

# Echoes arising from two cases of the private administration of populations: African immigrants in twentieth-century Spain and Indians in nineteenth-century Ecuador

*Andrés Guerrero (translated by Tristan Platt)*

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*Abstract:* The article simultaneously explores three lines of reflection and analysis woven around the comparative reverberations (in space and time) between citizenship and the administration of populations (states of exception) in the Republic of Ecuador during the nineteenth century and the Kingdom of Spain in the twenty century. The first thread tries to answer the question whether it is possible for concepts generated in a country of the Global South to be used usefully in analyzing a different Northern reality, inverting the usual direction in the flows of transfer and importation of “theory.” The second theme of comparative reverberation explores a network of concepts concerning the citizenship of common sense and the administration of populations, that is the “back-patio” aspect of citizenship, particularly its historical formation in the domination of populations in the Republic of Ecuador during the nineteenth century. It is centered on the process of identification in the daily exchanges between *inter pares* citizens and *extrapares* non-citizens. The last section involves testing concepts forged in the author’s studies of Ecuadorian history for their utility in analyzing the current situation of modern sub-Saharan immigrants in Spain (using concrete examples), and their reclusion to the private sphere in spaces of exception and abandonment. Here, the article concentrates on the difference between the public administration of populations and the private administration of citizens. The article uses documentary material relating to nineteenth-century Ecuador and twentieth-century Spain and Senegal.

*Keywords:* administration of populations, citizenship, common sense, Ecuador, Indian, migrant, Spain, state of exception

To risk criticizing an aspect of the master narrative of a Southern history by placing it in relation to another such narrative from the North—more precisely, the Republic of Ecuador and the Kingdom of Spain—it will be nec-

essary to protect myself with suggestions made by Gyan Prakash for writing “post-Orientalist histories from a Third World perspective” (1990: 383). My borrowing from Prakash is perhaps rash, his ideas warped by my appropri-

tion. Indeed, it is almost impossible to make Orientalism and Latinamericanism coincide. But I will leap over frontiers of time and space, barriers that rein in any sensible historian, and lightly adopt the methodological precautions advanced by Prakash. We cannot deny the oceanic distances that lie between the histories of Ecuador and India, but Prakash's suggestions contain some indispensable methodological cues.

First, Prakash advises us to avoid the ingenuousness ("exceeding naïveté") of supposing that "the Third World writes its own history." If it were so, the only result would be the strengthening of a false illusion: the ideology of a nation-state's full freedom to construct its own history. Indeed, it would fortify the vision of colonial, national, and imperial origins, which classifies the world into two or more poles of separate, inward-turned histories. It used to be said that countries were either of the First World, the Second World—which barely acquired independent existence in historical thought, as their home seemed to lie with the First, and those of the Third World. Today, with increasing globalization, the classification has been simplified, and there only remains the separation between nation-states of North and South.

This dual classification may be as illusory as any other, but in the reality of thought (and research) it imposes a primary and undeniable fact: it opens inter-continental geological fault lines that are almost uncrossable for historical researchers. As with tectonic plates, it seems that the histories of continents are ever more distant, progressively fragmented into themes enclosed by high walls and broad ditches. This may be another of the paradoxes of late modernity. The world has been globalizing faster than ever before during the past decades, but at the same time distances have opened up between the thought of the North and of the various Souths until they appear completely specific and autonomous. Nevertheless, a banal event in some unsuspected part of the world can today resonate with another social process in the Antipodes like billiard balls, as the masses in front

of their TVs will agree after watching any distant newflash. And so, when the crisis of the nation-state erupts again in one of the Souths, myriads of immigrants travel thousands of miles to leap over the ever-higher walls that enclose the North. Perhaps the historian aiming to study past social events that flash forth in the present in today's globalized world has no alternative but to follow the example of the immigrants: jump over the barriers of the duality that constrains the imagination, and establish links between the North and the Souths.

There is a second "real-effect" that the binary classification between North and Souths has on writing history: it encourages exchanges constrained by unequal and unidirectional flows. Thus, the critical master narratives of the South are one thing, and those of the North are quite another. And the two kinds of narrative should not be confused. So, the first thing a Southern historian should do is import his models and critical tools from the North, much as "progress" and "capitalism" were imported in the nineteenth and twentieth centuries. Once this has been accomplished, the next task would be to adapt these methods, concepts, and narratives to the local reality, distorting them astutely in the process. For example, the researcher must appropriate the critical master narratives of the North, and—much like the second-hand clothing from the North that floods the market places of the Souths—re-use them to concoct a fashion made of a mixture of the forms and colors of New York with local folklore. Today, Southern historians may indeed have no other options.

But once situated in this perspective, and absorbed in the task of putting together something new with all these used materials, Southern historians may find themselves trapped in the effort to invent something local, and may not imagine that they could do what some astute entrepreneurs do with sumptuary goods, such as Armani or Louis Vuitton handbags. These companies produce copies with similar materials in some unknown corner of the Souths, and then export them to their places of origin in the

North. The consumers buy these ersatz items not for what they are (copies of originals) but for what they represent: their low-cost capacity to produce symbolic effects in the social imaginary, reproducing the phantasmagorical representation that surrounds luxury products made by the great fashion houses. The return of the original as an imitation to the place of origin produces just such a flash: it is a representation that undermines the notions of model, original, and place.<sup>1</sup>

Many profitable re-exports of historiographical copies to the North could be made with the Critical Master Narratives that have been exported to the South. Methods, concepts, and procedures already worn by their double use in North and Souths, with the value-adding adornments, telling simplifications, and detours of content incorporated during the equatorial or tropical phases of their life—these copies could be useful instruments to re-think the master narratives of the North concerning the construction of the nation-state.

Equally important is the second warning I hear among the many suggestions made by Gyan Prakash. He advises historians to jump over the guarded barricades that separate and isolate these intuned histories, whatever they may be. In the end the historian does not risk leaving his skin on the barbed wire, as immigrants do, but only his prestige. If he takes the risk, he may be able to fulfill a promise: “Such destabilization of identities and crossing of carefully policed boundaries promise a new third-world historiography that will resist both nativist romantization and orientalist distancing.” (Prakash, 1990: 383)

I aim to criticize one aspect of the master narrative of the construction of citizenship, a cornerstone in the architecture of the nation state, comparing one Southern country with—as a sort of distorted reflection—a country of the North. My method will consist in laying a suspension bridge of anachronism (Loraux 1987; Rancière 1996, Loraux 1987) a dual carriageway of crossing and re-crossing, between the two extremes. The crossing must be made

well above the policed boundaries of history (specifically, the limitations of time and binary places, of concepts and historical processes), if it is to devise a critique of citizenship in one Southern country in the past, and in one Northern country in the present. The cords that hold this bridge are woven with a network of concepts (whose originals were of course imported), which have been forged in the course of my critical studies of a master narrative in one of the Souths. The exercise I propose here consists of activating the geometry of these concepts in order to analyze critically a present conjuncture in the North. I place a problem common to one of the Souths and the North in the same sound frequency, allowing them to reverberate mutually. The vibration set up should provoke a destabilization of the master narrative of the construction of the system of citizenship in both places and times (Guerrero 2003b).

