic, coercive force. It allows the researcher to assess their own facticity within this grid of interpretation.

Yet mystery remains, since I do not know my exact epistemic place within the biopolitical apparatus. Yes, I do know that I make philosophical and moral propositions. Additionally, my aim is to make scientific statements. However, how are my own doings incorporated into a network of power relations? Furthermore, how do I break free from the apparatus’ discursive limitations bestowed upon me? As I stated earlier, I can assume my role as producer, reproducer and constituter of knowledge. The question begs nonetheless, if I act out of my own free volition, or if I am structured and automated to move into a certain intellectual direction. And here it is that we can find a strong line of criticism against biopolitical critiques: if it is a practical impossibility to escape the structural limits of the apparatus, how then do we make sensible, emancipatory statements that undermine it?

As an answer, we could be following the approach of Walter Benjamin for one. It is the Schmittian law-preserving and law-making violence that he deems responsible for instigating and sustaining the *myth* of law and the state. Against it he proposes a *divine* violence that enables mankind to go beyond any form of systemic life separation or law (Nedoh, 2017). He locates such a form of violence in the public revolts against the Weimar republic. Unfortunately, his proposition entails the ontological subversion of a sovereign conception of power that is very much alike the Agambian conception. Adversely, the Foucauldian conception has usurped this sovereignty approach into a governmentality approach that is much more difficult to subvert on an epistemological level. However noble the Benjaminian approach may be, it asks for a transcendental and intrinsically external power to destroy the current dominant system. Foucault recognizes the historical incapacity of conceptualizing a power beyond this system. We are ‘thrown’ into this world in quite a Heideggerian sense. Therefore, we cannot escape its ontological and epistemological limits.

Even if we internally dispose of a certain concrete element of the apparatus, like migrant detainment and deportation, we can never be sure if we are not instigating conditions of possibilities for completely new coercive regulatory mechanisms to fill up the vacuum. Here, it is important to take note from Foucault's conclusion on his observations of the carceral system. He does not argue for a complete systemic reform, but rather he begs for a fundamental increase in public transparency of the prison (Foucault, 1975). For the idealist activist, this may seem severely fatalistic and outright cynical. Instead of critiquing the moral *aporias* inherent in the system, Foucault factually accepts the system *as is* and only makes 'small' demands. Moreover, how much will law-makers give in to such demands?

In spite of this, it is this exact stance that ultimately illustrates Foucault's epistemological rigor. It has never been his purpose as a researcher and philosopher to make universal normative statements on reality. As we can observe throughout Foucault's *oeuvre*, lectures and interviews, subversion happens through showing the system's internal contingency. Although he eschews the fixation of any universal ontological determinants, contingency may be conceived of as a universal – just as we can conceive of the apparatus as a universal (Agamben, 2009). It then seems epistemologically incommensurable to integrate the Agambian biopolitics, which is based on ontological necessity, into the Foucauldian system, which is based on epistemological contingency. Notwithstanding this seemingly paradoxical synthesis, we can be sure that Agamben never wholly dismisses any Foucauldian epistemological argument. He for one makes sure to include a discursive component in his conception of the apparatus (Agamben, 2009) Hence, my proposition is to view the Foucauldian approach as overdetermining and 'universally' (contingently) applicable, whereas the Agambian perspective is merely relevant for the politico-juridical discursive and non-discursive practices that are only a partial component of the whole grid of interpretation that is the *biopolitical apparatus*. In this manner, Agambian biopolitics can be viewed as a mere expansion of the Foucauldian ideas, and as such is merely relevant to review mechanisms of exceptionalism. What I want to review in the rest of this thesis is in what way exceptionalism, biopower and carcerality are main structuring determinants for the

specific field of migrant detention and deportation practices: where exactly do they converge? And how do they converge?

4.10. Empirical work on the prison/camp

Although Foucault gives us a thorough analysis of penitentiary practices, over recent years, social scientific work on the prison has expanded upon the Foucauldian genealogy. Whereas Agamben often leaves us with an empirical gap, many of his ideas on exceptionalism are intersected with Foucauldian-oriented perspectives in the empirical, scientific work concerning the carceral. Empirically, these contemporary approaches are concerned with the localization and contextualization of the camp/prison in our modern social world. From the “relative dissatisfaction with Foucauldian notions of ‘docile bodies’ . . . or Agamben’s ‘bare life’”, a new sub-field has emerged: Carceral geography (Armstrong & Jefferson, 2017, p. 243). Carceral geography has existed for about twenty years and was born out of interest for the spatial characteristics of prison in a social context. A definition is given by Moran:

Carceral geography . . . has tended to foreground the experience of carceral space, both in terms of the individual’s movement into and out of that space and his or her experience within it, as well as the physical manifestation of the penal institution in space.” (Moran, 2013, p. 175).

It is not only this very specific sub-discipline that has been largely concerned with carcerality and campspaces, but also more broad disciplines such as anthropology, sociology, criminology, law and political economy have produced a plethora of knowledge that expands on our core conceptions.

Some theorists have focused on critiquing the Foucauldian notion of ‘docile bodies’. To many, this notion seems to be too overbearing and leaves out room for agency and resistance. This critique does not only limit itself to carceral geography alone, but is a theoretical problem for many fields that hail from Foucault. As some

scholars managed to illuminate, many prisoners are producing and reproducing space themselves and in this way are resisting control over their bodies and lives (Baer, 2005; van Hoven & Sibley, 2008). Another approach concerned with the idea of resistance is the neo-Marxist notion of a *circuitry of carcerality* (Gill, Burridge, Conlon & Moran, 2018). This idea is founded on the principle of capitalist macro-power that structures carceral spaces as a network beyond the physical walls of the prison. Within this circuitry, forms of resistance are a fundamental structuring principle, and are not be left out of the equation.

Akin to this argument, Moran has stressed the fluidity of the carceral space (Moran, 2013). The fluidity of the carceral space is mostly conceived of as its widely applicable and apparent existence *outside* of the physical prison. Moreover, Armstrong and Jefferson conceptualize the prison as rather being a mechanism of confinement that is also apparent in structural social and material poverty (Armstrong & Jefferson, 2017). This is much in line with the argument developed by sociologist Wacquant; that the precariousness of prison extends into the ghetto (Wacquant, 2001; Mendieta, 2007). Wacquant stresses the contemporary use of the penal system as a means of poverty regulation. In this manner the prison becomes a means of social stratification and violence well beyond its physical walls (Wacquant, 2001; Mendieta, 2007).

As an extension of this notion of fluidity, Armstrong and Jefferson have augmented our understanding by conceptualizing prison not merely as a space of confinement. Prison is also a space of logistics (Armstrong & Jefferson, 2017). In this way, prison is spatially diffuse, because its logistical structuring happens in office parks and high-rise office buildings. Prisoners' lives are decided upon far away from the prisoners' vicinity. The personal relation between 'warder' and convict becomes blurred and the mechanism of power becomes even more abstract.

In line with a more Agambian outlook, Morin (not to confuse with Moran) intersects notions of animal geography and carceral geography to draw out the striking similarities between mass-incarceration and the bio-industry (Morin, 2016; 2018). According to her, animals in the bio-industry are by default produced as bare life. They lead severely precarious lives and are often bred purely for slaughter and consumption.

Human lives are perhaps not as precarious, but the mechanisms of exclusion and control share key aspects across these industries.

Another insight is the theory that carceral spaces have a prominent function as a regulator of mobility in space (Moran, Gill & Conlon, 2013; Moran, 2013). In public discourse, migration detention is framed as being a “non-punitive measure to facilitate expulsion” across the Occidental world (Moran, Gill & Conlon, 2013, p. 1). Nevertheless, migrant detainees often face the same disciplinary measures, as do ‘normal’ prisoners. Consequently, Stumpf has coined the term ‘crimmigrant’ to denote practices that criminalize the immigrant through detention and correction (Stumpf, 2006). In this, it becomes clear that disciplinary practices *à la* Foucault, merge with the exceptionalism conceptualized by Agamben. Non-citizens entering the Occidental space are treated fundamentally different from citizens, but not fundamentally different from prisoners.

A broader theoretical perspective that both draws heavily from Foucault and Agamben, is the one that conceptualizes an empty non-space or camp that goes beyond any theorization of carceral spatiality (Balibar, 2004; Diken & Laustsen, 2005; Minca, 2015). Campspaces are not limited to spaces of visible coercion, but are also to be found in the holiday resort, the gated community, or the school camp (Diken & Laustsen, 2005; Minca, 2015). These spaces seem to be voluntarily inhabited, but one could argue that even voluntary inhabitation is structured and coerced through manifestations of biopower. It is such a theoretical stance that brings us to the possibility of critiquing any enclosed space as an instrument of regulatory control of subjects’ time/planning and space/mobility. These spaces are ultimately temporal; inherently spatial. They can be instigated and destroyed at any given moment, by whatever authority reigns contingently supreme. What are then the migrant’s or homeless’ shelter, the gated community, the public school, if not mere impermanent spaces of illusory safety?

What all these insights have in common, is that they emphasize the precariousness of subjects affected by biopolitical practices. Some contextualize this precariousness within a setting of enhanced subjects’ agency and resistance; resisting the notion of over-bearing, pervasive control. Adversely, others envision subjects’ lives to be thoroughly permeated and affected by sovereign acts of violence. I want to use all of these conceptualizations to analyze the detention/deportation regime. I believe the

biopolitical apparatus to be an oscillating mechanism of many different strategies of control; affirmative, productive and negative. Concretely, this means that at several different points in time and space, the biopolitical regime can differ in its techniques, intentions and outcomes.

When looking at the biopolitical apparatus, what is its significance for the detention/deportation regime? To answer this question, it should be clear that the detention/deportation regime is only a token of a larger biopolitical apparatus. The biopolitical apparatus stretches far beyond the carceral, into every sphere of life (Diken & Laustsen, 2005). Increasingly, *biopoliticality* is the structural preoccupation of the regulation of life in all of its forms, either rich and free, or poor and shackled (Diken & Laustsen, 2005). As a token of biopoliticality, the detention/deportation regime is primarily preoccupied with the regulation of migration. Therefore, its victims are mostly migrants. In its biopolitical exercise, the detention/deportation regime could be negating the political attributes of migrants or producing their subjectivity through less restrictive means. Whatever strategy is active at any given moment, it is clear to me that the detention/deportation regime is biopolitical in its very nature. As such, even oscillating between a spectrum of restrictiveness, it is undoubtedly pervading migrants' lives and livelihoods. Then, some undocumented migrants' lives are more vulnerable than others, even though they are placed within the same constraints. Camps and prison spaces can have very differing consequences on differing individual subjects.

Moreover, I want to take away from carceral geography the notion of fluidity, which enables conceptualizing prison's societal affects outside of a purely carceral context. It makes possible addressing migrant detention outside of its static context of the physical prison. This in turn gives us the tools to look at the migrant detention's reciprocal relation with the outside societal context and biopolitical apparatus. Analyzing this reciprocal relation is crucial, since it allows us to move beyond the imagination of prison as *fixated* and *static*. Prison is a process; a verb. Its auxiliary effects are constantly visible outside of its direct context. In the same fashion: the detention/deportation regime is more than just a prison. It is an instrument for the regulation of migrants in space in time. The detention/deportation regime stretches outside of its purely physical context, by extending its penitentiary practice into other

realms of societal life. This case, of the fluidization of the detention/deportation center, will be further elaborated upon in the following chapter.

5. HOW DO WE DETAIN/DEPORT MIGRANTS?

“Something much more fundamental than freedom and justice, which are rights of citizens, is at stake when belonging to a community into which one is born is no longer a matter of course and not belonging no longer a matter of choice, or when one is placed in a situation where, unless he commits a crime, his treatment by others does not depend on what he does or does not do.”

—Hannah Arendt, *The Origins of Totalitarianism*

5.1. Introduction

Now that I have explained the theoretical concept of the detention/deportation regime, it is important to look at the emergence of detention/deportation strategies in the Netherlands, and to look at their execution and consequences. It is exactly important, because if we look closely at recent trends in detention and deportation, there is an observable shift taking place: the practice of migrant detainment is increasingly stagnating, and being partially replaced by “alternatives for detention” (Appendices X & Z). The detention/deportation regime is changing and moving beyond its static context of prison. To understand this development, I ask the question: how do we detain/deport migrants? To answer this question, I begin with the emergence of detention/deportation practices in the wider European space, from which I will move to the emergence of migrant detention/deportation practices in the Netherlands. From there, I will explain the recent trend of fluidization of migrant penitentiary practices in the locality of Rotterdam.

