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A Mexican Epistemology for Studying Migration in North America

I have been a researcher at the UNAM for 13 years and throughout my academic career here, my fundamental research interest has been to produce analytical frameworks to be able to critically study social phenom-

ena like migration and asylum in a way that would not feed into the colonialism of knowledge and power that Aníbal Quijano points to and that can be found in English-speaking academia, including the United States and Canada. I have sought to produce a Mexican epistemology to analyze power relations in North America in this

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area from a situated perspective (Donna Haraway), a transmodern perspective (Enrique Dussel), a post-structuralist perspective (Michel Foucault and Achille Mbembe), and a feminist perspective (Sayak Valencia).

This article is a recapitulation of what I think has been my contribution to that Mexican epistemology, which places neocolonial power relations and migrant subjectivities at the center of the analysis. To do that, I will present my first theoretical proposal, decolonized global justice, the product of a comparative study of migratory policy in North America and the European Union (2007-2010). Then, I will explain my proposal of necropolitical wars as the cause behind men and women Mexicans seeking asylum in the United States, which has an asylum biopolitics that throws them to their deaths (2010-2015). Finally, I'll explain my proposal of a necropolitics *dispositif* (apparatus) of the production and management of forced migration, in a book I am currently working on derived from my research project on asylum (2016-2020).

Decolonized Global Justice

This was my first theoretical proposal and I developed it in the book *Derechos humanos, migración y conflicto: hacia una justicia global decolonizada* (CISAN, UNAM, 2014), published in English as *Human Rights, Migration and Social Conflict. Towards a Decolonized Global Justice* (Palgrave Macmillan, 2012). Here, I argue that the conflict in which migrants find themselves is the product of the systematic negation of universally recognized rights. Analyzing this causal relationship provides clues as to how certain elements of current migratory policy in North America and Europe, such as securitization of cooperation for development and of borders, detention centers as part of a toughening of asylum policy, the criminalization of migration, and the social marginalization derived from discrimination against migrants, have caused problems for receiving countries. The conflict is the predictable, but not inevitable, result of the structuring relationship between globaliza-

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tion and migration. Structuration supposes the partial autonomy of immigrants to change their conditions and have a positive or negative effect on globalization, which incorporates structural properties that always provide resources that give impetus to subjects' agency, such as human rights. More specifically, the book explains that human rights are structural resources whose recognition or denial can incline the balance to the positive or negative side of that agency.

The empirical evidence examined highlights the fact that despite the fact that denial of human rights would be economically convenient for migrants' receiving and transit countries, in the long run, that denial is the basis for the social volatility expressed in conflict. The clear way to avoid the conflict is to recognize migrants' universal human rights. This is normatively possible through 1) broadening out citizenship, and 2) recognizing and applying human rights.

The book evaluates both possibilities. First, it explains the different political traditions of citizenship and the dimensions they emphasize: rights in liberalism; participation and obligations in republicanism and communitarianism; and identity and difference in multiculturalism. Nevertheless, I underlined that despite their emphases, none of these perspectives can escape the ontological tendency to exclude this category, because all of them preserve the state of membership or nominal citizenship to keep foreigners on the sidelines.

Given this limitation, citizenship theoreticians see human rights as a way of transcending territorial limitations. There are four proposals for reformulating citizenship based on human rights: 1) being concerned with the recognition of labor rights and their related rights; 2) focusing on migrants' cultural incorporation and the transnationalization of political rights; 3) justifying the gradual or immediate acquisition of a broader series of rights in the destination country; and, 4) post-citizenship, whose aim is to transcend the tendency of citizenship to exclude, and

focus on the universal, humanist character of human rights. By adhering to the fourth proposal, transcending citizenship, I proposed the reformulation of the hegemonic concept of human rights so that, through the intertextuality of human rights instruments, it would be possible to extend a broad gamut of human rights to both documented and undocumented migrants.

To apply universal human rights, I made a broader normative proposal that would transcend the epistemological interests of receiving countries and that would make migrants' rights the fundamental objective, obeying the *real* priorities of the so-called Third World. I proposed decolonized global justice that would elucidate how, in the fulfillment of ethical and legal responsibilities, the international can have an impact on lessening conflicts linked to the denial of and disregard for human rights.

I then proposed an epistemological decolonization of liberal ideas of global justice to replace the emphasis on abstract morality with one that recognized the material aspects of migrants' individual and collective rights. Decolonized global justice is based on the application of the universal material principle of ethics as part of the international obligations generated by the general principles of the right to development. This implies that states have the obligation to take measures to prevent people from leaving their countries, not only in terms of aid, but as a global economic policy (for example, free trade and production). At the same time, these countries also have the obligation to help those who have been denied their human rights, especially if that has to do with trade policy and its side effects. However, that help should not come through economic aid, but by committing themselves to people's decision to seek better opportunities in wealthy countries if they so desire. To the extent that people cannot satisfy their needs in specific areas due to development-related issues, the concert of nations has the obligation to recognize migrants' human right to mobility within their territory.

Necropolitical Wars and The Biopolitics of Asylum

My interpretation of the war against drugs begun in 2006 by then-President Felipe Calderón, which forcibly expelled thousands of Mexicans to Canada and the United States, was that it was a necropolitical war. This is developed in the book *Guerras necropolíticas y biopolítica de asilo en América del Norte* (Necropolitical Wars and the Biopolitics of Asylum in North America) (CISAN, UNAM, 2018). In this study, I began to give my research a gender perspective; the result was to point out that this criminal violence is no different from feminicidal violence. That is why the reasons that men and women requested asylum were different, even though they are treated the same way in the courts: that is, to let them die. To develop these ideas, I utilized Michel Foucault's idea of biopower and Achille Mbembe's concept of necropower.