Let me summarize the problem, which will serve me as an operator to set up this resonance. Citizenship, during its construction in the past as well as in certain present conjunctures, may become a social field in which relations of domination are constructed and played out. In these situations, the “natural” citizens—those who exercise power and consider themselves *inter-pares*—administer the populations identified as *extrapares*, whose historical origin may be internal or external, or both. “Natural citizens” are members of the “legitimate community,” which defines itself as “natural” because it lives within its “internal frontiers” and shares a history and culture.<sup>2</sup> Whatever criteria may be used the “legitimate community” defines itself in the world of common sense (racial, linguistic, regional, religious, etc.). The administration of *extrapares* may have a public character (that is, it may be carried out as a function of the state), or it may assume a private character, when it is left to the squabbles between micro-powers as exercised by private citizens in everyday life, that is, in “the world within my actual reach” (Schutz 1971: 224).

In the latter case, that of the private administration of populations, the *extrapares* (or perhaps

better, the *alterpares*) of the natural citizens, whether they emerge from an internal process<sup>3</sup> or come from outside the national frontiers, may end up being constructed as undefined subjects (temporary or permanent) and converted into “illegal immigrants” or people without documents. Their government is abandoned by the state to the sphere of private social traffic, that is, it is ceded to the face-to-face negotiations that natural citizens establish with the “undocumented” in everyday life. In these cases, within the sphere of citizen equality and beneath the sovereignty of national law, we find nested states of exception, areas of political and juridical indeterminacy, which concern those populations of *extrapares* who have lost their identification, whatever the concrete symbolic markers and precise historical causes of this loss. In these situations, which may be precarious or may acquire the solidity of a stable system of domination, citizenship takes the form of an extension, but with a crease: it turns inside on itself like a pair of socks, retaining simultaneously an appearance of universal equality on the outside and, on the inside, that of the private administration of populations. I am going to examine further this paradox of the double nature of universal citizen equality in a position of domination.

I propose to take two situations and see how they reverberate with each other. I examine the construction of citizenship in relation to the indigenous populations of Ecuador during the nineteenth century, and the situation of the African immigrants who today arrive on the beaches of Spain. Both cases involve situations in which citizenship is extended and then folded in a crease.

### **The private administration of populations in nineteenth-century Ecuador**

The concept of *administration of populations* arose from my studies of the system of citizenship and domination of Indians in the Republic of Ecuador during the nineteenth century. To explain its construction and content, I revisit

the years 1854 and 1857, a pivotal period in the construction of the national state. Some three decades after the foundation of the Republic (1824–1830), the parliament promulgated two decrees, which implemented the following measures: the first suppressed the Indian tribute (a head-tax paid to the state by all male adults identified as “indigenes”); the second rendered “indigenes equal [*igualación*] to all other Ecuadorians.”<sup>4</sup> By these decrees, the principle of universal citizen equality was respected, as stipulated in the Republican Constitution. It included the American populations who had previously, since the beginning of the colonial period (c. 1570), been classified in the censuses under the category of tributary Indians. The point of reference for this juridical “equalization” were the rights already enjoyed by the “natural citizens,” that is the politically dominant population: the inhabitants who had hitherto been classified in state registers under the categories of “whites” and “mestizos.”

The “equalization of the indigenes” was an early example of what is known today in political sciences as a “process of citizen inclusion.” As is well-known, the process of inclusion—the extension of equality as a potential attribute without any predetermined limits—is considered to be one of the distinctive features of this notion. There is a tendency, intrinsic to citizenship, toward the permanent universalization of the relation of equality between the members of a nation-state. Constructed on the self-referring principles of popular or national sovereignty, this idea has an immanent character. And as such, not only can the parameters of citizenship be criticized, but the extent of egalitarian inclusion can be reformulated (Habermas and Fraser 1989).

These decrees from mid-nineteenth century Ecuador marked a point of no return in the construction of the citizenry. They unleashed a paradoxical process that favored, as a logical result, an implicit strategy of power, which none of the social actors had conceived, nor presented, nor discussed as public policy. While this strategy exercised its full constitutive historical capacity throughout the nineteenth cen-

tury, it led to the formation of a complex political regime of citizenship, which took on an unexpected and original profile, far from any Spanish colonial precedent.

Its “imitative originality,” shared no doubt with such archetypical historical models as the French or North American from which the Republic drew its inspiration,<sup>5</sup> stems from the fact that the “equalization” of 1854–1857 simultaneously instituted in the nation-state both an extension of citizen universality and a domination of one population by another. Through these decrees, several dimensions of the nation-state parallelogram were defined simultaneously. First, the unitary homogeneity of the citizen space was established as a field where the dominant social group could exercise its power. Second, the group of “white-mestizo Ecuadorians” were created as the “natural” *inter pares* comprising the ruling group in this social field, in which the citizens are equal among themselves but different with regard to class and gender. Third, the state classification of “Indian,” originating during the Spanish colony, was eliminated; and finally, the universal equality of all Ecuadorians was declared.

From the second half of the century, this distinction between white-mestizos and indigenes was no longer a function of the republican state, but was left to a process of identification ruled by the “common sense” of private citizens (Thurner 1997: ch. 2). The historical “astuteness” of this paradoxical construction (an egalitarian social field folded back on itself in a structure of domination) lies in that it operates behind the state’s back, in the shady territory of a legal exception. The state abandoned the administration of populations (of Indian subjects) to the sphere of everyday life. From now on, domination would be exercised through the implacable efficacy of the strategies of binary classification, which citizens (whites and mestizos) employed in the social traffic of daily life. This brings me to establish a connection with the present, with the problem of understanding the other face of citizenship as it is exercised today in the public sphere, in the process of everyday social exchange.

## Citizenship as common sense

To account for the paradox I have mentioned—that is the simultaneous constitution (organically linked in a single movement) of a political system of universal citizenship equality folded in on itself to encompass an administration of populations—we must leave the rails of the formalist, or legalist vision of citizenship. It will be useful to look at what lies behind the state and beyond the legal system (Foucault 2004a: 77–104). We must concentrate on immediate everyday exchanges, where ephemeral relations of power interrogate and may redefine social identifications.

In immediate social exchanges, negotiations go on about who are to be considered “natural citizens” in face-to-face behavior, and who are to be considered “subjects,” the *extrapares* or *alterpares*, whatever the pretext and the exact circumstances. In these skirmishes, in the conjunctures that constitute daily life, it is decided who shall be excluded from universal equality. This is thanks to the implicit consensus previously established among the dominant group. To give a concrete account of this phenomenon, which I have called “common-sense citizenship,” I take an example that took place in August 2006 and was reported by the Spanish and British newspapers. Many other examples could have been used as there is no lack of them. Some authors insist that we are living through an unstoppable tendency—no doubt linked to globalization and the shrinking of nation-states—toward an unlimited extension and increasingly systematic use of administrative measures (both public and private), which situate themselves on the other side of the law and shackle the notion of sovereignty, which underpins the juridical systems of nation-states (Agamben 2004; Negri and Hardt 2002: 33–51).<sup>6</sup>