To contextualize the current state of affairs of migrant detention, I am delving first into the recent history of the migrant detention center, its developments, and the internal architecture and mechanisms that are used from *within* and *without*. From this point of departure, we can observe a stark proliferation of migrant detention practices beginning in the 1990’s. Consequently, I contextualize within this development the recent trend of fluidization which I observed in the municipality of Rotterdam. Firstly, I

review the European proliferation of bordering practices with the schengenization of the European space – right after the Second World War. Secondly, I contextualize the emergence of Dutch migrant detention in the wake of this schengenization. This chapter consists of numerical data on the upsurge and decline in detention capacity, occupancy average, and current trends in detention practices. Then, I focus on the deportation and expulsion strategies. Additionally, I argue that although migrant detention is on the decline, the practice has established itself as a ‘necessary’ practice. Thereafter, I describe my own experiences as a visitor of the DCR. Ultimately, detention as a measure to facilitate return is partially substituted with other restrictive return policies that are increasingly being *outsourced* to NGOs. This theme is discussed in the last subparagraph of this chapter.

5.2. Changing borders of EUrope

Over the last seven decades or so, our European border landscape has been transforming. Whereas borders formerly were discursively imagined as conceptual ‘lines drawn in sand’ which materialized into spatial constraints on the outwards territory, nowadays they are envisioned as being an ongoing process or practice (Balibar, 2004; van Houtum 2010; Mezzadra & Neilson, 2013; Raeymaekers, 2014). Borders are becoming more and more bureaucratic walls so to speak, but they are also produced, reproduced and performed as conceptual constraints; they exist in the heads of people (Balibar, 2004; van Houtum, 2010; Mezzadra & Neilson, 2013). As many theorists have already mentioned, the border as the physical demarcation of the territorial nation-state has moved from the outwards liminal boundaries “*into the middle of the political space.*” (Balibar, 2004, p. 109). If we look at this notion, we could ask ourselves what ‘political space’ exactly means in this context. It could either denote the space of actual politics, policy, the Political, or the actual space or *nomos* of the sovereign state. All of these categories are essentially relevant for this emergence of contemporary bordering practices. Balibar believes that “. . . one can also observe a multiplication of new borders and in particular an insistence on the function of borders in controlling populations.” (Balibar, 2004, p. 110). Hence, we are witnessing substantial changes in bordering practices. One of such changes is a stark proliferation of migrant detention/deportation

practices (Leerkes & Broeders, 2010). As I will discuss in the subsequent paragraph 5.3., this proliferation largely knows its most clearly visible and stark manifestation in the Netherlands.

For explaining this development, I deem it important to first look at the transformation from the traditional nation-state to a wider model of European political and economic cooperation. One could argue that the traditional notion of the sovereignty of the nation-state is mitigated through the historical process of 'schengenization' (Zaiotti, 2011). The ECSC (European Coal and Steel Community) was an initial attempt at economic cooperation for trading steel and coal between only a handful of European nation-states (Zaiotti, 2011). Then it evolved into a trans-federal 'super-state' or union, which was purposed with more than just economic cooperation: its constitution was reliant on the hopes and promises of internal stability of the European space. As a result, the national borders of member-states dissolved gradually and were increasingly transferred upon the larger entity of the EU. Consequently, another change came with it: Member states increasingly internalized their borders through the spatial fixation of migrants. This was especially visible in the Netherlands, where the Dutch government had drafted one of the first and most restrictive border policies in the EU (Leerkes, Engbersen & van der Leun, 2012). This started with institutional exclusion of undocumented migrants: "The Netherlands was among the first countries to gradually build up a systematic policy of excluding irregular immigrants from the labor market and public provisions." (Leerkes, Engbersen & van der Leun, 2012, p. 2). The emergence of this policy, and the subsequent emergence of migrant detention/deportation practices will be talked about in the next paragraph

5.3. Emergence of migrant detention/deportation practices

The Second World War was just over, and the Dutch economy was growing at a fast pace with the support of the Marshall Plan. Moreover, the Netherlands was one of the founding members of the ECSC (1951) and EEC (1957) (European Economic Community) (Van Bennekom et al., 2000; Zaiotti, 2011). It was within the ECSC and the EEC that the Netherlands established itself as a safe and economically stable country. In subsequent years, the demand for low-cost, unschooled labor grew and the Dutch government

started attracting migrants from Southern Europe, Morocco and Turkey (van Bennekom et al., 2000; van Meeteren et al., 2013). During the 1950's and 1960's, the dominant discourse on this practice entailed that migrants would eventually return to their home countries (van Bennekom et al., 2000; van Meeteren et al., 2013). When in the 1970's economic growth started to wither, public opinion towards migrants changed rather negatively. Furthermore, decolonization caused another influx of migrants, primarily from Surinam and Indonesia. Meanwhile, an influx of family 'chain migration' started to immigrate to the Netherlands; mostly with the intend to stay indefinitely (van Bennekom, 2000; van Meeteren et al., 2013).

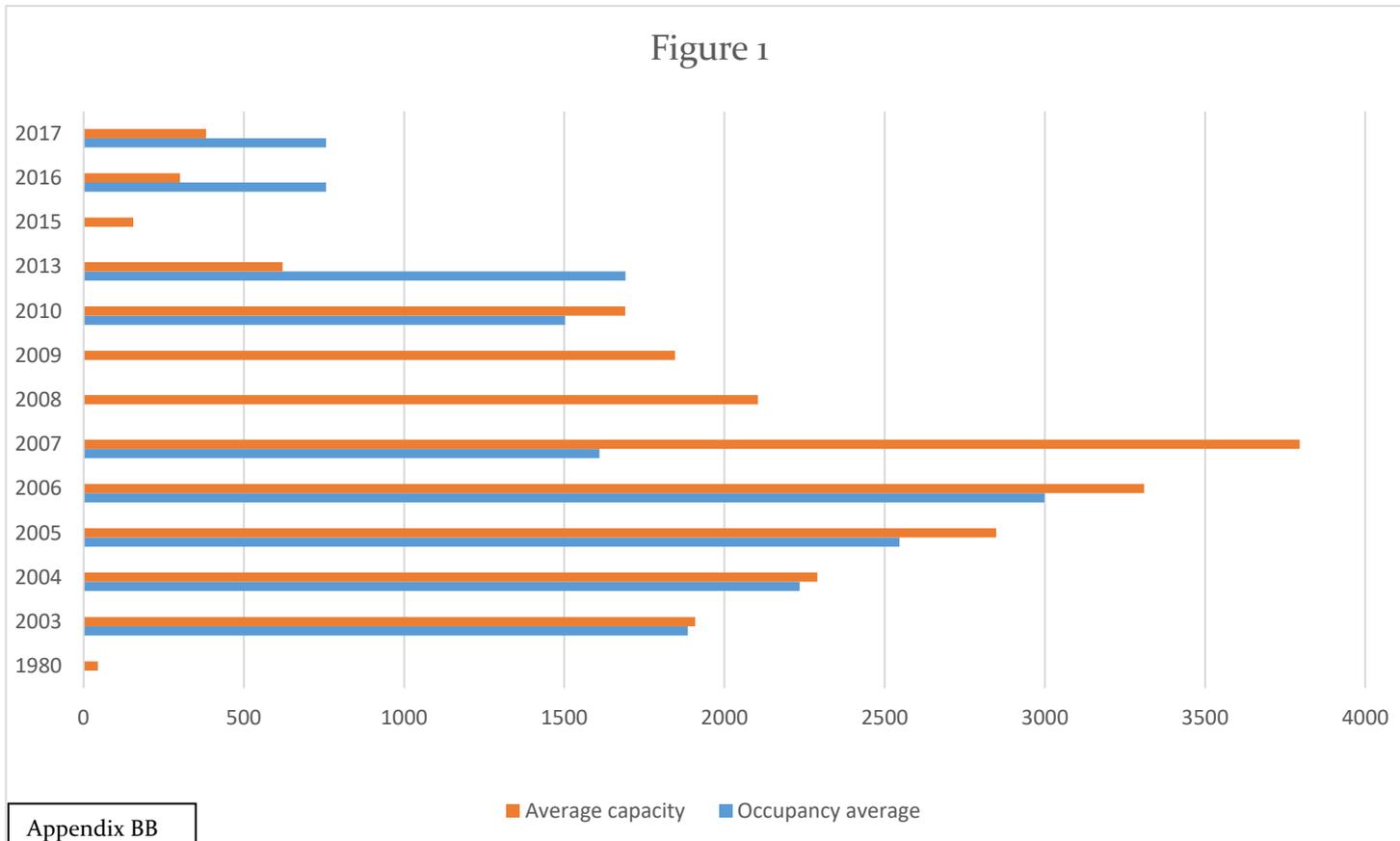
During these decades, the Netherlands did not really have a migrant detention and expulsion policy. Since migrant labor was sought after, immigration was not at all viewed as a big priority. Furthermore, public and political discourse identified the Netherlands as a country of emigration rather than immigration (van Meeteren et al., 2013). Although, a positive migration surplus already started to appear from the 1960's on, it was not until 1998 that the Netherlands recognized itself as an immigration country (van Meeteren et al. 2013). It was during the two decades years prior to this declaration that a proliferation of migrant detention practices started to emerge (Leerkes & Broeders, 2010; van Meeteren et al., 2013).

Van Meeteren et al. (2013) and Leerkes and Broeders (2010) locate a discursive change in Dutch migrant detention practices in the early 2000's with the rise of populist politicians like Pim Fortuyn, Ayaan Hirshi Ali and Geert Wilders. Nevertheless, an institutional change is already observable in the early 1990's. With the Treaty of Maastricht in 1992, the EU was formed, and member states were increasingly decreasing the border surveillance on the traditional outwards boundaries of the nation-state (Zaiotti, 2011). External border control was progressively thought of as a broader European affair (Zaiotti, 2011; Leerkes, Engbersen & van der Leun, 2012). Nevertheless, internal border surveillance was becoming a priority, as immigration started to become an unwanted phenomenon in the eyes of public opinion (Leerkes, Engbersen & van der Leun, 2012). This juridical and political shift, was – according to Leerkes, Engbersen & van der Leun (2012) – partially due to the economic depression of the 1980's. During this time, it was fairly easy for undocumented migrants to find a job and file for social

welfare. In the 1990's, after more than a decade of economic stagnation, undocumented migrants' access to the social welfare state started to be viewed as a pressing social problem (Leerkes, Engbersen & van der Leun, 2012). Consequently, 1994 was the year that a new Dutch law was issued: The Law of Identification (Leerkes, Engbersen & van der Leun, 2012). Whereas before, undocumented people could live, work and even acquire social welfare in the Netherlands, from this moment on undocumented migrants were illegalized and regulated (Leerkes, Engbersen & van der Leun, 2012; Vloeberghs, 2013). This event signaled the beginning of decades of severe institutional exclusion. Increasingly, *sans papiers* were banned from workplaces, social welfare and other facilities (Leerkes, Engbersen & van der Leun, 2012; Vloeberghs, 2013).

In a parallel fashion, the capacity and practice of migrant detention grew exponentially. In the 1980's the Netherlands had a capacity of only 45 cells (Vloeberghs, 2013). In 2006 it had grown to a staggering 3.310 cells (Dienst Justitiële Inrichtingen, 2006). Until 2008, the Netherlands had been savagely increasing their migrant detention capacity (Appendix BB). Very much akin to the Foucauldian *Narrenschiff* (Foucault, 2001), migrants were incarcerated in all kinds of detention facilities placed on boats and rafts that were either placed in the docks or offshore in the North Sea (Amnesty International, 2008; Appendix X). The Dutch had been the home of one of the most restrictive detention/deportation strategies of the EU (Amnesty International, 2008; 2011). Fortunately, the days of offshore incarceration now lie in the past. Under pressure of the EU, the Dutch government had to close these facilities (Vloeberghs, 2013). While the Netherlands has known a significant rise in detention practices for about two decades, policy attention recently shifted to alternative measures that should substitute detention. This happened largely because European legislation has forced the Dutch judiciary to be more critical of detainment of migrants (Vloeberghs, 2013). As a result, the Dutch detention capacity sunk quite sharply (Global Detention Project, 2016; Appendix BB). Nonetheless, the Netherlands still detains about 2.000 migrants annually in onshore detention centers (Amnesty International, 2008; 2011; Global Detention Project, 2016). This is quite a big number, since the migrant detention system is failing and most of these detainees end back on the streets – instead of being expelled (Leerkes & Broeders, 2010). Even those outside of detainment feel the constant, overbearing

threat of incarceration – even if they live in relative freedom (Leerkes & Broerders, 2010; Appendices C, F, U-W).