Foucault did not develop a theory of power, but he did venture "an analytical philosophy of power," which he did not try to define, but rather to establish how it functions and dominates subjects.¹ This analytical work notes the systems of differentiation, instrumental modes, and the forms of institutionalization of power. In this philosophy, power consists of "driving behaviors"; that is, not acting on persons but on their actions, inducing them, facilitating them, making them difficult, limiting them, or preventing them. Power relations become domination when they are joined with techniques that make it possible to dominate the behavior of others.

However, due to the violent processes linking Mexico to the United States in forced migration, the project led to the study of necropolitics, which is the post-colonial reading of biopower. Different theoreticians from Africa, Latin America, and Eastern Europe have underlined that biopower does not operate in the same way everywhere, and that it is insufficient for explaining the objectives of power relations in the Third World, where criminal violence and the state reveal that the objective is not the regulation of life, but death. In other words, in the Third

World, instead of biopolitics, what exists is necropolitics. This does not mean that biopower and necropower are counterposed, but that it is necessary to pinpoint the ends of each (the regulation of life and death, respectively) to situate precisely how their apparatuses and strategies intertwine in transborder situations like those of Mexican exiles in the United States.

The concept of necropower can be attributed to Achille Mbembe. He maintains that biopolitics is not enough for understanding how life subordinates itself to the power of death in Africa. He states that the proliferation of arms and the existence of worlds of death (places where people are so marginalized that they actually exist like the living dead) are an indicator that a politics of death (necropolitics) exists instead of a politics of life (biopolitics) as Foucault understands it. Mexican philosopher Sayak Valencia agrees with Mbembe in his reinterpretation and radicalization of Foucault's biopolitics, and like them, she believes that death, more than life, is found at the center of biopolitics, transforming it into necropolitics. However, she distances herself from these perspectives saying that in the Third World it is not enough to incorporate the analysis of the deadly impact of neoliberalism and the activities of private necro-empowered entities, but that the analysis has to be geopolitical and contextually specific. She reflects about necropolitics in societies that are simultaneously impoverished and hyper-consumerist like Mexico's border cities, where extreme violence and hyper-consumerism are elements that structure dissident—though illegitimate—subjectivities that resist the power of the state.²

These ideas suggested the category of necropolitical wars for conceptualizing the legal, paralegal, and supra-legal violence that systematically victimizes women and men in Mexico. Necropolitical wars are those that exist within the state instead of between states, and as a result of the neoliberal dismantling of both, because they occur in situations in which the state enters into play less due to a weakening of the economy and the propagation of criminality, corruption, and inefficiency. Violence is privatized

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as a result of the growth of organized crime, the emergence of paramilitary groups, and the loss of political legitimacy. The state loses control over parts of its territory to criminal groups. The new wars happen, then, in the struggle for necropower. These wars have their specific expression in the Third World, where necropower not only revolves around delinquency, paramilitarism, and mercenaries, but around the control of gore capital. I characterized at least two kinds of necropolitical wars according to their objective: 1) war for political alliances, key in the reproduction of criminal capital in general, called the wars for the necropolitical governmentalization of the state; and, 2) wars waged against women to dispossess them of their bodies for private sexist domination and sexual exploitation in gore capitalism, which I called wars for the dispossession of women's bodies.

The necropolitical governmentalization of the state was the concept I used to characterize the power of the Mexican state, which has been reconfigured by the alliances of political power with the cartels. I explained that the necropolitical governmentalization of the state is the effect of neoliberal governmentality, an appropriation of its elements by necropower in the Mexican state. Necropolitical governmentalization of the state implies delegating positions of state authority and techniques of domination of the populace to criminal gangs to act through practices that produce death (murder, torture, persecution, human smuggling, sexual trafficking). Necropolitical governmentalization of the state uses political discourses like the war against drug trafficking or the crisis of insecurity as apparatuses to regulate death, with the securitization of the public space as its central strategy and the criminal economy as its main motivation. Necropolitical governmentalization of the state leads police and military behavior toward a situation in which expert handling of technologies of death becomes a comparative advantage in a context of miserable wages and the subordination of ethics to the market and consumption.

The Necropolitical Apparatus Of Production and Managing Forced Migration

The apparatus of necropolitical production and managing forced migration is an interpretation of forced migration,

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and not just of asylum, in its relationship to extractivist capitalism and the closing of borders in North America. Even though I have published several articles on this topic, I am writing a book on it to be published jointly by the UNAM and Lexington Books in 2021. The apparatus refers to how people subjected to criminal and legal violence, to death, to sexual and labor trafficking, to forced labor, and to the criminal economy are allowed to die in their countries of origin or when they try to cross increasingly securitized and dangerous borders because of making undocumented migration illegal, the obstacles to asylum, and deportations. This definition suggests that apparatuses, technologies, and mechanisms are used to guarantee that poor people, the marginalized, and the disposable die as they try to migrate.

Taking as a case study the Mexico-U.S. border, the book will propose that the necropolitical apparatus of production and management of forced migration contains three interrelated necropolicies: forced de-population, which produces asylum applicants, refugees, and so-called undocumented migrants; asylum as the administration of suffering, which uses legislation and the institutions of asylum to control the time and space of asylum applicants, refugees, and migrants instead of offering them legal protection from persecution; and the pockets of disposability, which are the spatially defined places of death, where asylum applicants and migrants and deportees are confined when asylum as a technology of the management of suffering finds against them. ■■■

▼ Notes

1 Edgardo Castro, *El vocabulario de Michael Foucault: un recorrido alfabético por sus temas, conceptos y autores* (Bernal, Argentina: Universidad Nacional de Quilmes, 2004), p. 204.

2 Sayak Valencia, *Capitalismo Gore* (Barcelona: Melusiana, 2010).