A group of tourists have passed without problems all the minute and tedious security controls that the Spanish police imposes on airports. They were returning to Manchester after their vacation, and boarded a plane in Málaga. Among the group, there were two twenty-two-year-old students from the University of Man-

chester, both British. With their seat belts fastened they awaited take-off, together with the rest of the passengers. But take-off was delayed. Several passengers went up to the front of the plane and were arguing with the crew members. They were saying that they would not travel with those two students. They suspected them to be suicide bombers in disguise. The rumor spread through the plane. Other families got up, went to the front of the plane, and insisted on the same thing. The captain had to come out of the cockpit and ask the Spanish police to help. Several agents entered the plane, confiscated the British passports of these students and took them back to the airport at gunpoint. One of the students said he never understood what was happening. He said that a girl looked at him in horror, pointed at him, and began sobbing.<sup>7</sup> The two students had to take a different flight on the following day, after a short police interrogation that found nothing suspicious about them. According to the correspondent of *El País*, “the crime” of the students was simply that “they had Pakistani features [*sic*], spoke Arabic, were young, and didn’t wear sandals and summer clothing like the rest of the passengers, but instead thick jerseys and leather jackets.”<sup>8</sup>

The condemnation of the crime was, of course, a consequence and effect of a collective mental perception. In the passengers’ eyes, the students were not identified as *inter pares*, as *citizens like oneself*, but as *subjects*. In this case, the *subject* assumed the form of a dangerous foreigner, fixed in a symbolic image far away from that of a British citizen. Europe seems today to be a continent besieged by two figures in whom the phantasmal *alter pares* are incarnated. From the perspective of common sense, both figures fulfill the function of structuring nuclei in stereotypes of the Other. One of these is the “Islamic terrorist,” the second is the “undocumented person”: the “alien foreigners” who are invading the continent. Both phantasms are perceived as a threat to the stability and survival of the European nations.<sup>9</sup>

The mental vision of the passengers in that flight was guided by classificatory principles

that construct and constantly update the symbolic markers and imaginary figures, which provide a collective “reading of reality” underpinned by a process of daily hermeneutics (unconscious and a-critical) carried out on the spot by the dominant sector of public opinion. These principles structure the collective mental maps of a wide group of British citizens, and are shared by large numbers of Europeans with variations and local differences. The traits that the *El País* journalist defines in his article as the symbolic markers of the figure of the “terrorist” include “Pakistani features,” “speaking Arabic”— although they spoke Urdu and English, mother-tongue –, an “inadequate” style of dress, and being “young.” These traits indicate cognitive structures shared by a group of rebellious passengers at the time. They sketch the organizing configurations of the world of common sense as it is expressed in certain moments and by certain sectors of public opinion. This world, these parameters of a “collective mentality,” always fluid and in a process of constant updating, is the place whence emerge the strategies of identification that citizens implement in the process of everyday life. This is how a people’s “who’s who” is put into action every day. These mental parameters are the *deus ex machina* of the collective forms of acting and feeling corresponding to the immediate situation, when confronted with the concrete people involved in the exchange. To give an example, they are the source of the fear and anguish felt by the little girl who pointed at the students with her finger and sobbed. Thus, the guiding principles of the world of common sense direct each momentary play of identification.<sup>10</sup> These mental maps are the result of conflicts of power among social groups in the arena of citizen equality. What is at stake are processes of domination and exclusion, the definition of *inter pares* and *extrapares*.

It should be emphasized that both students had already been identified as British and European citizens. Legally speaking, this meant that all state authorities and any other citizen should have treated them as equals (*inter pares*) with the same rights as any other passenger on the plane. If this, the juridical aspect of citizenship,

is taken into consideration, the pilot could not have had them taken off the plane and left behind. The right of the two students to demand that the plane take off with them on board should have had no less weight on the scales of the law than the demand of the group of passengers that the plane should not take off with them on board. The police had checked their bags and their bodies: they carried nothing dangerous, nor did their names appear on any list of suspected terrorists. However, the captain took the decision to throw them off the plane, and take off without them, yielding to the public opinion of a group of rebel citizens.

What this example shows is that, beyond the state and the law, but acting beneath its protection, we can find an unlimited effervescence of power strategies, which constitute “molecular” movements underlying social transactions in the sphere of everyday life. This is the everyday force field in which juridical norms remain suspended in limbo, caught between the pressure of the flow of events and the need to create immediate and appropriate responses in each situation. If the norms are evoked at the time by the social actors (if the students, for example, had argued that, as British citizens, they were protected by the same legal rights as the other passengers), it is only as a remote point of reference, a card thrown for an instant on the table of play. The law can only intervene effectively in a remote and hypothetical a posteriori, because of its sluggish judicial institutions and the length of the state’s arm. What matters in a conjuncture of everyday exchange are the immediate power relations, the quick response imposed by the game.

That field of the immediate and urgent is the world of common-sense citizenship par excellence, a “face-to-face” arena whose logic of functioning is not that of the laws or of state interventions. Quite different from the procedure of the state juridical sphere, common sense obeys a set of mental schemas formed by scales of classification, divisions, and subdivisions of the world. These principles are a sort of “anti-laws.” According to the relations of power in each game situation, they weave strategies, ap-

propriating and adjusting actions, actions that are created on the spur of the moment. For example, it was of little or no use to the students to show their British IDs, which by law should have guaranteed their right to equality. But a set of relations unfavorable to them dominated public opinion in the airplane cabin. In these circumstances, they had little chance of reconverting their juridical rights into face-to-face respect for their equality, when the identification that the others had applied to them was that of potential terrorists. The captain took note of the situation and adopted the decision that corresponded to his reading of the power relations obtaining at that moment. He called the police and had them taken off the plane. He took a typical administrative decision, an action that can only be located outside the letter of the law (a pilot is the representative of the state on his plane), that is, in its margins of exception. Only a judge would have been able to determine such an action and at the same time keep within the letter of the law. The pilot took off perfectly aware, no doubt, that in principle the law protected the students and authorized them to continue their journey. But the immediate problem was that they had been identified as *extrapares* by a group of citizens who rejected them and refused to travel with them, perceiving them as dangerous *alterpares*.

### The other side of legal citizenship

This example should enable the reader to understand what I mean by “common-sense citizenship.” I refer to that immediate identification that takes place in daily interaction when the actors find themselves in a micro-power relationship. This obliges us to analyze the processes of domination and exclusion that occur in the margins of the text of equality inscribed in the law, and which creates situations of exception where the rule of the law is suspended. Generally these states of exception are conceived as transitory and exceptional moments that are always succeeded by the restoration of legal rule, by the return to a state of normality.

But when we are dealing with everyday life and common-sense citizenship the situation is totally different. In the sphere of everyday life, the exception of the law is simply a permanent state that can be conceived, not as an alien or illegal space (in the last resort, the law can be applied in everyday matters, and, in any case, its virtual and symbolic presence always intervenes as a point of reference in the mediation of conflicts), but as a kind of *zone of indifference between without and within, between chaos and the normality* (Agamben 2004: 27) of the law's application. Clearly, in the immediate processes of identification, in the "who's who" of every moment, the relations of power fix the passing criteria of the type of attention or rejection one assigns to the interlocutor, to one person and not to another.<sup>11</sup> By its own logic this process of face-to-face identification does not obey any legal system. It is the arena where a molecular turbulence reigns. These micro-exercises of power take place in an area of confusion when compared with the quadrilateral field of the Cartesian application of the law.