(Sources: Dienst Justitiële Inrichtingen, 2006; Inspectie voor Sanctietoepassing, 2010; Amnesty International, 2011; Vloeberghs, 2013; Dienst Justitiële Inrichtingen, 2018b)

As of September 2018, migrant detention capacity had dropped to a maximum of 1.790 cells – spread over three detention centers (Vluchtelingenwerk, 2018). Whereas, in the recent past, there were many facilities spread across the country, a specific trend of centralization is observable. There are three detention centers of which the one at JI Schiphol is only used for asylum applicants and substance-smuggling related crimes. The DCR is used for territorial detention and expulsion. The one in Zeist is primarily used for the detention and expulsion of women and families. The average occupancy was estimated at 756 for all the detention centers for the years 2018 (Vluchtelingenwerk, 2018). The occupancy averages of the JI Schiphol and DCR are respectively 377 and 317 for 2018 (Vluchtelingenwerk, 2018). The occupancy of the Zeist detention center is much lower and is estimated on 62 (Vluchtelingenwerk, 2018). This shows the inherent

unequal division of gender across the detention/expulsion centers, since the DCR only holds men in its facility.

5.4. Expulsion/deportation

The practice of migrant detention is inevitably tied to the practice of expulsion, for its official function is expulsion. Since the General Pardon of 2006, when a lot of undocumented migrants were granted residency if they met certain criteria, admittance to the Netherlands has become increasingly difficult (van Meeteren et al., 2013). Dutch admittance and naturalization policy has been re-focused solely on migrants who are seeking asylum, expats, students or family reunion. There are two types of detainees: Article 6 and Article 59 detainees (Dienst Justitiële Inrichtingen, 2006; Kox, 2011). The first is being detained upon arrival and is awaiting immediate expulsion because their asylum procedure has been denied or because they have false documents. They are put in the JI Schiphol facility. The second group is being detained because they have been residing in the Netherlands ‘illegally’¹⁵. These are detained and sometimes deported from the DCR, which has been refocused as the main territorial expulsion center (Dienst Justitiële Inrichtingen, 2018a).

When someone is being detained, the DT&V and DJI (*Dienst Justitiële Inrichtingen*)¹⁶ will first try to gather as much information as possible; on their nationality, their education level, religion, languages spoken by detainee, diet etc. The DJI claims that they do this in order for them to place the detainee in the best fitting department and cell (Appendix R). Nevertheless, the DT&V explicitly claims that they gather information for expulsion (Appendix Z). These are ambivalent accounts and make detention all the more ambiguous. On the one hand there is the penitentiary agency, the DJI, that traditionally gathers information to facilitate their disciplinary regime. For them, it is important that the subject becomes visible; that the subject can be individuated and normatively suppressed through knowing their personal

¹⁵ The term *illegality* is a very laden term. It is explicitly used by officials to legitimize the enforced detention practices. Later in the thesis, I elaborate on its discursive construction. For now, it will suffice to bracket the term.

¹⁶ Penitentiary Service.

characteristics, preferences and dislikes. Then, on the other hand there is the DT&V, which gathers information purely for the purpose of expulsion. Hence, prisoners have to wait up to two weeks to even be 'fully' detained (Appendices S & Z).

This reminds me a lot of the *Waiting before the Law* allegory; initially created by Franz Kafka, and later expanded upon by Henk van Houtum (2010). In this article, van Houtum uses a story of Kafka to illustrate with it wider socio-political bordering practices that are constituted by desires and fears (van Houtum, 2010). First, van Houtum draws out Kafka's story of a man who is waiting before a large gate with an open entry which is being guarded by a gate keeper. The man waits for many years without being permitted to enter. The man is prevented to enter the Law by the gate keeper. He is banned, and through this ban, he is mentally incapable of entering; he is always waiting before the border; before the Law. At the end of his life, the man asks the gate keeper why he is the only one waiting. The gate keeper replies that this wall, the Law, is specifically built for him and that he himself is the one bordering himself (Kafka in van Houtum, 2010).

Van Houtum argues how this story is illustrative for the actual banning of migrants and refugees from the European space (van Houtum, 2010). Out of a desire to close ourselves off from the Otherness of the stranger, we put them in modes of waiting. Bordering happens when people want to represent the border as an eternal truth instead of an ever-changing process (van Houtum, 2010). In this sense, people are trying to order their lifeworld by enclosing it. The consequence is that people who appear to be different, are banned and are convicted to a threshold of waiting. We ban them from our *nomos*, while allowing them to wait right outside of it. As if we allow them to peek inside, but not to actually go inside (van Houtum, 2010).

As I want to argue, migrant detainees are waiting *on* the border, just like in the Kafka allegory and van Houtum's article. They are permitted to a certain threshold which houses them at the same time *within* and *outside* of 'our' territory; in the migrant detention center. The element of *waiting* is very relevant for this specific type of bordering. Concerning to the specific example of the migrant detainee being screened for about two weeks before being 'fully' detained, it is as if the migrant is doubly bordered. He is held not even directly on the threshold that is the detention center.

More precisely, he is made hostage on a threshold *before* the threshold. The detainee has to *wait* to be detained. The waiting element adds to the spatial fixation that is detention a temporal element which makes it all the more coercive. In this way, both the DT&V and DJI conduct practices that in their intersection are both exceptionalist in the Agambian sense as well as disciplinary in the Foucauldian sense. It is a dual mechanism that is both physically and mentally coercive. It severely delimits migrants detainees' capacity to politically act as human beings, because they are always waiting; never fully permitted; sometimes not even fully detained.

After the two weeks of screening, they are placed in a department of the prison (Appendix S). Either a detainee can work 'voluntarily' towards their expulsion or is being deported forcefully. The IOM has an office at the DCR and provides detainees with possible means for 'voluntary return'. The IOM program offers migrants sums of money ranging from 100 to 2.000 EUR with which they can return to their home country (Appendix AA). I have very strong doubts if the term 'voluntary' is appropriate here. Although voluntary return is presented as being a decision that a migrant has made out of their own volition (Appendix AA), this form of expulsion also carries with it implicit coercion. First of all, the migrant is often already detained when they come into contact with the voluntary return program of the IOM. If a migrant is forcefully deported by the DT&V, they are expelled without any assets for their own sustenance. They do not get a sum of money and very possibly so they can get into a lot of trouble at the airport of their home country, since many leave their countries without legal permission (Appendix AA). To prevent their own expulsion with a risk of prosecution for unlawful emigration and a lack of means to sustain themselves, migrant detainees are forced to return with the IOM alternative. Moreover, even outside of detention, *sans papiers* are put into extremely precarious positions due to the severe institutional exclusion (Leerkes, Engbersen & van der Leun, 2012). Because of these reasons, the term 'voluntary return' can be rightly called a disputed term. Migrants are deterred into choosing for 'voluntary' options. Hence, the Red Cross and the European Council on Refugees and Exiles call this form of expulsion "facilitated" or "assisted" expulsion (Amnesty International, 2011).

The IOM positions itself as an organization that represents all the UN member countries. The IOM is engaged in return activities from the stance of supporting and facilitating “orderly migration” (Appendix AA). As an IOM employee remarks:

Look, we are a proponent of **orderly** ... let's say, **orderly and humane migration**. Look, and what eh ... this target group does is yes ... is eventually ... it is not ... **orderly migration**. By requesting asylum ... **to stay on illegitimate grounds** ... endlessly hanging around in illegality ... etcetera and in trying to build up a livelihood in the illegal circuit ... and to endlessly issue applications with all sorts of ... well ... eh ... **that's not orderly migration** in our opinion actually. Hence, **we are a proponent of making it closed off, just like the government of course. That you get a sort of closed off system in that the people who can't stay here actually leave ... that is (...) orderly migration.** (Appendix AA)

When we first look at the word *orderly*, it is used in conjunction with *humane*. In this way, the IOM officer is making the presupposition that that which is legitimate within the legal parameters of the state is humane. In reality, the IOM is merely carrying out Dutch and EU border policy. They are facilitating expulsion, which is not a humane form migration at all, since it excludes people *a priori* from entering and living in the Dutch and EU space. Orderly is a label used to legitimize the IOM mission as both *natural* and *logical*. Firstly, it assumes a moral division: orderly is good; disorderly is bad. Secondly, this moral division is then connected to national governments' imperatives, which the IOM is carrying out. In this manner, they present themselves as a quasi-governmental organization. Disorderly is that which is *irregular*; the 'irregular migration' that happens in discordance with the 'sovereignty' of national governments. Moreover, irregular, disorderly migration is presented as inhumane and unnatural, whereas restrictive bordering policies based on national states' imperatives are considered orderly. However, as I have already shown throughout my thesis, the Dutch bordering policy and detention/deportation regime is nothing short of a very dehumanizing regime. It refrains people from entering our space, detains them for long periods of time, and

excludes them from normally participating in the social/cultural realm. It is exactly this regime that has led to Alexandr Dolmatov's suicide, since he was seeking safety and refuge, but ended up being mistrusted, detained and potentially expelled.

The DT&V tries to detain someone as long as they possibly can to issue expulsion. Detainees who are not cooperative are thus detained for extensive periods of time (up to 18 months) (Global Detention Project, 2016; Appendices R & Z). In this way non-cooperation is punished with a longer jail-time. The most common way to counter a forced deportation is by providing false documents or by not providing any documents at all to authorities. In this way, the DT&V is not able to obtain legal travel documents or *laissez-passeurs* from the countries of origin. This makes it decisively difficult to expel someone.

As a countermeasure against these resistance strategies, the DT&V claims that return is the plight and individual responsibility of the migrant. If the migrant does not oblige, or shows a potential flight risk, she/he is detained on the grounds of their unwillingness to cooperate.

But (...) look ... if I'm being a bit stupid ... **principally the plight to leave ... lies with the stranger**¹⁷ and if the authority [foreign government] actually issues a LP [*laissez-passez*] at the moment that the stranger says "I am Pietje Jansen and I want to go back to Nigeria." . . . but Nigeria will then most probably issue a LP . . . **. The plight to leave lies with the stranger . . .** (Appendix Z)

Hence, the non-cooperation of the migrant is viewed as a form of transgression that has punitive consequences. Someone is kept in the migrant detention because they are not cooperating. However, what does it entail to have certain 'plights', but not certain 'rights'? This means that the Dutch government negates undocumented peoples' rights and in turn converses them into plights. A plight is then the negative mirroring of a right and denotes the inherent depolitization of the migrant. It is this juridical ground that is

¹⁷ It is important to note that civil servants systematically refer to migrants without papers as strangers (*vreemdelingen*). I deconstruct the usage of this word in chapter 6.

utilized to legitimize an administrative system that is used to bypass punitive law – for punitive ends. Some would argue that this all happens within the confines of the law. Therefore, how could it be morally wrought? But that is exactly the case to be made: extra-juridical measures that depoliticize certain groups of people are part and parcel of the system of law itself. The exception is part of the sustenance of law. The sovereign decision is always latently present and is explicated whenever ‘unwanted’ people transgress the *nomos* of the territorial state and law.

I conclude from this that DT&V workers are not able to overtly contemplate the real punitive implications of migrant detention, because in doing so they would undermine its administrative legal status. Unfortunately, administrative detention is much cheaper than issuing for penal detention, because the administrative court cases are much less time and cost intensive (Majcher, 2013). Additionally, the migrant detention facilities are easier to fund because they lack rehabilitative facilities (Majcher, 2013). At this moment in time, residing in the Netherlands is not considered a felony in itself (Leerkes & Broeders, 2010). They exactly need this administrative measure to fixate people in space. If they would contemplate the punitive character of this administrative bypass, it would subsequently implicate its punitive foundation which would in turn undermine its implementation as a purely administrative measure.

5.5. Migrant detention as a ‘necessary’ practice

From 2008, migrant detention numbers have started to drop (Appendix BB). However, migrant detention has discursively and institutionally established itself as a ‘necessary’ practice (Amnesty International, 2011). Migrant detention is still perceived of as a necessary or natural measure to counter ‘irregular migration’. An excerpt from an interview that I held with three DT&V staff officials shows this element of necessity:

R1: But I ehm ... but let’s go back to detention ... so, there are no people in detention who eh ... who do not have the possibility to be deported ... **principally, there is always a possibility of deportation** ... otherwise we don’t have grounds ... there is ... (...) but then there is no ground to detain someone (...). (Appendix Z)

Anyone with a possibility of deportation can thus be detained. Of course, people have to show a significant flight risk (Appendix Z). Nevertheless, as Izabella Majcher (2013) remarks, detention issued by an administrative court is much cheaper than issuing detention by a criminal court. Moreover, administrative courts have much less safety mechanisms built-in to protect people from unjustly detainment (Majcher, 2013). The DT&V will – in any case – claim to only detain on the grounds of a possibility of deportation. However, the justice system is already fraught with the installation of a punitive measure cloaked in an administrative veil. In this sense, the DT&V becomes the institution who decides on the necessity to issue a court hearing for the detention of *sans papiers*. This means that from an institutional perspective, the DT&V has this measure to its disposal and therefore it ought to use it to achieve its institutional goals. Detention is here a means to an end. This end is ultimately deportation. The problem is not necessarily that the DT&V is extremely keen on detaining migrants. Of course, a lot of DT&V staff members rather not detain someone:

R2: And for the stranger ... it is much better if they can leave independently.