The notion of common-sense citizenship is part of a conceptual network focused around the administration of populations. Both concepts were formed in the process of carrying out a historico-critical analysis of the construction of the national state in nineteenth-century Ecuador. This research was centered on what remained outside the narratives of that construction: the domination of the Indian population by equal citizens.<sup>12</sup> As I read the documents, I was forced to interpret a logic of domination and exclusion incrustated in citizen equality as an internal rather than external phenomenon, in which both equality and domination form a single body. I realized that, with the decrees of 1854–1857, there was a change in the political system: the neo-colonial institutions that still organized and presided over the routines of the republican state were effectively eliminated. Enshrined in a detailed legal code, these routines had imposed order and efficacy on a set of technical means for establishing a state process of identification for those populations. They organized the procedures of recognition by means

of three categories: whites and mestizos, Indians, blacks and mulattos (freemen and slaves). These routines carried out a classification and enumeration person by person, and the "Indians" were located house by house in rural areas, in villages, and in the cities. In short, with the decrees of equalization in the mid-nineteenth century all these public procedures of identification, which emerged from a wide and complex juridical code during the Republic, and which established a contradictory link between equality and an exclusive social classification, were abolished forever.

In the second half of the nineteenth century, there occurred a phenomenon that I have analyzed in other publications (Guerrero 2003a). The Indians, who were the demographic majority of the young Republic,<sup>13</sup> lost the status of Ecuadorian Indians. The obligation imposed on Indian men (from eighteen years of age) to pay an annual tribute to the Republic was abolished. This head-tax was not paid in Ecuador by whites and mestizos. In brief, these decrees dismantled a system of administration of populations whose axis was the state, a centralized political organization for dominating and exploiting the Indians. The citizens governed them from three key institutions in the representative democracy they were constructing: the parliament, the judiciary, and the executive. Specialized functionaries carried out the administration of the Indian populations, managed the bureaucratic procedures for identifying people, the techniques for locating them, and their registration in lists (*padrones*) by their names and surnames: they established "who was who" and "where they were." The citizen representatives discussed in parliament the policies and measures to be adopted for administering the Indians.

### **The central archives and the documentary deposits**

The challenge that confronted me in the 1854–1857 archival documents was the analysis of a new political formation set in motion beneath the shadow of citizen equality. The principal ac-

tors were no longer a body of functionaries, nor were their techniques of government systematized in laws and regulations, nor were their activities codified in centralized institutions. Moreover, no matter how hard one looked, this political system was not explicitly mentioned anywhere in the archives of the central state. From the perspective of the state, that is from the central political system and scenario located in the capital of the Republic, which was the historical panorama offered me by the central archives (of the parliament, the ministries, the higher courts of justice), the administration of populations was like a landscape expunged from a portrait: an absence. At the highest levels of the memory of the state, the domination of the Indians had become invisible; only a few stray references managed to filter through from the periphery.

The central documents fulfilled the letter of the law. They could no longer refer to the old “part of the population” previously classified as Indians: that “part” no longer existed, it had been “equalized with the rest of the Ecuadorians” (El Seis de Marzo). Besides, the highest functionaries of the state and the politicians could scarcely debate, statistics in hand, government policies concerning the Indians, when the public apparatus for detecting, identifying, classifying, and locating the non-citizen populations had been dismantled.

Despite this silence, some conclusions could be reached after an extensive and fruitless search in the Central Archives of the Republic of Ecuador. A first point is that those archives, the great registers of official memory, the places where all important state documents are centralized, do not offer themselves to the historian like an open sea to the free choice of reading, without the researcher being dragged off-course by certain counter-currents. When the historian begins to review the documents, whatever his interests, those archives offer him clues, they whisper promising routes in his imagination. Like any means of communication with regard to their instrumental existence, they impose effects of context that make certain projections impossible. A reading of the Great Archives proposes seductive ideal images of

what can be studied: events, persons, institutions, situations, intrigues. Reading is a conductor of the desire to write: the reader is possessed by the desire of the author to write, observes Roland Barthes (1984: 45). To paraphrase: the historian appropriates the desire of those who wrote, of the voices of the archive (presidents, ministers, high functionaries, parliamentarians, politicians), who as well as writing (in documents) are actors: “they made history.” The character, hierarchy, and contents of documents insinuate subliminal indications that prefigure the satisfaction and value of writing within this framework. Even something so neutral as the organization of the documents in temporal series implies suggestions concerning what one might, or should desire to write about, and which themes it might be better to discard. The continuities, the ruptures, and the links between series of documents reveal horizons awaiting the flight of the imagination, or else they clip its wings because of the difficulties that await the researcher willing to examine some papers exhaustively, papers that barely seem proper documents and seem to be quite inadequate to determine an object for research.

It may seem that the information of the archive can be compared with unworked clay: an almost completely malleable substance that the creativity of the historian can use at its will. However, just as the symbolic order in a sacred silence induces certain acceptable thoughts and discards others as inconceivable, or the glitter of a seam in granite decides the geological trajectory that the miner must follow to satiate his desire, so too hermeneutic work in the Great Archives of the Republic leads one to follow paths and sketch ideal projections that murmur “master narratives” in the ears of the imagination. They are like motorways, with their access roads, their exits and their flyovers already established, whose functional plan their users cannot completely imagine, and which nevertheless fix the routes and points of arrival that the researcher may choose: all roads lead to the master narrative.

A second conclusion that emerged from working in the archives was that it was necessary to explore the amnesia of the archive. One

may compare this with the objectivity of a symptom, a sign of what has been rejected, of what only returns to the Central Archives in a few uncertain traces and elusive remnants, what persists despite being discarded by the official memory. This symptomatic approach revealed that the domination and exclusion of the Indians, as a social reality that had certainly not disappeared from society due to the decrees of equalization, persisted like the return of something denied in the process of constructing the citizenry.<sup>14</sup> The information appeared everywhere, though dispersed and incongruous, generally without a defined context of meaning when read from a central state perspective. The Central Archives themselves, in their structure and content, were a physical and symbolic document (in their architecture, their internal organization, and their history) of a forgetting which, when passed through a critical hermeneutic, expressed something obvious: domination had passed to the other side of the state. This was revealed by the absence of data: its symptom was the amnesia of the archive.

That other side of the state beyond the reach of the judiciary, that zone of indefiniteness (the muddy waters of legal exception), which is not registered in the Central Archives of the State, even something of the bustle of everyday life, reappears in what I cannot find another name for but that of “chance deposits of information.” For example, in some public buildings in a canton and its parishes papers are heaped up, almost without intention or meaning. These are the frontiers of the state, the last shreds of government of territories and populations, the outermost reaches of national administration. In these liminal spaces, in that everyday life where functionaries conspire together, public matters are interwoven with private interest, individual and public concerns are confounded. In the margins of the state, the binary classifications between Indians and whites blossom afresh, the universal equality decreed by the law is dissolved and the strategies of the ethnic frontier are displayed undisguised. In those non-archives, those deposits where the documents of the parish and canton are accumulated—perhaps in some abandoned cupboard in the base-

ment of the municipal council, the *jefatura política* (political chiefdom), and the backrooms of the *tenencias políticas* (political lieutenants), where papers are piled up which no one knew what to do with—in those deposits, a shadowy light confuses the distinction between what is strictly an official document and what is a semi-private or semi-public screed.

Those semi-deposits are middens (by homology with what the refuse-dumps of a city are for the archaeologist) in which one must dig to find information about the processes by which new ways of dominating Indians are established: inexorably, step by step in the nineteenth century, in the same longitude of temporal and causal sequence as that in which the equality of citizens is being created. For example, we can perceive the process in the almost daily correspondence sent out from his office in a distant parish by a *jefe político* (political chief) of a canton, or when reading the acts of the oral sentences of a justice of the peace. These little functionaries deal with each other as private neighbors who administer Indians, rather than as public employees involved in administering the daily life of the state or of individuals (Guerrero 2007). If a historian is lucky enough to find one of those “refuse-dumps”—for example, the correspondence between functionaries—what he finds is a disordered pile of papers generally devastated by the negligence that time imposes on what the state considers trivial. On reading that documentation he may discover merely irritated notes alluding to squabbles, banal plots, and anodyne references to official activities bound up with private, specific, and material interests. Such data shed light on the events of everyday life, they are pieces of a jigsaw puzzle that is always incomplete, whose image is tossed in the flowing water of time, forming and then dissolving again.<sup>15</sup>

### **The return of the rejected: The abandonment of state attributions to the private sphere**

If there is a well-hidden secret in the master narrative of the inclusive character of citizen

equality, it seems to lie in the fact that the principle of equality can be transformed, not only into conjunctural exclusion, but also into a system of domination, a stable, molar organization. History offers a range of examples.<sup>16</sup> One of these is the process that took place in Ecuador in the second half of the nineteenth century.

After the decrees of 1854–1857, there was an abandonment of attributions, or, if you will, of sovereignty. The state abandoned the public administration of populations that it had organized around the collection of Indian tribute. It unloaded the government of populations on to private or semi-public institutions of citizens. Further, it abandoned it to the whites and mestizos as a collective social group, and to individual persons within that group in their private activities as citizens. The fact of belonging to the white-mestizo group by mutual recognition (the cohesive cement being the identification *inter pares* that follows from a historic and cultural reading, constantly renewed, of symbolic markers inscribed in persons) assigned a tacit consensual right, a sort of prior and extra-judicial social contract (Pateman 1988), to exercise domination over the Indians in the intimacy of the citizens' homes and haciendas, and in the areas of contact such as the streets, the markets, the church.

That abandonment was not a state policy, that is a decision publicly discussed and implemented by the state. The legislators who voted for it did not discuss the abandonment of public attributions to the private sphere, and whether or not it should be implemented. The abandonment of attributions from the public to the private spheres is an extravagant idea when considered within this foundational dichotomy of the Republican political system.<sup>17</sup> The concerns of the parliamentarians who voted for the decrees of 1854 and 1857 were rather what they considered the “scandalous inequality,” an “incoherence in the founding principles” of the Republic: the classification and division that established a hierarchy between white-mestizo citizens and tributary Indians. Their aim was precisely to extend universal equality to the

populations classified as Indians. That was what they voted for (Guerrero 1997).

Perhaps one of the greatest difficulties in provoking reverberations that could de-stabilize the master narratives is to define those elements that could allow the questions to be asked: to forge those tools of analysis that are the necessary “operators of visibility”<sup>18</sup> that may serve to clear the undergrowth in the field of investigation. To shift the problem from the inclusive character of citizen equality toward its dark side (the other side of the state, beyond the juridical), to focus on exclusion as a process that is not opposed to but part of the field of citizenship; that leap is possible if citizen equality is considered not only from the perspective of the sovereignty of the law, but also from the perspective of the administration of populations: the practical functions, the governmental procedures, the immediate play of power that “construct” domination.<sup>19</sup> The notion of administration leads us to look over our shoulders at the other side of the law. It forces us to pay attention to the doubleness that is inherent to citizenship, to the context to which domination and exploitation are exercised in their crudest and most pragmatic form. This is what is signified as the symptom of an absence and the persistence of what is rejected by the construction of universal equality in the Central Archives of the State. We must decenter the view that conceives of citizenship exclusively as a relation between the state and the citizens, and shift to the relationship established between the citizens and the populations: common-sense citizenship.<sup>20</sup>

The transfer of attributions to the private sphere of the citizens had a consequence, not unexpected but certainly unusual. In the second half of the nineteenth century a system of domination of the Indian populations was formed: it lasted until 1998, when the last constitution of the Republic of Ecuador was promulgated. Under the impact of a strong social movement, the Republic once again recognized the identity of Indian nations and peoples, their territorial rights, their capacity to exercise jurisdiction; and it integrated these in the central institutions

of the state. Their representatives have occupied, in recent governments, the highest public functions and they were voted into office during national elections. Moreover, almost two decades of social struggles had a great impact that transformed the mental principles of the common-sense division of the world. The great peaceful mass movements unleashed by the Indian organizations (with the occupation of public spaces and paralyzation of the country), where they represented themselves as a multitudinous body, with their own political discourses and chosen representatives; those great political acts modified the relations of power in the contacts of everyday life.

The classifications that impose frontiers between white-mestizo citizens and Indians have not disappeared in the republic of citizens, but the plays of power have been neutralized: they have imposed a general broadening of the principle of equality.

### The “not yet” of inclusion

There are reiterative arguments in the discourses on citizenship that should be analyzed because they are like objects of non-degradable plastic: unaffected by the passage of time and perfectly malleable in the most improbable circumstances. The repetition of an argument, in a recognized place for forming public opinion, is a well-known ritual of authority. It is evident that the aim of these reiterations consists in the restitution of a consensus that previously existed but requires new bulwarks. Their efficacy consists in the weight of probability introduced into common sense by the reaffirmation of what is presented as an obvious truth. However, insistence on an argument, when repeated, brings with it a sort of supplement: it throws into relief the dimensions of reality that need strengthening. One of these repetitive themes refers to a characteristic of citizenship: the permanent “not yet” of inclusion. This argument is not opposed to the universal inclusion of populations, it just postpones it. It is a topic that tends to appear when discussion arises about non-cit-

izen populations which, for whatever reason, are or have been excluded. Some obvious truth occurs concerning a specific case that imposes the general need to dose the principle of equality via drops of exclusion. Paradoxically, despite the slow corruption of the principle of universality—a spurious mixture of principles and practical reason—the idea of universal equality is nevertheless kept intact in these discourses.<sup>21</sup>

To return to the example of Spain, and the daily diffusion of news and opinions that form public opinion, I read in a prestigious Spanish newspaper, *El País*: “the essence of modern democracy resides in its constant inclusion of more people into the sphere of citizenship. Its utopic ideal is universality ... Not to recognize the citizenship of the immigrant who works with us is too reminiscent of the social model of the Victorian family, with gentlefolk upstairs and the servants downstairs ... Inclusion is necessary on principle, but it must be brought about gradually and at a rhythm which is in accord with prudence” (Soroa 2006: 17).

The context of this article is a proposal presented by socialist deputies for giving to all resident foreigners (legally, to those with documentation) the right to vote—not, of course, in national elections for deputies, but only in municipal elections. The author, in the rest of his article, introduces a range of distinctions between the different situations of immigrants, and the rights that may be conceded to each kind of legal resident. I omit the details, I emphasize only the metaphor employed: today in Spain, the exclusion (or rather the impossibility of immediate inclusion) of immigrants would be like the “model of the Victorian family” with its servants. That is, it compares the present situation with a period of restrictive citizenship in which not only the popular classes (because of the requirement to read, write, and enjoy independence, as well as by census imposition), but also women by their very nature, were populations left to be administered in the private sphere as servants and wives through the exercise of the male citizens’ patriarchal power; even though it was the wives who administered the servants with, and for, the paterfamilias.