R1: Independent return is ... of course much more humane than a forced expulsion. (Appendix Z)

The problem is that migrant detention is presented as an *ultimum remedium*. The necessity of detention practices is not reflected in the quantity of its application, but rather in the legal wordings used to legitimize its use as *a last resort*. The judge decides on the use, prolonging and discontinuation of migrant detention. However, being detained as an undocumented migrant already carries with it an extra-judicial component. The migrant is prone to a form of carceral punishment that ‘natural’ citizens are not prone to. They have a fundamentally different legal position. According to the DT&V, their stay on Dutch soil is ‘illegal’. Hence, they have the ‘plight’ to leave. In this way every imprisonment can be defended as being a necessary measure, because the DT&V constantly stresses its reluctance to detain, but the migrants’ plight to cooperate

with leaving. In this way, migrant detention becomes a practice that legitimizes itself through constant self-affirmation and shifting the blame to the migrants themselves.

Moreover, it is reported that in many cases detention is used quite indiscriminately, without taking consideration of the detainee's prior medical and mental health records (Leerkes & Broeders, 2010; Vloeberghs, 2013). Negative experiences in migrant detention have been correlated with being a negative incentive for return. Moreover, less than 50% of detainees are 'successfully' expelled (Leerkes & Broeders, 2010). Most of them end back on the streets (Leerkes & Broeders, 2010). This process is called "klinkeren" which means something like throwing someone back on the streets (Leerkes & Broeders, 2010, p. 831).

In this way, migrant detention has an inherent failure built into its mechanism (Leerkes & Broeders, 2010; Vloeberghs, 2013). This is very reminiscent of Foucault's remarks on the failing components of the carceral system. According to him, carcerality is constituted by its own inherent failure. The penitentiary fails to re-socialize its detainees, while resocialization is among one of the penitentiary's *raison d'être* with which it legitimizes itself (Foucault, 1995). Through this process of failed resocialization, the prison constructs delinquency and 'illegality'. It is the undocumented migrant who is categorically 'illegal' and therefore almost automatically incorporated into the carceral system. In this way the policy of expulsion turns into a policy of mere confinement. Expulsion, whether it is being issued inside or outside the DCR, is a failing policy and sustains large groups of *sans papiers* in a twilight zone of regular checks, fear of sudden deportation and poverty. Meanwhile, only in less than half of the cases are they really expelled (Leerkes & Broeders, 2010).

5.6. Experiencing the DCR

On two separate occasions, I have visited the DCR. Generally, it was really difficult to get in and I have only succeeded in entering the prison with the help of the ROS foundation. The first time was when we visited a man from Ivory Coast¹⁸ to help him with a possible 'voluntary' return. The second time was with a delegation of Nigerian

¹⁸ In reality, this person is from another country in the same region or continent. I have changed this for the purpose of anonymization.

diplomats who were doing a tour to see the inner workings of the Dutch migration ‘chain’. Both instances have left a big impact on me. I think I had a good look at the prison, but I have not seen the interior of cells, nor have I been able to mingle with the people locked inside. Hence, I have only a very limited view on the precariousness that subjects must feel being locked away. Nonetheless, I have shortly spoken to people who have been detained in the detention center. A combination of my own and their accounts is used to describe the coercive effects and dehumanizing effects of the detention center. The following are excerpts of my observations on visiting the DCR:

[As I walk to the DCR] I see a wide and grey building that is nothing like the prisons I have been accustomed to through television. It looks more like a very big bungalow. Nonetheless, unlike a bungalow, it has at least two floors. Moreover, there are not that many windows. As I look more closely, it is clear that there are almost no windows at all, except for the windows of the second floor. I would not immediately guess that I was looking at a prison, if had not known otherwise. (Appendix R)



First, we have to go through security. The security measures are tight, because we are entering a carceral facility. A couple of guards are sitting in an armored glass booth that overviews several waiting rooms. The guards are friendly. We give them our identity documents. They look at it and confiscate it. We will get it back

if we again leave the facility. Thereafter we must walk through a metal detector. We must leave any of our electronic devices in a locker at the security booth. After we get a key card, we are told to take place in the waiting room. (Appendix R)

[After we have been collected by a pastoral worker] We are brought through some gray corridors to a large hallway with a lot of doors. I notice that here as well as in the security booth a lot of people of different migration backgrounds work here as guards. Everything is secured, every corridor is monitored. This is a real prison. Everywhere there are warders securing every door. (Appendix R)

These observations are primarily occupied with the description of the DCR as a material artifact. In this sense, I was experiencing the object of prison that materially interacts with discursive practices. I had preconceived notions of prison that were mediated through the media. I wondered if these would be confirmed or contradicted. As for the exterior look of the prison, I felt that the DCR did not look as totalizing as the prison I imagined. Nonetheless, as soon as I entered, it was clear that I had entered a real prison with real guards and real detainees.

During the visit, I had been mostly roaming quite freely through the facility. I could of course not go anywhere I pleased, but we were not continually escorted by guards. We were not treated like criminals. It had felt like a prison without discipline – without punishment. However, the following passage illustrates my realization that indeed this is also a space of punishment, just like any other prison:

When we walk back to the entrance of the facility, we see a large group of guards, maybe seven, surrounding a North-African man. It dawns on me that this is not just a playground, but a real prison. I am able to walk sort of freely through this facility. Of course, I cannot go everywhere I please, but I can walk out anytime I want. Moreover, I am not escorted by guards, nor am I handcuffed. Seeing the man walk by, escorted with so much force, I wonder how he may feel. He has obviously done something that caused for a disciplinary reaction of the prison staff. Does he feel like a criminal now that he has been put here? (Appendix R)

On another visit at the DCR, I had a guided tour through the facility. This excerpt further illustrates the disciplinary character of the DCR:

There is also a department for people who break the rules. This is a punishment area. There is another regime here. The doors are open for a shorter period during the day. They cannot go everywhere. “**We decide what you do.**”, says the guide (as if this not already the case here). (Appendix S)

Even though the DCR is often portrayed as ‘not a normal penitentiary’, disciplinary measures are part and parcel of its existence. I noticed that there is a clear disciplinary regime in the DCR. Prisoners get a certain time to roam ‘freely’, they are allowed to play sports, and they are able to work in a workshop for 15 EUR of extra cash per week (Appendix S). All of this is sanctioned: if you do not cooperate, “We decide what you do.”

One man’s experience with detention illustrates the disciplinary character of migrant detention even more. This man had been in detention on separate occasions; for a total of at least three years:

I: How did you experience your detention?

R: It was not good. Not safe. Not good ... You are not allowed anything. You get two weeks of isolation for doing nothing ... I don’t want to be jailed anymore. I don’t want to be jailed anymore. <repeats for emphasis> I don’t want them to say: “Back to your own country and then to jail.” (Appendix F)

Although it is not a very detailed description of detention, more so it describes the lethargy and fear that accompanies migrant detention. Despite this more lethargic

account, I also spoke to a man from Ivory Coast¹⁹ who had been in the DCR for about three months. He seemed not quite as distressed as the people I often heard stories about in the ROS office:

The man tells us that he actually does not mind so much. He has been here for three months now, and he is still in good spirits; very optimistic. His great role model is Nelson Mandela, who was imprisoned for more than twenty years. He says that he accepts his situation. But on a side note he tells us that detention is still quite tough. His life is controlled by others and he does not exactly know what is going to happen to him. He tells us that he respects the people of the DT&V, but also that it is a uncertain situation. (Appendix R)

This goes to show how every person reacts differently to detainment and possible deportation. Despite his situation, the man was hopeful and actually quite cheerful. Forms of resistance differ per detainee. Nonetheless, not everyone reacts as stoically as this man, as can be read in the following:

During the tour they showed us the waiting room [the place newly arrived detainees wait for their intake]. They used to have problems with aggressive people in the waiting room. The rooms used to be closed, bleak and uninviting. Now they opened the doors, widened the space and used a quiet, green color to paint the walls. They also started giving coffee to people waiting. **After these changes, they had a significant reduction in aggressive behavior.** And indeed, this waiting room seems way more inviting than the other two waiting rooms that are next to it. These look more like locker rooms. They are grey, bleak and the only seating is provided by an uncomfortable wooden bench. (Appendix S)

¹⁹ In reality, this person is from another country in the same region or continent. I have changed this for the purpose of anonymization.

The DCR is trying to adopt a more ‘friendly’ approach. It seems that the more inviting and calming waiting rooms were primarily installed out of utilitarian principles, rather than from a humanistic motive. It is simply easier to preventively ease detainees than to reactively punish them. Although it may seem humane, the bereavement of personal freedom is still ever-present.

In a different room they showed us the body scanner, which replaced the need for cavity searches. On one side it is a more humane way of dealing with incarceration and processing, but it also delivers a greater quality of control and discipline. These body scanners are there because of the different juridical status of the migrant detention center. (Appendix S)

Then, further down the hall, biometric and personal data is taken at a desk. Incoming prisoners have their intake here, or people who have been put in special units are re-administered to the general populace through a new intake. A prison employee tells me that 20 to 30 new detainees are taken in here every day. This seems a lot, but a lot of them also leave the facility shortly after their intake. A man with a light-blue apron is walking in between two guards. One of the prison employees walking on the tour tells me that this is a special apron that prevents the man from harming himself. He thinks that the man probably has been put in a special unit for misbehavior. He seems stressed and unhappy. To me, to see this, and to have such an easy access to these quite distressful events in someone’s life, seem all to be a bit uncanny. I feel uncomfortable in the way we discuss this man. I understand that for the DJI employees this is their daily business. They have been desensitized. For them this is almost a natural event. For me it is something quite extra-ordinary. Most people entering this desk seem to be quite agitated, some are shouting. (Appendix S)

Much of the language used by DJI officials implies that somehow detainees roam ‘freely’, that they are exempt from cavity searches, and that the DCR employs humane methods

of control. However, it is important to take away from these observations that detainment is for many an incredibly unpleasant and demeaning experience that often causes for extreme aggravation. None of these detainees are here voluntary. The negative effects of detainment and possible expulsion are further illustrated by a DCR pastoral worker:

As the conversation progresses, the conversation turns to psychological effects detainment has on Phillippe's²⁰ [pastoral worker of DCR] clients. He says that people ask him: "Am I really a human being?" He sees peoples' spirits being broken in the detention center. They sit here, often for an indefinite period, not knowing what will happen to him. They get the feeling that they are not human, or lesser human than people outside. (Appendix R)

It is often difficult to contemplate the concrete effects that migrant detainment has on its detainees. It is not detainment per se that sets them apart. Every Dutch citizen can be detained because of criminal offences. Moreover, detainment itself is not an exceptional measure. However, detainment, especially as a reaction to 'illegality', is demeaning because it sets apart those who have no papers as less of a human being. It is not a mere physical, spatial fixation that controls the migrant detainees. It is a psychological marginalization as well: it touched upon migrants' identities; makes them feel inferior to those with citizenship.

In line with this argument, migrant detention is reported to have adverse effects on the mental health of detainees. According to von Werthern et al., "Much of the clinical literature reports high levels of anxiety, depression and PTSD and poor quality of life [for migrant detainees]." (2018, p. 14). Additionally, the duration of confinement is significantly correlated with "mental health deterioration" (von Werthern et al., 2018, p. 14). Although the overall duration of migrant detention in the Netherlands has gone down over the years (Global Detention Project, 2016; Appendix BB), the length of

²⁰ Fictitious name.

migrant detention in the Netherlands is still very high compared to that of other countries (Anderson, Gibney & Paoletti, 2011). The average duration was 44 days in 2018 (Dienst Justitiële Inrichtingen, 2019). On top of that, the DCR offers detainees less facilities and leisure time than regular penitentiary institutions (Cornelisse, 2016). The reason for the lack of facilities is the fact that the DCR is not purposed for rehabilitation, but for expulsion. I conclude from this that being detained in the DCR is generally a quite dehumanizing experience. Prisoners are detained in an ambivalent system of discipline and exceptionalism which degrades them even more than a regular criminal conviction would do. They have no proper facilities to learn something like a craft or studies. Moreover, they are held for a considerable amount of time, without having committed serious felonies or crimes. It is exactly this dehumanization through coercive exclusion that signifies a grave transgression of the human rights that once were fundamental to the creation of the EU.