The arguments of the article reiterate a theme that resonates with another from a classic treatise written in the middle of the nineteenth century. In the last pages of his book *Representation*—a passionate defense of universal liberty and representation (the foundation of democracy—J. Stuart Mill poses the question of why it is not yet possible to extend the right of representation to the colonial inhabitants of the vast British Empire. The answer to this paradox is formed by making a leap from the pure principle of universality to the pragmatic and the concrete: he imposes very precise distinctions and restrictions among the different colonies. I summarize the argument. The colonies with populations similar to the British, of European race (America and Australia), are governed like the motherland, their inhabitants enjoy full representation.<sup>23</sup> Whereas in those colonies like India (where it is assumed that other races are concerned, not whites), this equality is “not yet” possible. It must be postponed until those territories reach a sufficient degree of civilization. Meanwhile, they should be governed by a despotic educator named by the empire, who will lead them to the level of civilization required for them to enjoy equality, liberty, and representative government (Mill [1860] 1994: 198ff.). In other words, Mill proposes a variant on the state of exception, a margin of permanent indeterminacy of the citizenry, for the government of those colonies that are not of the white race, for so long as they do not fulfill the requirements.

This problem, the “not yet” of inclusion, which preserves the principle of universality with a paradoxical equation (“yes, but no, until ...”), becomes more acute when dealing with individuals in remote colonial territories, when racial mixing (*mestizaje*) introduces a disorder in the binary identities that separate the citizens and the subjects, those included and those not yet included. For example, the recognition of the identity and rights of the non-white wives and children of the colonial citizens of the empires (Great Britain, France, Holland, Germany) collapsed into a whirlpool of confusion with regard to citizenship: an extra-legality.

With this, their identification was left to administrative decision, it belonged to the area of decision of colonial functionaries. The topical argument of exclusion was that those persons “were not exactly like citizens,” or that they had not been brought up “like ...,” or that, if they were to be citizens, they should pass through a civilizing education, and be educated “like French, British, Germans, or Dutch.” Access to equality was made conditional on extra-legal criteria that, like administrative acts, are never made entirely clear (Stoler 1997; Widenthal 1997).

The point I want to make is the following: the “not yet” of inclusion is not something external to citizenship, it is a contingent possibility that depends on the plays of power in political conjunctures. It expresses an internal state of legal suspension, which warns the historian, as in the case of the Indian populations of Ecuador, that citizenship (and the nation-state) may be constructed based on a negation, of an abandonment of attributions with regard to certain populations, whether by action or omission, or by both successively. By not recognizing or negating (the potential implications of the “not yet”) certain categories of people or social groups as equal by right, those same actions or omissions constitute certain other populations as subjects of citizens, and the citizens—the relational counterpart of the subject—as a “natural” being. Negation and recognition, exclusion and inclusion, are binary poles that are found together in the historic formation of the citizenry; one term does not oppose the other, it is concomitant with it.

While inclusion converts certain populations into citizens and places them in a position of legal recognition and a lowest common denominator of equality (*inter pares*) in the public and private spheres (without eliminating differences of class, gender, region, history, etc.), the negation or non-recognition of populations situates them as subjects in an area of indeterminacy (they become *extrapares* or *alterpares*). This extension of citizenship toward exclusion lacks a conceptual denomination in political science because it is a duplication that exists in

the pores of both public and private spheres. In this sense the area of indeterminacy is a zone of arbitration,<sup>24</sup> an attribution left to be administered. It may be exercised in the public sphere of the state, through the decisions of functionaries and the normative of the state, or in the private sphere of citizens, through the social transactions governed by the strategies of the world of everyday common sense. The administration of populations in both spheres, whether public or private, is a “not yet” that may be a temporary condition or may crystallize as a permanent political system.

This problem leads me straight to the immigrants who leave the coasts of Africa and disembark from their *cayucos* (big canoes) on the shores of the Canary Islands (Spain) at the very moment I write these pages.

### Immigrants and the administration of populations

The National Institute of Statistics calculates that in July 2006 a million “foreigners in irregular situation” lived in Spain, compared with 2.9 million foreigners whose origin is outside the European Community.<sup>25</sup> These figures mean that one in every three foreigners from outside Europe fall into the category of the undocumented: they are not recognized by the state, barely identified, and de facto are almost completely without rights.<sup>26</sup> This figure also means that 30 percent of the total of non-European foreigners fall into that area of indeterminacy. The figure will continue to grow, according to all forecasts, and it does not solely concern Spain. In almost all the countries of the European Community and in the US there are important populations of undocumented foreigners. In Spain, the illegal immigrants do not receive a right of residence, and since they crossed the Spanish frontiers, or shortly afterward, their lives are left to the arbitration of the private administration of populations. This is the theme that interests me.

Among all the aspects of this socially complex and humanly terrible phenomenon, I re-

strict myself to following the path of those immigrants who reach the Spanish coasts from what the media call, in a prudish phrase, the countries of “sub-Saharan Africa.” They do so perhaps to avoid the racist connotation of talking of black populations (although all Spanish citizens understand this subtext perfectly well). The majority of those without papers<sup>27</sup> who live in Spain, are not, however, Africans, but above all Romanians, Bolivians, Argentines, Colombians, Ecuadorians, Peruvians, Moroccans, Brazilians, Bulgarians, and others (Bárbulo 2006). Nevertheless, I shall concentrate here on the fate of the sub-Saharan immigrants.<sup>28</sup>

The geographic points of entry for immigrants into the Iberian peninsula are as many as their modes of travel, their country of origin, their means of transport, and the networks and contacts they mobilize and which receive them.<sup>29</sup> But in 2006 the arrival of the Africans has become a central theme of Spanish political debate. This is perhaps because of the spectacular journeys they make over the Atlantic and the risk, which frequently becomes a reality, of perishing in the attempt, as well as the great canoes painted in brilliant colors and full of hundreds of people (rarely women), and the spectral images they awaken when they disembark on the beaches of the Canary Islands, where the sunbathing tourists help them as best they can. The press has given particular attention during the last months to the arrival of these *Cayucos*, and many journalists have followed closely the immigrants’ routes and places of destination in Spain. I make use of the data produced during this moment of visibility of a phenomenon too often ignored by the public, so that by considering a concrete case I may reflect on the other side of state citizenship, as opposed to its well-known legal side.

The route of these immigrants who arrive in *cayucos* from the coasts of Africa, after a journey of between seven and twelve days, is as follows. Whether they are intercepted at sea or manage to disembark by themselves, the immigrants fall into police custody. After a brief medical control, they are taken to the police commissary “to begin the procedures of identi-

fication and the processes of return to their countries of origin, for being without the necessary documentation to enter Spain legally” (Amnesty International 2006: 7-8). They remain in police custody for a maximum of seventy-two hours. Amnesty International (2006: 7) denounces that immigrants receive no “adequate and sufficient information on their rights, the legal situation and the process of return.” Four days after arriving (the time varies according to the numbers), the foreigners are taken before a court. The magistrates try to establish their identification: the procedure includes questions about their real name”, that of their parents, their date of birth, and their place of origin. They ask them—in the presence of a state lawyer—about their reasons for traveling to Spain. The aim of this judicial procedure is to determine whether they should be sent to a Centre for the Internment of Foreigners (CIE), or whether they should be set free with an order of expulsion: in other words, be put on the street (Pardellas 2006a). The retention in the CIE is a sort of liminal stage, it lasts for as long as it takes the state to arrange the procedures for returning them to their countries of origin. In fact, very few immigrants are actually expelled.<sup>30</sup> And by law they cannot remain in detention more than forty days, so that after this time they are released from CIE, though always with their order of expulsion in their pockets. The order of expulsion, even if the state is unable to put it into practice, has important legal consequences: the undocumented immigrant who continues living in the country, after being juridically expelled, finds that every way of regularizing his situation is closed to him, in the present and in the future. He cannot convert himself into a “legal resident” even if, in a few years, an “extraordinary process of regularization” is opened in order for the “illegal” population to become “documented foreigners.” Certainly, it should be added that any foreigner who is detained by the police and is found to be without valid papers follows the same path I have just described.

What are these Centers of Internment of Foreigners like? Those spaces of detention that,

if not clandestine, are certainly places kept within the discretion of the police? Some journalists have complained of barriers put in their way when they try to enter a CIE, and of not being allowed to interview the detainees except under close police vigilance. Amnesty International denounces in its report that the foreigners detained, at least in some of the centers visited in the Canary Islands in 2006, were forbidden to receive visits. In several centers they cannot communicate with the outside world, either because there is no telephone available, or because the immigrants have no money to make phone calls.<sup>31</sup>

It is clear, from the moment they disembark in the Canary Islands and come into the hands of the police that the Africans are subject to the procedures of the state and are subject to Spanish law, including the norms of the European Community. According to the laws in force, entering the country is not a crime but rather an “administrative fault,” and as such it cannot be sanctioned by detention, but only by a fine. But this is the point. The situation of the immigrants is that of people who do not enjoy the full privilege of the law, but have entered an area of indeterminacy, in the shadows of legal normality. The definition and indefinability of individuals are not opposed dimensions but alternatives, both used according to the circumstances and conveniences of the systems for the administration of populations. The CIEs, known in other countries as the “centers for the administrative detention of foreigners,” were created in Spain in 1985.<sup>32</sup> They are a materialization of the duplicity of administered citizenship, which becomes perceptible as a space of detention and as a panoptic architecture. The CIEs are the material concretization of the zones of indifference between the outside and the inside: the obverse of the law. These centers constitute a counterpoint in opposition to the physical dimensions of the citizens’ public space, where equality and inclusion reign in principle.

Created by “ministerial order”<sup>33</sup> (by definition, an internal bureaucratic instrument, not a law), which is not obliged to be published or printed in the Official Bulletin of the State, these

spaces lacked in Spain, until 1999, any “specific regulation,” and continue functioning, fundamentally, under the pragmatic norms adopted by the Ministry of the Interior. As a network of jurists warned in 2004, “for more than fourteen years the CIE were almost no-man’s land, where the norms were improvised by the chiefs of the centers. There only existed a set of generic criteria which were dictated by the General Commissary of Foreign Affairs and Documentation,” with internal control being “a competence of the Ministry of the Interior, that is, of the police.”<sup>34</sup>

Beyond its specific function, which is that of detaining and guarding foreigners until their order of expulsion is issued, it has been recognized that the CIEs have another function: that of identification (Gorski 2002). One aim of detaining those without papers is to ease the process of identification of the people held at the CIEs. And one of the aspects of this state technology consists in retaining and grouping numbers of people in a concentrated and enclosed space so that the police and judicial functionaries cannot only guard the detained, but can also have easy and immediate access to them to carry out their tasks of identification: the interrogation and registry in databanks of tens of thousands of people. The Spanish state finds it necessary to determine the juridical identity of the undocumented: it is a required condition for proceeding to expel them to their countries of origin. Administrative detention fulfills this very significant role.<sup>35</sup>

Identification and dis-identification are two correlative and simultaneous aspects of the processes of exclusion. The restrictions of access to universal equality create, not its opposite, but strategies of evasion that play with the cards by which access to equality can be restricted. This explains why some immigrants, before reaching the Spanish coasts, destroy the documents of identification that they may have carried with them from their countries. They disidentify themselves with regard to the citizenship they previously held, that of their countries, and by doing so they make the task of identifying them difficult, if not impossible. Be-

cause they cannot be identified by the Spanish authorities as proceeding from any country, they cannot be expelled.

Indeterminacy and dis-identification are both tricks of resistance devised by the immigrants against exclusion in the strongest and most dramatic sense of the term. In fact, this means that the immigrants become indeterminate persons, in response to efforts to prevent them from staying in Spain and working legally: they become neither nationals (they lack a country) nor citizens (they lack rights), hailing from some political otherness beyond the Spanish and European frontiers. Against their expulsion, they adopt a position of refusing to belong to a specific political place, to a nation–state of the Earth. The Spanish state tries to identify them as foreigners in order to expel them. The immigrants oppose a ploy of the oppressed: “nationless-ness,” a dangerous strategy of presenting themselves as naked persons (“bare lives”) *tout court*, with which they confront the sovereignty of the state, which rejects their access to the universal equality of citizen rights.<sup>36</sup>

In their turn, the nation-states from which the immigrants come refuse to receive their own citizens, they deny them when the Spanish government tries to expel them. Naturally, this decision is affected by an economic interest in the return of money that the immigrants (with or without documents) send back to their homes, and for fear of internal political repercussions that might follow the return of those expelled if a government agrees to accept them. The emigrants’ nation-states try to pressure the receiving countries into accepting their citizens under any condition: as illegals, or with documents. Thus their own nation-states deny them and situate them, socially, politically, and symbolically, as people whose statute is undefined (like those without countries), populations in a legal state of exception. They transform them into a paradoxical and multi-faceted figure: they are delinquents (“illegal” emigration is a crime in Senegal) and foreigners from their own citizenship (Kane 2006).<sup>37</sup>

Giorgio Agamben uses the notion of “bare life” to refer to the condition of a person who

has been placed beyond all the parameters of the sovereignty of the law. He does not refer to someone who has fallen into illegality, which is a condition internal to the law. He refers to people who are situated beyond the law, in a state of indeterminacy, a state of permanent exception.<sup>38</sup> For Agamben, this is what defines a camp, of whatever type: a concentration camp, an internment camp, or death row.<sup>39</sup> That is to say, that by destroying their prior identification the immigrants oppose the duplicity of universal citizen equality with the absolute, unqualified universality of the “bare human.” Against the violence of exclusion that confines them to spaces of exception (in internment and reduces them to the condition of subjects administered by the citizen state (Spanish–European), they deploy a trick, a disidentification, which proclaims symbolically their absolute right to equality as human beings.<sup>40</sup>

The second stage of the immigrants’ journey begins with their emergence from the centers of internment, when they lose their statute of a population administered by the state without recognizing them any other status except, perhaps, that of illegal persons under order of expulsion. When they set foot in the street they enter a new space, they pass over to the other side of juridico-state citizenship, they enter the arena of everyday interactions and of private negotiations with the citizens and immigrants with papers.<sup>41</sup>

Here it should be remembered that, if I have concentrated on the African immigrants who disembark from their painted *cayucos* in 2006, it has only been to make use of the flow of information that has emerged with the public coverage of the phenomenon. In general, the public information on immigration distributed through the media passes through periods of dense silence that do not reveal the hazardous experiences of their pathways and life in Spain. Most immigrants do not end up in the centers of internment, they do not pass through a procedure of identification, nor are they detained by the police. They move straight into the sphere of daily life in Spain. They follow the ramifications of multiple circuits of personal relations. Everyone makes use of their connec-

tions with other immigrants already settled there, or they trust to networks of contacts of a family, religious, regional, or village nature, including those of the mafias.<sup>42</sup> Whatever the way in which they entered Spain, and whether or not they first passed through a stage of internment, there is a common process that seems like a baptism by fire, which marks the condition of the undocumented. As soon as they are, so to speak, let loose in the street, there occurs a general process of subjectivization: they enter the arena of the negotiations of power with the citizens and with other legal foreigners, both in their condition of private persons.<sup>43</sup> The state, having left them on the margins converts them into an absence of identification. The only characteristic of this population is that they are without papers; a category that expresses the abandonment of attributions by the state. I use the following example to explain what I mean.