5.7. Fluidity of migrant detention/deportation practices

Throughout my research I have observed modes of psychological and physical confinement that go far beyond the DCR's walls. *Sans papiers* who lived in Rotterdam where living extremely precarious lives conditioned on the potentiality of detention and deportation and a severe institutional exclusion. I would say that in this sense, prison extends itself outside of itself. Prison can mean more things than a mere spatial confinement, but can also denote a certain psychological confinement. This psychological confinement is a certain aspect of fluidity; a notion earlier discussed in chapter four. I have been able to group three different modes/types of fluidity of migrant detention/deportation: 1. Institutional exclusion that acts like a mode of confinement; 2. Constant fear of detainment/deportation amongst undocumented migrant populations; 3. A micro-politics of deterrence which is used to exercise control outside of the DCR. This last type of fluidity is illustrated in chapter six. The first two types are elaborated upon in the next sections of this paragraph.

Institutional exclusion is a broad term that can be interpreted in many ways. If we stick to a more Marxist origin, it denotes the marginalization of the working class by capitalization of labor. A post-colonial understanding of the term deals with structures

of racial oppression. Inter-sectionalist theorists use it to understand structural oppression through all types of identity-politics. What all these understandings of institutional exclusion have in common is that they interpret institutional exclusion as a form of systemic, structural violence that *de facto* manifests itself even if legal parameters are present and enforced that would ensure equality among constituents. The institutional exclusion of *sans papiers* sets itself apart in the fact that it is constituted throughout these legal parameters: people without documents are *de jure* treated differently from regular citizens or migrants with documents and are per default put in a *state of exception*. They do not only have less chance of getting a job because of the color of their skin or their perceived otherness. Undocumented migrants are just banned from the formal labor market all together, because they were born on the wrong side of the border and therefore are not allowed the possession over the right documents. Moreover, *sans papiers* are not entitled to any of the social services present in the Dutch welfare state. Even getting normal healthcare, like dental care, is an impossibility if you do not hold the right documents. One of the respondents from the ROS shelter told me how she was denied necessary dental health care:

Then ... I went and the doctor see just my teeth and just say I will wash your teeth ... I said what ... but I do have problem with the *tandvlees*[gums] ... all was really big and painful ... I said this is the problem ... he said sorry we don't have more facility for you ... we can wash it ... (Appendix W)

Detention and deportation are the spatial crystallization of this institutional exclusion. One of the respondents from the ROS shelter illustrated how she experienced this overbearing spatial fixation outside of the penitentiary context:

Yeah ... even when I'm outside that I don't have freedom ... I don't have eh ... you can't do anything you can't go to ... you can't travel ... you can't eh do ... how will I say ... like I'm not free ... no way you don't have identity like they handcuff you

... you cannot do anything there is a lot of things that you want to do you cannot do them ... so long ... long time in Netherlands so it's really ... (Appendix V)

Another manifestation of the institutional exclusion is temporal. People who live in the shelters (Appendix V), in AZCs (*Asielzoekerscentrums*) (Appendices U & W) and VBLs (*Vrijheidsbeperkende locaties*)(Appendix Z) have mandatory day schedules and curfews. Additionally, many people are obliged to attend to daily or weekly check-ins (Appendices C, F & V), or are unexpectedly visited by the police (Appendices B, U, V & X). They are not free to go wherever and whenever. Akin to Foucauldian disciplinary practices, constituents time is segmented. Migrants' own routinization is taken over by having to attend regular check-ins, meetings and counseling with authorities. Their time and identity are thus appropriated and controlled by authorities whose main focus is expulsion and in very rare cases possible admission. In this way, the segmentation of the detention center (Appendix S), is reproduced within an "alternative for detention", such as the LVV.

Abovementioned temporal and spatial coercive fixations are the cause of a lot of stress and fear amongst migrants who are in the city of Rotterdam. This is a second type of fluidity that can be observed. Fear and stress of detention and deportation is experienced daily by vulnerable migrants who are monitored by authorities. There are perhaps thousands of undocumented migrants who only very rarely have any altercations with authorities. However, the migrants I spoke, observed and heard stories about were all in some form made *vulnerable*. You can ask yourself, what does vulnerable exactly mean? Are these migrants vulnerable because they are monitored by authorities, or are they monitored by authorities because they are vulnerable? Perhaps this is really dependent on whom you are talking about. Nevertheless, almost all these people elaborated on some type of stress or fear for authorities. People living in relative freedom were often so fearful of detention and deportation that they reported feeling constantly "sick" (Appendix V). One woman's account illustrates the difficulties that arise from living in constant fear:

I: Do you feel like this fear [of the DT&V and the police] also limits you in your daily activities?

R: Yeah ...

I: Yeah? In what ways?

R: Like eh ... when I ... The first thing is that it gives me all of the stress ... all of the stress ... I'm always thinking ... what will happen ... what will happen ... and then this fear ... and stress is in the mind so then ... yeah it is true that no one can focus on their daily job and so much interest for the other activities ... so this is the thing ... (Appendix W)

One of the ROS workers who had been an undocumented migrant before, felt that the DT&V is purposefully employing strategies of manipulation to illicit these kinds of fear and stress:

And they of course always hold these constant – I don't know – conversations ... because especially on purpose they do it ... yes ... they choose a way to have conversations that pretty much yeah you get stressed ... Then they can manipulate you more easily and get the info they want ... so that yes ... (Appendix U)

In the future orientation courses which I attended, migrants were often depressed and fatigued. They seemed to be worn out by past events and current treats of confinement and expulsion. As I was cycling course instructor, I came to know these people a bit better. Quite some of them were at a figurative and almost literal standstill in their lives. Some were so fatigued and depressed that they hung around the shelter all day. Then, the cyclists could be grouped in two groups: firstly, there were women who would actively participate and who were willfully increasing their own mobility by learning the skill of cycling. Secondly, there was also a group of women who was only

rarely attending meetings, and if they would attend, they were often sitting on the sidelines; watching the other women cycle. This case exactly illustrates the issue where vulnerability and fluidity of confinement collide. Almost every one of these women was subjected to the same kind of border regime, but some were clearly more vulnerable than others. It shows how forces of coercion are intimately tied with forces of resistance.

5.8. NGOs' participation in expulsion strategies?

As mentioned earlier, since March 2019, there has been a policy change. Instead of the old BBB shelter program, Rotterdam now has the LVV shelter program, which integrated a 'voluntary' return program. This program operates outside the penitentiary context and is presented as an "alternative for detention" (*alternatief voor inbewaringstelling*) (Appendices X, Z). I analyze the LVV implementation as a discursive event that carries with it a great deal of power differentials between federal institutions, civil society actors and migrants. Whereas before, NGOs and the municipality were responsible for the application and execution of policy concerning migrant shelter, federal institutions are increasingly taking a directive role. During the ceremonial opening of Rotterdam LVV, I observed that "it was stressed that the federal bureaus would take a more following and observational stance, instead of a leading, directional stance." (Appendix E). However, a ROS foundation worker stated that the municipal council, which started the BBB in 2015, has nearly nothing to say in the LVV (Appendix O). Moreover, the project manager of the *Vreemdelingenloket* (municipality migrant office) Rotterdam stated in an interview:

I: Back then [during the BBB] the federal institutions were involved in the BRIO [*Breed Rotterdams Illegalen Overleg*]?

R: Yes but they most certainly had no say over eh ... which kind of policy we should execute ... here in Rotterdam ... and now you can actually notice that they of course eh eh ... not that they eh ... decide what we do but they have ... they still try to get a more directive role eh ... (Appendix Y)

Within the LVV, the migrant is granted more time to anticipate and plan their return than migrants in detention have. The problem is that migrants are forced to work towards their 'voluntary' return, since otherwise they risk becoming homeless. During the ceremonial opening of the LVV, the mayor of Rotterdam, Ahmed Aboutaleb, gave a speech. In this speech he stated that, as a social democrat, he does not allow for anyone to sleep on the streets (Appendix E). Nevertheless, he had to nuance this statement during the same speech, since what he actually meant was the following: if everyone cooperates with municipal and federal authorities, no one is forced to live on the streets. Homelessness is then utilized to sanction people into returning. One of my observations on the multidisciplinary LVV meeting illustrates this problem:

The harsh implications of discontinuation are that someone will often be forced to live on the streets. During the meeting it was quite clear that governmental organizations, and sometimes even NGOs (like the Goedwerk foundation), used discontinuation as a strategy for nudging someone into the direction of 'voluntary' return to one's home country. People often only get a place in the shelter homes whenever they have been enrolled in a voluntary return program. This means that people will sometimes pretend to want to return just to get a roof over their heads. Whenever it is clear that this form of manipulation is involved, governmental organizations will often steer in the direction of discontinuation. (Appendix B)

The implementation of the LVV entails uses of opaque language to hide a deeper, more restrictive and coercive truth about its actual execution. In this sense, power differentials between governmental actors and civil society actors become wider and more entrenched.

Many NGOs – like the ROS foundation – are not willfully, nor actively, participating in these policies. If asked the question how they feel about this policy change, you mostly get negative replies (Appendices B, E, N, O & X). Much has changed

for the worse for the NGOs because they do not get the old BBB funds to provide shelter anymore. Nowadays, they are dependent on federal subsidies to provide shelter. These funds are then sanctioned on the cooperativeness of the migrants to return. As can be seen from my observations done at a multi-disciplinary meeting on the LVV, NGOs like the ROS and the Pauluskerk are trying their best to counter these policy developments, but in many cases their hands are tied (Appendix B). They are often openly opposing discontinuation of shelter by means of lobbying or even by organizing protests. Furthermore, ROS is a vocative opponent of detention and deportation and they hold a monthly wake to protest detention/deportation at the DCR (Appendix A). The ROS and other NGOs are not formally part of the LVV either, but informally they participate, since they do not have any other choice. How else can they negotiate representatively for their clients who are forced to partake in the LVV?

The LVV is essentially an illicit and coercive strategy to compel people into return. Although the municipality claims that the LVV is just a continuation of the BBB, the LVV is in its very nature different. The BBB was not conditioned on cooperativeness to return. An undocumented migrant simply got shelter and was left alone (Appendix Y). One could argue that this was also not a solution to the problem. Living in a shelter, being dependent on municipality and NGO assistance is not a life lived with much dignity either. However, this was the only way that the institutional exclusion of *sans papiers* could be resisted to a certain extent.

Now that the federal institutions have taken over local, Rotterdam policy directives and have given it their own expulsion-focused 'twist', what is the role of NGOs? They participate in providing shelter and voluntary return programs. According to Marieke van Houte (2014), voluntary return programs are mere extensions of government policies; civil society participation in these programs legitimizes these federal policies (van Houte, 2014). On the one hand, I do concur with this notion, since I have been able to see that some NGOs were completely focused on issuing return, without representing their clients properly. On the other hand, I partially differ from this stance, for there are also NGOs that do represent their clients properly and who are also participating in federal policies to gain leverage for redirecting these policy directives.

Firstly, NGOs such as ROS, the Pauluskerk and the Goedwerk foundation receive subsidies from the DT&V (Appendix X). This can be seen as a perverse incentive to facilitate return. As I have been able to observe, voluntary return programs are increasingly a reason for quarrels between NGOs (Appendix B). NGOs seem to compete for clients, because they are increasingly reliant on governmental subsidies. For many, this endangers their independent, non-governmental position. Nonetheless, NGOs participate in return policy from the perspective that facilitated return is always more humane than forced deportation (Appendix X). And in this respect, they are very pragmatic. In this way, NGOs like ROS have offered better and more humane solutions for migrant detention/deportation. Possibly, this incentivized officials to rethink their already failing and much criticized detention/deportation strategy. Participation in these policies is rather an exercise of negotiation and power-brokering between federal institutions and civil society institutions. Furthermore, NGOs are in contact with *sans papiers* on a daily basis. Many of the employees are engaged in peoples' lives and listen to their worries. Although there may be a perverse incentive and a pragmatic attitude towards participating in expulsion policies, the ROS foundation always listens to the migrant first (Appendix X). If someone does not want to return, they will help them either way, even if this means they have to facilitate a life in 'illegality' for this person.

As could be read throughout this chapter, migrant detention and deportation has established itself in the Netherlands as 'necessary practice' since the early 1990's. Although the Netherlands has known a stark rise in detention capacity and application, from 2008 on these practices have been mitigated under the pressure of the EU. Nevertheless, detention maintains itself as a measure that is practiced to facilitate expulsion. Currently, detention and deportation practices are more and more being externalized outside of the regular detention center. This shift is especially observable in the locality of Rotterdam, where NGOs are partially forced to participate in these policy directives. Although it may seem like NGOs are willfully participating because of perverse financial incentives, this is often not the case. NGO participation in return policies and the LVV program also appoints certain means of leveraging influence in federal policies, whereas it also limits the non-governmental character of these essentially civil society actors.

To conclude, the fluidization of detention/deportation practices denotes a mitigation of absolute and restrictive forms of exclusion through incarceration. Nevertheless, institutional exclusion and 'alternatives for detention' bring restrictive policies to a wide variety of places and make everyone, NGOs and governmental institutions alike, partially complicit in federal bordering policy.

6. WHY DO WE DETAIN/DEPORT MIGRANTS?

“Mingling with the remains of the plane, equally fragmented, equally absurd, there floated the debris of the soul, broken memories, sloughed-off selves, severed mother tongues, violated privacies, untranslatable jokes, extinguished futures, lost loves, the forgotten meaning of hollow, booming words, land, belonging, home.

—Salman Rushdie, *The Satanic Verses*

6.1. The stranger

The conditions that are precipitating in detention and deportation and its recent fluidization, are – as we will begin to see in this chapter – sedimented in the construction surrounding migration. To understand the *why*, we have to begin understanding the construction of what migration is and what is the migrant. Consequently, this will bring us to the biopolitical construction of ‘illegality’, or ‘irregular migration’. Our understanding of what constitutes the concept of migration is contingent, albeit dependent upon the hegemony of biopolitical ordering. In many instances, migrants are framed negatively e.g. *strangers*, *parasites* and *criminals* (Derrida & Dufourmantelle, 1996; Inda, 2000; Stumpf, 2006; Bauman, 2016). These are often migrants who lack legitimization of the ‘autochthonous’ citizenry of a state or also of the state itself. If this delegitimization is contingent upon the dominant discourse, we can begin to see that migration and the migrant are quite illusive, abstract concepts to begin with. They are severely laden with ideological strife. Since, what is migration other than a mere moving of bodies through space and time? In such a way, migration is a form of travel. Not a wayfaring, which denotes much more the connection a traveler has with the traveled lands. Rather, it defines a move from point A to B – with a clear destination in sight.

However, when does one stop to be a tourist and becomes a migrant? Does it involve some type of defined temporality and spatiality, before one is to be distinguished as a migrant? We suppose, in our linguistic endeavors, that exactly the migrant is the one claiming temporal, indefinite access to a space carved out within our territorial state. Compare for example the colonist and the tourist to the refugee. It is the colonist who migrates with the intent and means to impose on the desired space a violence which

imposes a structure of law upon its native inhabitants. Conversely, it is the refugee that has as its destination a *nomos* already structured. The refugee does not bring any overdetermining structuring of their own to the country they choose as a refuge. They have to abide by the law of this country. The refugee is usurped by the structure of law and dependent on their status is wholly included or included by exclusion. Consequently, sometimes the refugee is accepted on the conditions that they participate and integrate. Other times, they are declined total access.

In the case of the colonist, he is not forced to integrate and assimilate. It is rather the other way around; the colonist forces the natives to be assimilated into the colonist's own law that they brought with them from their own country. Additionally, the tourist is not expected to integrate either, since they carry a certain temporality with them; their stay has a definite start and end. Often, they stay in little tourist enclaves or tourist resorts, where the laws of the country do not apply completely. Just look at the ominous number of stories of European backpackers telling tales of outlawed villages with a free availability of drugs in otherwise extremely strict and rigid anti-substance countries like Indonesia and Thailand. Hence, the migrant, in our current discourse, could be viewed as the one that is either assimilated or rejected. They are as a stranger to our *nomos*, and from their position of stranger they make an appeal to it.

Throughout my interviews with and observations of governmental actors, such as the DT&V, IND, DJI, municipality of Rotterdam and the IOM, a specific type of terminology was used to signify migrants: *the vreemdeling* (Appendices B, S, Y, Z & AA). This means as much as an *alien*, or *stranger*. Albeit this language is used to delegitimize claims of residence by migrants and especially by undocumented people, viewing the migrant as stranger can also strengthen our conception of what it exactly entails to be usurped into a preemptively defined structure of law; to be *alien* to it.

Whereas perhaps the stranger is met with some form of distrust, the stranger sees the receiver also as stranger (Derrida & Dufourmantelle, 1996). The one who receives, speaks a different language and has perhaps quite a different rationality. The customs of the receiver could be different as well. It is not only the receiver who has to familiarize themselves with the strangers, but rather the stranger who has to familiarize themselves with the receiving culture. They are expected to assimilate into something that is strange

and differs from what they are used to. To me it seems that by labeling the migrant with the word 'stranger', we rationalize our position as 'static'; as something that can stay the same eternally. Implicitly, this means that we are declining our plight or curiosity to familiarize with the culture of the one who is integrating. Nevertheless, it is the stranger who asks a question first. It is they who question the knowledge and self-imagery of the host by arriving and making an appeal. Jacques Derrida explains how the stranger initially questions the *logos* of the host (Derrida & Dufourmantelle, 1996). This is the first question that is asked as an appeal. The stranger does not use the same idiomatic phrases, nor does he adhere to the same cultural value system. Derrida likens the stranger with the Sophists from ancient Greece: They were scrutinized because of their different *logos*, because of their questioning of *logos* altogether. The appeal of the stranger is to milder judgement on behalf of their inability to adjust – their incapacity to cater to the structural code of the host. (Derrida & Dufourmantelle, 1996).

Then, the stranger questions the political being of the host, for they question the hospitality of the host (Derrida & Dufourmantelle, 1996). Throughout the last couple of centuries, hospitality has anchored itself as a right. She is not absolute, rather is she conditioned. Whenever the stranger comes and shows their face, the host summons them for identification (Derrida & Dufourmantelle, 1996). The stranger has to be named – has to be included within the structure of law by the use of some sort of proper name. The stranger has to be made accountable for their actions under the court of law. Derrida believes that problems arise with this sanctioned hospitality: the right to hospitality. It lacks the absoluteness to consequently deal with the vast amounts of people rambling our gates:

No hospitality, in the classic sense, without sovereignty of oneself over one's home, but since there is also no hospitality without finitude, sovereignty can only be exercised by filtering, choosing, and thus by excluding and doing violence. Injustice, a certain injustice, and even a certain perjury, begins right away, from the very threshold of the right to hospitality. (Derrida & Dufourmantelle, 1996, p. 55)

In this way, the stranger questions not only our *cultural code* or *logos*, but also our broader conception of what it entails to be a subject and to belong to a territorially defined state.

6.2. Securitization of the private sphere

In the previous paragraph, I have drawn out Derrida's question of what exactly it entails to be a stranger; what it entails to have to adapt to something unfamiliar. In doing so, the stranger questions the receiving end's hospitality and culture itself. Derrida mostly draws his understanding of the stranger from ancient Greek myths, allegories and philosophy. He does this to show how at the heart of our current understanding of things, lie conceptions and notions deeply rooted in ancient beliefs. To further his conceptualization of the 'stranger', he claims that the contemporary deconstruction of the stranger takes places when we are reviewing our modern communication devices: email and the internet (Derrida & Dufourmantelle, 1996). Nowadays, we are using emails, internet fora, telephone calls etc. to communicate with one another. That which could previously be conducted in a private encounter between private citizens, is to an increasing extent being publicized. The sovereign state is progressively accumulating more authority over the private sphere of its citizens, by means of surveillance. At present, the borders between inside/outside, immune/commune and public/private are blurring (Derrida & Dufourmantelle, 1996; Agamben, 1998; Diken & Laustsen, 2005, Esposito, 2008).

Roberto Esposito traces back an inherent link between the private sphere and a contemporarily heightened emphasis on securitization. He genealogically uncovers how modernity has experienced a very specific type of subject formation, in which we see increasingly the immunization of community as a biopolitical excess of modernity (Esposito, 2008). Etymologically, Esposito traces back the meanings of both community and immunity to the word *munus* (Esposito, 2008). *Munus* denotes a symbolical exercise of gift-giving by which persons living in a community express their *commonality* (Weir, 2013). According to Esposito, community is based on a reciprocal inter-relation between

subjects, in which *munus* acts as a gift that is given to one another, but which conversely institutes a reciprocal negative relation of something that has to be given back to the giver. Community thus, constitutes a shared or *common* relation – a binder (Esposito, 2008). Community consists of ultimately a *multitude* of isolated subjects. In this, *munus* can turn on the community itself, since it also entails a continual basis for *generalized conflict* amongst its constituents (Esposito, 2008). As mentioned before, there is a constant reciprocity apparent in the expressing of being-in-common. Whenever this is not answered properly, members of the community turn against each other. This is then done on the grounds of acting against a transgression of the political obligation to follow the common morale. In this sense, *munus* entails a certain form of normativity that has to be adhered to by all of the members. Otherwise, the reciprocity is broken, and conflict ensues. Thus, community itself forms a problem for community (Esposito, 2008).

Therefore, immunization is performed to enhance cohesion and to exclude a possibility for destructive tendencies amongst community's constituents. Immunization then entails the inclusion of the negative relation of community: that which lies outside, which is a foreign (multitude), is marginally included, to build upon this a form of common ground. Immunization is performed for the purpose of the *preservation of life* (Esposito, 2008). This can be thought of in a very biopolitical sense, since for Esposito, biopolitics entails the preservation of life in the community. According to him, *bios* replaces the *polis* in contemporary politics. The political body of the community – the populace – is immunized by a sovereign authority (Esposito, 2008).

A paradigm of securitization is instituted as soon as the individual subject within the community starts immunizing itself. Esposito observes that Locke has conceptualized the subject as being extended by his material possession and production (Esposito, 2008). In turn, the subject's life was steadily theorized as his property (Esposito, 2008). Esposito marks with this an immunization of the subject. Juridically and politically, the private sphere is inherently constructed in conjunction with the notion of liberty (*libertas*). However, liberty of the private person is not thought of as an absolute freedom of choice; of doing whatever one pleases to do. Rather, it is a freedom of becoming subject to ill-doings; an absence of harm that can be potentially bestowed upon unwilling subjects.

After the discursive formation of subjective freedom as the freedom from harm, securitization of the public realm has instituted itself as a political imperative. Securitization must be understood as the biopolitical practice of preserving life through policing (Esposito, 2008). One of the most recent and relevant examples of biopolitical securitization is *The War on Terror* waged by the United States (Jackson et al., 2011). In the wake of the 9/11 attacks, an institutional and ideological necessity of securitization against 'Islamic Fundamentalist Terrorism' has been permeating many spheres of social and political life in both the Western and Islamic worlds (Jackson et al., 2011). The United States has been rapidly instituting many new government bodies that are issued with the surveillance of communications of millions (perhaps even billions) of people around the world. Moreover, an increasing academic body of orthodox literature has been publicized, which in many instances paradoxically justifies an increased impingement on peoples' privacy for the maintenance of the integrity of the private sphere (Jackson et al., 2011). Furthermore, securitization's policing efforts have extended itself into severely asymmetrical types of warfare waged in countries such as Yemen, Afghanistan, Iraq, Pakistan and many more. Almost any of these developments is justified by claiming it is done on behalf of bringing 'freedom' and 'democracy' to despotic, 'backward' regimes and to fight off terrorism 'at home'. Moreover, securitization has established itself as the ideological necessity to maintain individual liberty within a culture of fear; in both Europe and the United States (Jackson et al., 2011).

This shows that liberty, is – in its modern explication – inevitably tied to a paradigm of securitization. Esposito shows how the state's mandate of power is increasingly being conditioned on its capacity to protect the vital lives of its constituents and the communal life of the *communitas* (Esposito, 2008). The sovereign state is relied upon to reduce the chance of risk, and to preserve the life of its populace which is conceptualized as the private spheres of subjects (Esposito, 2008).

To come back to Derrida's argument, Derrida describes how the state is utilizing the modern security maxim to breach the private spheres of its citizens:

Of course, in controlling it [the private domain], which can appear negative and repressive, it [the State] can claim, by the same token, to protect it, to enable communication, to extend information and openness. The painful paradox stems from this coextensiveness between the democratization of information and the scope of the police and politics: as the powers of the police and politicization are extended, so communication, permeability, and democratic openness extend their space and their phenomenality, their appearing in broad daylight. (Derrida & Dufourmantelle 1996, pp. 55-57).

As a result, the citizenry is being threatened by the 'strangeness' of the state. State constituents are deprived of their personal, private sovereignty. One could describe this process as *alienation* (Berardi, 2011). Franco Berardi likens the current predicament of the European citizen with a state of depression. According to him, European citizens are feeling a psychological, emotional fatigue much akin to a depressed state, which is induced by the loss of concrete authority over one's own (material) private sphere (Berardi, 2011). Berardi believes communications between individuals to be *detrterritorialized* (Berardi, 2011). This means that communication becomes increasingly abstract and devoid of an easy-to-determine spatial origin and destination. What does this exactly mean? It means that through digitalization, communications can come from anywhere, from anyone, to anywhere and can also be registered by anyone. In this sense, the private sphere of citizens is deprived of its private-ness. An incumbent sense of fear remains, since citizens are feeling a loss over their autonomy to communicate. In this sense, the Espositoan immunization exists in creating a false community, an abstract form of *communi-cation*, which is only a superficial remain of proper communal interaction.

I cannot objectively decide over what is real or superficial communication. Perhaps, communication does not need to be territorially defined to be real and non-abstract. Perhaps, communication does not need to be imbedded in placeness. Possibly, my communications with a total stranger in any kind of random chatroom could be the most profound interaction I have ever had. The only necessity is that in no way I

subjectively feel spied on or manipulated during any of this. Moreover, it is crucial that my communications stay put; that they do not end up in a different place than I intended them to be. This lack of agency of the destinations of my communications, is exactly the lack of placeness which leaves many citizens with a sense of anxiety or depression. Surveillance of communications indeed create a sense of loss over autonomy. Berardi is not the only one to comment on this. With his model of the Panopticon, Foucault already foreshadowed the possibility of a surveillance society in which there exists a total breach of citizens' private spheres (Foucault, 1995). In her book *The Age of Surveillance Capitalism* (2019), Shoshana Zuboff also directs our attention to an ever-growing tech industry which gathers billions of peoples' communications for creating profit by manipulating people into consumerism, and by keeping them hooked to their communication devices (Zuboff, 2019). So, not only governments undermine their citizens' communications. Also, big tech companies like Google, Amazon and Facebook are participating in this form of virtual subjugation. Nevertheless, governments are wholly complicit and just let it happen (Zuboff, 2019). By all of these privacy infringements, the citizen is alienated and in response becomes inhibited to react; becomes ill-equipped to counter the biopolitical individuation that they are subjected to (Berardi, 2011). The state and big corporations sell their false communications as either 'safety' or 'convenience'. The citizen complies hesitatingly. Perhaps, the citizen feels a need to act, because in some ways they feel permeated by something 'Other'.

They feel alienated and turn their vengeance to that which appears strange on a superficial level; by pointing their finger to the stranger. Through alienation, that which is alien is internalized within as the antagonist of community. The migrant wrongly appears as that which endangers community and its communications. To quote a 2015 article of Alberto Nardelli in Zygmunt Bauman: "Nearly 40% of Europeans cite immigration as the issue of most concern facing the EU – more than any other issues. Only a year ago, less than 25% of people said the same. One in two of the British republic mention immigration as among the most important issues facing the country." (Nardelli in Bauman, 2016, p. 7). The consequence: the stranger is committed to even more scrutiny with the use of the same security paradigm that breaches citizens' integrity.

The following quote of Bauman illustrates the clear-cut anxiety that is exuberated with the alien in our midst:

They [aliens] make us aware, and keep reminding us, of what we would dearly like to forget or better still to wish away: of some global, distant, occasionally heard about but mostly unseen, intangible, obscure, mysterious and not so easy to imagine forces, powerful enough to interfere also with our lives while neglecting and ignoring our own preferences. (Bauman, 2016, p. 9)

Bauman further explains how these forces tend to be misrecognized; how the stranger is mis-understood to be the reason of our contemporary vulnerability (*italics my own*):

The 'collateral victims' of those forces tend to be, by some vitiated logic, perceived as those forces' avant-garde troops – now setting up garrisons in our midst. *Those nomads – not by choice but by the verdict of a heartless fate – remind us irritatingly, infuriatingly and horrifyingly, of the (incurable?) vulnerability of our own position and of the endemic fragility of our hard-won well-being.* (Bauman, 2016, p. 9)

The worrisome cries of anti-immigration rhetoric mirror a much deeper-seated truth about a defunct biopolitical apparatus with its reverberations resulting in heightened existential precariousness amongst nations' citizens.

6.3. False immunization

The biopolitical manifestation of such confusions and anxieties is the immunization of the political body. Esposito's biopolitical figure of immunization stems from the medical vaccination of the human body. ". . . so the immunization of the political body functions similarly [as medical vaccination], introducing within it a fragment of the same pathogen from which it wants to protect itself, by blocking and contradicting natural

development.” (Esposito, 2008, p. 46). The political body of the state includes the pathogen of the migrant; of the stranger. They are included to be delegitimized. Their presence triggers the mechanisms of fear which are consequently catapulted by the enhanced security paradigm. In turn, the body produces antibodies which attack the migrant. One of such sorts of antibodies are the institutions which are focused on detention and expulsion policies. Of course, it is not those who seek refuge and help who are properly alien: they only appear to be so. Moreover, it is the biopolitical exercise of surveillance policies which alienates our identity as private citizens.

This is the illusory solution of the citizenry to fight off an alien, alienating, invasive power which individuates to coerce. The community believes it can fend off the stranger with the use of immunization technologies. However, in reality it is the biopolitical apparatus including a marginalized pathogen to counter any suspicion of their own alien essence. For this, the biopolitical needs that which lies outside of herself; that which appears strange and different.

The consequence of such a false immunization is the *semi-permeable border* (Wonders, 2006; Raeymaekers, 2014). Border functions more or less like a membrane that borders a biological cell, which is not wholly closed off, neither truly opened. In the process of globalization, flows of capital, goods and people are accelerating (Wonders, 2006). Border becomes *porous* in the sense that it is penetrated by increasing speed. However some have direct access to penetrate the membrane as tourists and expats, others are not so fortunate: “Rather, borders and the technologies of control that enforce them have become ever more important as vehicles for restricting rights and constructing new channels of inequality.” (Wonders, 2006, p. 64). Consequently, there is an increased trend to differentiate between regular and *irregular migration*.

This development is reflected in the language used by policy makers. As I mentioned earlier, organizations like the IOM, DT&V and the IND are often legitimizing their operations by claiming irregular migration to be inhumane and senseless (Appendices Z, AA). According to them, only a handful are admitted to the Netherlands. Hence, keeping people here without a chance is giving them “false hope” (Appendix AA). Thus, enforcement of border policies with detention/deportation is necessitated by underpinning it with an erroneous humanistic motive. Deeming migration irregular or

illegal, gives a false sense of creating safety both for citizens as for migrants. Often, it is presented as if the enforcement of 'regular' migration curbs violations of human rights by criminals. Nevertheless, it becomes more and more clear that both the EU and the Netherlands are involved in striking up deals and giving out subsidies with/to autocratic regimes and criminal organization to ensure the external enforcement of the European border policies. One of the prime examples of such a collaboration consists of a financial and coordinative cooperation between EU member states and the Libyan coast guard (Baldwin-Edwards & Lutterbeck, 2018; Cuttitta, 2018). The latter is known to violate human rights by indefinite incarceration, torture and murder of migrants. This means that the EU is externalizing its borders under the guise of developmental aid and multi-lateral cooperation.

The Netherlands and the EU are trying to keep odd, criminal behavior in check by regulating mobility. In much of the politicized language of border control, combatting 'irregular' forms of migration, like human smuggling and sex trafficking, automatically involves curbing other forms of 'irregular' migration as well, such as migration without eligible residency documents or visa. The result is a regulation of the border as a semi-permeable membrane. Some get the chance to enter. However, many are illegalized and excluded to the point that they are incarcerated or are living on the streets, even if they are not in any way involved in criminal activity. Leerkes, Engbersen and van der Leun have found that undocumented migrants are actually less prone to criminal behavior in the initial stages of their stay. Only through prolonged marginalization it is that they are being made more prone to be involved in subsistence related crime (Leerkes, Engbersen & van der Leun, 2012). As a result, criminalization also happens because *sans papiers* are forced into delinquency through marginalization. In Rotterdam, this is witnessable both at the detention center as outside of the detention center. People are detained as a form of regulation of illegality (Leerkes & Broeders, 2010) and as part of the process of exclusion. Moreover, restrictive return/shelter policies and a harsh political climate are forcing people to either 'voluntarily' work towards return or live on the streets and fall prey to an even starker criminalization. They are not only criminalized by law, but also criminalized by practice. They are forced into a proneness to crime, which in turn legitimizes the criminalization through detention and exclusion.

Hence, criminalization of migration enters a *feedback loop*, in which the grounds to criminalize are created by criminalization itself. The result is putting vulnerable people in restrictive environments where they are forced to take on an often-unwanted identity of being a migrant and being a criminal.

6.4. Criminalization and deterrence

As I have consequently shown throughout this thesis, criminal law and immigration law continually collide into one another to create a discourse and practice of *crimmigration* (Stumpf, 2006; Majcher, 2013). Migrants are criminalized not by inclusion in the criminal justice system, but because immigration law is taking after criminal law itself; mimicking its penal character, albeit rejecting “the procedural ingredients for criminal adjudication” (Legomsky in Majcher, 2013, p. 5). This means that law enforcers have found a way to bypass juridical limits that protect a criminal from unmediated incarceration: the criminal gets a chance to defend themselves before a court of law. Although the migrant can fight against incarceration too, administrative law has built in much less requirements to be met to issue for incarceration (Majcher, 2013). Moreover, Majcher believes *crimmigration* to be less costly than detaining migrants under criminal law (Majcher, 2013). Additionally, extraordinary civil servants (*buitengewoon ambtenaren*) have the authority to autonomously institute or revoke detention without mediation by a court of law (Appendix Z).

As the ultimate crystallization of immunization, migrants are spatially fixated and temporally de-routinized. The ulterior motive of these detention/expulsion policies is to instill in migrants a deterrent (Leerkes & Broeders, 2010). This is the third type of fluidity of detention/deportation practices. Deterrence is practiced inside and outside of the prison. It is about sending a subtle message which should demoralize the migrant from entering the Dutch and European space, or which coerces them to leave. As one of the respondents of the ROS foundation remarked:

R: Therefore, people of the government often say that ... detention is actually meant ... to stimulate voluntary return ... in other words if people are scared of detention, they might return voluntarily ... (Appendix X)

Detention, the impending fear of deportation, regular control visits and institutional exclusion are all punishments for a certain type of transgression. An intricate web of bordering institutions is concerned with sanctioning a paralyzing force on anyone who dares to transgress the Dutch or European border. The result is a micro-politics of deterrence which covertly runs counter to the government's overt goals of pure territorial expulsion. The institution of the totalizing prison and the intricate web of institutions – concerned with the control of *sans papiers* outside of prison – are convening to create a fluid effect of deterrence.

The ultimate reason for detention is thus immunization. Within this exercise of immunization, we find the institutional and discursive construction of the migrant without documents as 'illegal'. Illegality is a principle category which allows governmental actors to discriminate and criminalize certain types of migrants. A very clear manifestation of this policy is the policy of deterrence. As I have shown throughout my thesis, undocumented migrants are often severely anxious for reprisal by authorities; even outside of the prison. Restrictive policy then acts as a form of deterrence, because it not only manages to directly expulse migrants, but it also manages to create fear.

Albeit authorities manage to expulse a number of migrants every year (Ministerie van Justitie & Veiligheid, 2019), many others are continually living in precarious situations all around the Netherlands. Since the success rate of detention is fairly small (less than 50%) (Leerkes & Broeders, 2010), and the alternatives for detention are also not particularly successful, one could assume detention practices to be directed at creating 'illegality' so to speak. Not only are migrants illegalized through their exclusion in law, but they are also illegalized by putting them in marginal positions, making them more prone to committing criminal offence (Leerkes, Engbersen & van der Leun, 2012).

The situation in Rotterdam is illustrative of this current predicament, since it is the 'avant-garde' of restrictive bordering policies. The current LVV policy is modelled on

explicitly Rotterdam policy, and centralization of detention has also taken place precisely in the DCR.

The *why* of detention is then utilized not to completely expel all foreign elements, but more so to create a pathogenicity by which the community can immunize itself; by which it can create a common ground of otherness; of antagonism. By this mechanism the community can define itself and its members. Thus, deterrence is the result of immunization, but also the means to and end. This end is immunization itself. Immunization is then profoundly circular and can only found and sustain itself through exclusion. As the Rotterdam case has shown, this results in a micropolitics of marginalization, confinement and precariousness. It does not purely expel, but rather instills fear to communicate to the citizenry a false sense of safety and belonging, whereas *sans papiers* are imbued with a very real sense of insecurity and estrangement.

7. CONCLUSION

7.1. Reflection

As my journey – writing this thesis – is coming to an end, the time has come to look back on my process. It was predicted that most probably anyone would finish differently than they had started: the main question always changes; methods change throughout the data collection; primary literature is replaced by others. My process was no different. I started out with the idea of researching outward imaginations of the DCR. My hypothesis was the following: dwellers who interact and perceive of the detention center on a regular basis, could be an interesting source of knowledge on the discursive, biopolitical functions of the detention center.

I started from a purely Agambian perspective, which sees the detention center as a sovereign mechanism of spatial control. Then, I started collecting data, attending meetings and interacting with undocumented migrants. My attention started to shift. It was not the outside imagination that was properly illuminative, but rather the policy directive surrounding the DCR. Moreover, I started noticing coercive practices in the city of Rotterdam as well. I was astounded by a vast amount of governmental actors involved in expulsion policies.

These observations called for a new theoretical direction. As my direct attention shifted outside of the DCR, theoretically, I started to see the interconnectedness between detention policies and other b/ordering practices. I started synthesizing the Agambian perspective with a Foucauldian perspective, which allowed me to conceptualize the prison outside of prison itself; to conceptualize it as a pivotal mechanism of biopolitical control. Foucault conceptualizes the prison as more than an object of confinement. More so, he draws out the prison's discursive implications as a blueprint for the historical design of disciplinary practices, that in the 20th century evolve into biopower. Consequently, disciplinary practices are shown to have merged with the human sciences. In this, practice and discourse enter a reciprocal relation. Their merging makes possible the modern formation of the subject and mechanisms of power. Moreover, these theoretical insights gave me the tools to epistemologically assess my

position as a researcher. It allowed for more depth in my analysis, since I could now critique bordering practices as more than a mere material exercise: they appear to be inherently discursive. They do not only exist as a practice, but throughout my genealogical investigation, I was able to show that institutional practices of bordering merge with discursive practices.

Experiencing the DCR itself, was a daunting experience, exactly because at a first glance it appeared to be an everyday activity. Prison as an institution is normalized *per se*. It can only exist through continual normalization. Therefore, it would have been better to have visited the DCR many more times. I was not prepared for entering the prison. Consequently, my descriptions are not as thick as they could have been with better preparation. This is not purely my fault but is exactly the nature of the detention/deportation center as such.

Furthermore, I want to highlight that collecting data among undocumented migrants is incredibly arduous. These people have often been traumatized, either by atrocities underwent and witnessed in their country of origin, or because of the harsh penal treatment they got upon arrival here. It was this vulnerability that made me quite reluctant to ask just anyone to participate in my research. I was afraid that I did not have the right tools or attitude to conduct proper interviews. More concretely, I was afraid that I would ask people the wrong questions; that my line of questioning would be nothing more than an extension of the same questions that they continually get from authorities. I cannot say that I have proven this anticipation wrong. In many instances, I have been sharing too much information with my respondents; unconsciously steering the direction of the interview. Often it would occur that I would ask uninformed questions. Additionally, I sometimes continued too hastily, while my respondent was still elaborating on an answer. Although I would have done things differently if I had the chance, in the end, I have managed to gather interesting data, from interesting informants. I have built up a strong case against a recent trend of fluidization and centralization of detention/expulsion practices in the locality of Rotterdam. Finally, I have successfully managed to contextualize this within a larger biopolitical development of immunization, which has as its consequence a micro-politics of deterrence.

7.2. Discussion & conclusion

In this thesis, I have asked the *where*, the *what*, the *how*, and the *why* of detention/deportation practices. Firstly, I used my own experiences to describe the social and academic significance of doing research specifically about the bordering regime in Rotterdam. I wrote about the city of Rotterdam and my internship, their importance and limitations. This chapter immediately zoomed-in to the primary topics at hand. This was the specific background from which I could start an inductive research.

Secondly, I built up a larger theoretical framework on carcerality and biopolitics, which was to answer the question on the *what*. I showed how from disciplinary practices there evolved a biopolitical regime which has at its core exercises of normalization, segmentation, subject-formation, discursive hegemony and exceptionalism. I arrived at an interesting and theoretically relevant intersection of Foucauldian and Agambian theory. From this, I developed an interpretation on the concept of *fluidity* – first elaborated upon by Moran (2013).

Then, I moved to the *how* of detention/deportation practices. Inductively, I used my broad theoretical knowledge to contextualize a national and also local trend of centralization and fluidization of bordering practices: first, I argued the centralization of detention practices to the locality of Rotterdam. Then, I conveyed how detention practices are proliferated in fluid ways, stretching far beyond the DCR's walls. Consistently, I managed to connect the *how* to the *what*.

Finally, I contextualized these findings within a larger biopolitical framework to answer the *why*. I have been able to show how these local practices could be understood from a tendency of immunization that manifests itself to a more global extent. It shows how a heightened sense of government impingement on private citizens, and a parallel securitization paradigm, are resulting in increasing practices of detention/expulsion strategies. Exactly the local exercise of fluidization of detention/deportation, is a direct exponent of this larger immunization trend.

The findings were largely understood from a biopolitical perspective. At its core presumption lies the systemic separation of *life*. Albeit this separation of life could be either explained affirmatively (production/preservation of life – Foucauldian biopower)

or negatively (negation of life – Agambian thanatopolitics), it is exactly the oscillation between these coercions which disentangles often held misconceptions on the workings of a biopolitical apparatus. Biopolitics is a multiplicity of power relations, which can be either understood from coercive regulation, negation or subversive resistance. Through this perspective I managed to arrive at several intriguing findings. Such as: an apparent incorporation of civil society actors within expulsion policies. As detention's enforcement has declined since 2008, and is being centralized to the DCR, expulsion enforcement is waged much more often outside of the penitentiary context. It is visible that NGOs, like ROS, are coerced into leveraging with and partially cooperating in these activities. Nevertheless, they also do this as a bid to negotiate and to represent their clients. This shows how forms of coercive structuring are also countered by bottom-up actors which are involved in an everyday battle to maintain a humane treatment of undocumented migrants. Inevitably, the boundaries between helping *sans papiers* and enforcing government policies become blurred. It is exactly this blurring of boundaries which is a typical characteristic of biopolitical structuration (Agamben, 1998; Esposito, 2008).

As I showed in chapter six, the lines between the inside/outside, immune/commune and private/public are becoming increasingly vague. It is this essential ambiguity that makes it difficult for actors to reflect upon their own positioning within the biopolitical apparatus. Ultimately, forms of resistance do also confirm the biopolitical hegemony of certain policy directives. It is exactly this issue that needs to be tackled in further research and action: how can non-governmental actors maintain non-governmental autonomy, while maintaining a relevant and strong foothold in directing and resisting government policy? Certainly, do I advise non-governmental actors also to experiment with strategies that could possibly sanction federal institutions into halting their restrictive policies, such as the LVV. Perhaps finding different investors, which could bypass perverse incentives like governmental subsidies, could be a new way to maintain non-governmental autonomy.

Another important finding was that b/ordering processes exist within a larger context of immunization and securitization. This finding was the ultimate answer on the main thesis question: why do we detain/deport migrants? I have answered this question

by zooming in on the discursive exercise of immunization. These are the discursive practices from which we can understand the smaller, more material micropolitics of b/ordering; as the Rotterdam case has shown. It is crucial to note that exactly the anxieties that stem from the biopolitical hyper-individuation, initiate and sustain immunization techniques. In this sense, biopolitics becomes a self-regulatory system, which legitimizes its coercive operations through *scapegoating*, which in turn is severely coercive itself. Why then, do we detain/deport migrants? Because, the Dutch and European citizens feel threatened by a certain abstract Other, which is the pervasive power of biopolitical structuring. In turn, the citizens turn their transformative, negative attention towards the migrants, since they appear superficially 'strange'. Nevertheless, that which is really strange, the biopolitical apparatus, gratefully complies into depoliticizing the scapegoat – averting the attention on itself. Hence, the discourse of immunization and the practices of detention and deportation are a reactive force attuned to the wrong entity.

This was especially indicated by the confluence of immigration law and criminal law. As could be observed on a local level, but also on a wider scale, the legitimation of criminalizing undocumented migrants is circular. This means that the *raison d'être* for detention/deportation and subsequent enforcing institutions, is institutional exclusion. This is conversely determined by the illegalization of migrants, which in turn causes a further illegalization and criminalization of migrants. Hence, we can observe a sort of *feedback loop*, in which bordering practices produce effects which amplify subsequent effects. We could also conceptualize this process as an *infinite/indefinite acceleration* (as an antonym to *infinite regression*). It is this mechanism of circularity that poses new problems; both academically as well as socially. Firstly, concerning the former, what are the exact characteristics of such a feedback loop? Pertaining to the latter, how do we cut the loop and halt this presumed acceleration? I hope these questions could be answered in future research and could provide civil society with the right means to gain back power and break out of its current predicament.

I have encountered several theoretical limitations to my research. Firstly, there was a strong implied reliance on neo-Marxist lexicon without accounting for the structural importance of capital. Foremost, the concept of Foucauldian biopower is set

within a larger critique of neoliberalism and capitalist interpellation. I recognize this as a minor shortcoming to my research. Nevertheless, I do need to argue that biopolitical theory moves exactly outside of a purely Marxist sphere by focusing on *life* as a primary *locus* of politization, whereas many neo-Marxist theorizations are still reliant on explaining politization from the starting point of capital, production and alienation. I would rather not marginalize these Marxist categories as irrelevant or incapable of contriving a sound critique and analysis of systemic violence. More so, I do recognize these notions for understanding our contemporary biopolitical apparatus. However, I have chosen to focus on discursive notions instead. In as much as we can understand Foucault as a (partially inexplicit) derivative of Marxism, his analysis does not include capital as much as it does discursive and institutional force. In this, he breaks away from the strictly materialist confines of Marxism and produces a critique which is epistemologically applicable even to this date. It made it possible to view the classical Marxist concept of *alienation* as a discursive determinant of identity rather than a material determinant of social relations. Moreover, using classist power differentials to account for an active impetus in local bordering practices, is nearly impossible. Much better is it to employ a technique of genealogy which includes the institutional and discursive component. Capital is, in my eyes, certainly not a main determinant in this structuration. Rather, it works in congruence with forms of sovereign power and governmentality. In this thesis, I have highlighted mostly sovereignty and governmentality, while consciously steering clear of utilizing capital as an explanatory force. I did this to not overcomplicate an already very complex and theoretical thesis. Notwithstanding my withdrawal from neo-Marxist conceptualization, in the future, it would be interesting to see an analysis that supersedes the transcendental relation between discourse and material power relations into an immanent critique of bordering practices.

Secondly, much emphasis was put on both micro-politics of b/ordering in Rotterdam and a more abstract discursive critique of immunization practices. Hence, I focused a lot on the micro and macro level, without accounting too much for an intermediary meso level. What this meso level could be, is something that is quite difficult to determine. Is it the sphere of regional/national politics? Should I have

focused on European immigration laws and conventions? Or should I have mapped out the institutional structures of organizations such as the DT&V and the IND? However, this step would have been very interesting for contriving an even more consistent analysis, it would have been too grand of an enterprise for the scope of a master thesis. As could be read in the previous paragraph, we encounter problems of transcendence doing research and analysis. One could argue that possibly it is an ever-recurring feature of doing this type of research, and perhaps an inevitable component of system critique. We always leave out important steps – scale down the complexity of our research –, since we are describing social phenomena in our own language of thought. Certainly then, we encounter ideological limitations which render our research commensurable for certain readers and incommensurable for others. Therefore, I believe the meso sphere not to be a necessary element to constitute readability and consistency for my audience and to construct a coherent and sound contextualization of the detention/deportation regime.

Another limitation is the generalizability of my findings. For I conducted a qualitative, inductive research, much of the data is very specific and mostly dependent on my own discursive interpretations. I produced a piece of work that is in line with a more philosophical understanding of our times and social system. Not at any time, have I lived under the presumption that I could produce knowledge that is neutral and devoid of ideological contestation. This is the nature of my research. My hope is that I have provided the reader with an engaging and thought-provoking analysis of b/ordering processes in the city of Rotterdam. I have indeed argued these to be illustrative for the broader Dutch case, albeit I have not explored other cities to compare. Especially the category of fluidity is most definitively applicable to review other cases, since the LVV policy is applied nation-wide. Therefore, my research should be read as a steppingstone to further research of other localities. Hopefully, this enables us to have a much broader and clearer picture of the status and intentionality of b/ordering processes in the whole of the Netherlands, and ultimately the EU.

I have shown that behind the rhetoric of order and humanity is harbored a harsh reality of deterrence policy. In this sense, the confinement stretches far beyond the prison's walls. Biopolitics perhaps needs the prison as a basic constitution to construct illegality and criminality among migrants. Nonetheless, she has a far wider network of

institutions available to facilitate incarceration and delegitimization, and in some cases deportation. In their everyday reality, *sans papiers* are confined to their own outwardly constructed pathogenicity. The pathogen cell walls constricting their every movement, precipitating their worn-out identity. The immunizing attacks from the outside must appear very alien to the alien. In their questions for hospitality declined, they are driven to despair. Alexandr Dolmatov's self-chosen death is one of its ultimate consequences. It was not the first and will definitely not be the last of many past, present and future de-humanizations of the biopolitical border regime. To feel safe, the European citizens chose to impinge on others' safety. In turn, this propels the populist rhetoric of dehumanization even to further heights. In this sense, we are confined to a times of reactive force that only grows stronger with the crumbling of our perceived humanistic underpinnings. If this is what safety feels like, the Dutch and Europeans are in for more than they bargain.

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