Fragments of the life of the undocumented emerged into the public gaze when they became news—for example, in 2006 in Barcelona when a wall at a building site collapsed killing five immigrants (Garcia 2006). Two were Spaniards and three were foreigners. The three immigrants had arrived from Pakistan: Amjad landed in Barcelona only two months before; Abdul had already been in Spain for seven months, both were undocumented; Imatz, the third Pakistani killed, was a foreigner with papers who had spent at least five months as a legal resident in Spain. I will get straight to the point, to what this tragic case reveals: the labyrinthine negotiations of power between citizens, foreigners without papers, and those with papers. It is this process that converts immigrants without documents into subjects of the citizens (and even of the immigrants with papers) in the private sphere of everyday interactions, in this case in the construction labor market.

First, it seems that both the police (the Mossos d’Esquadra) and the city council (*Ayuntamiento*) of Barcelona found it difficult to identify the two who had died without papers: Amajd did not even have a valid Pakistani passport. At the site where they died, both were contracted with the leave pay of another two

Pakistanis. In this way they would have escaped any possible legal problem, as stated by the reporter who did the research. To continue working, they had presented themselves with the identification of another two compatriots who, whether from solidarity or for money, lent (or hired) them their papers.

The second aspect is that the two with papers that were not theirs were contracted to work on the site by a company, which in turn subcontracted the workers to another company, which finally subcontracted the job to a third company. In other words, we are dealing with three different levels of subcontracting workers by citizen businessmen, or foreigners with documents. The journalist tried to locate the three businesses. The second-level contractor corresponded to a business dealing in the distribution of food and drink, which had nothing to do with the construction industry. At the third level, at the address registered by the business that signed the contract directly with Amjad and Abdul under the identification of their compatriots, there was a telephone kiosk.<sup>44</sup> It goes without saying that it was all a legal strategy to evade labor and immigration legislation.

This case dramatically exemplifies what I mean when I speak of the private administration of populations. Innumerable other experiences could be given, such as those of domestic servants, of workers (men and women) in bars, restaurants, hotels. They do not always reach such a level of violence, but they illustrate the same situation of negotiations that convert the undocumented into subjects of citizens.<sup>45</sup> From the moment the undocumented confront the negotiations of everyday life, their situation becomes that of subjects: they are in an unfavorable relation of power, they are almost helpless, they have to accept whatever comes. They can—and of course they do—devise tactics of resistance, but they cannot evade the process of temporary or permanent conversion into subjects.<sup>46</sup>

The field of citizen equality at the level of ordinary life, in the immediacy of social interaction, is valid for the negotiations between those who recognize themselves as *inter pares*. This occurs between individuals whose social differ-

ences and conflicts of interest situate them on a level in which the rules of the game are a mutual and accepted recognition that they possess the lowest common denominator of a shared equality, however relative and fleeting this might be. And if these rules are not respected, at the limit the citizen or the immigrant with documents who feels himself wronged can always recur to the tribunals so that the state may guarantee him his rights.<sup>47</sup> The two British students who were taken off the plane, as we saw at the outset, although they were without protection in the relations of power inside the cabin, could always have begun a lawsuit before the Spanish tribunals against the airline company and the pilot. This possibility, the appeal to the coercive mediation of the state as guarantor of the level of citizen equality, is part of common-sense citizenship. It enters as a symbolic resource that invokes the potential action of the state in the strategies that citizens implement in the field of their immediate exchanges. In the field of citizenship equality, an undocumented immigrant, who cannot invoke the state (*a posteriori*) in defense of his rights, finds himself outside the shared level of citizen equality (*inter pares*): he “inhabits” the duplicity of being an administered subject, both for the state and for private citizens.

I end this article leaving several loose ends. One of my aims has been to encourage the reader to tie them up for himself, according to his own inspiration, making associations between phenomena and situations, between distant and dispersed times and places, for which the notion of a private administration of populations in systems of citizenship may seem a useful tool of analysis, even if it will always require judicious modifications.

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Andrés Guerrero is Associate Professor at the Facultad Latinoamericana de Ciencias Sociales-Ecuador, and Honorary Research Fellow at the University of St Andrews. His latest published book is *Administración de poblaciones, ventriloquía y transescritura* (2010).  
E-mail: trespecies1@orange.es

## Notes

1. On the relation between original and imitation referred to here, see Deleuze (2003: 341): “What is condemned in imitations is the state of the differences (l'état des différences): free and oceanic differences, nomad distributions, crowned anarquies; it is all that evil-mindedness that questions the notion of a model as well as that of a copy” (author's translation).
2. The notion of “internal frontiers” that defines a legitimate national community, is a concept created by J. G. Fichte (Abizadeh 2005).
3. In France, many undocumented people are immigrants whose residence permits have not been renewed, or children of immigrants who upon reaching eighteen lose the parental protection and are not recognized by the state as French or issued with residence permits. In Germany, many “illegals” are children of Turkish immigrants who have not been granted German citizenship.
4. Law of 23 November 1854; El Seis de Marzo, Quito 5 December 1854, p. 132.
5. Universal equality lasted scarcely a moment in Revolutionary France: black populations were excluded, and women were declared “passive” citizens (Baker 1990). And the notion of foreigner was constructed, in the first place, as an internal reference to those French who refused to obey the republican law (Wahnich 1997: 56–58).
6. In the United States, administrative judgment tends to constrain the sovereignty of the legislative power, in the form of the president signing bills, executive decrees that modify or suspend laws. This extension of presidential power is justified today by reference to a state of exception: that of the war against terrorism (Drew 2006).
7. “‘We just didn't twig why. Why would we? Then we heard a child crying. I looked around and there was a girl of about 12 looking at me and pointing and crying. One minute we were sitting quietly, looking forward to getting home, the next we had been taken off the plane. Then I realised they were deadly serious,’ Mr Zeb said” (Weaver 2006).
8. A Spanish University professor was thrown off a plane for the same reasons (Monguió 2006).
9. “Islamic fundamentalism and immigration threaten Europe,” declaration of Filip Dewinter director of Vlaams Belang, a party of the Belgian extreme right with wide support. The extreme right has constructed and appropriated these figures of speech, and expresses them openly (*El País* 10 October 2006).
10. The notion of common sense citizenship includes such ingredients as the “world of common sense” elaborated by Bourdieu (1997: 118, 206–214) and the “life-world” of Schutz (1971: 224–228).
11. Erving Goffman (1994: intro; 2001: ch. 1) describes the phenomenon, but does not include the fields of power in his analysis.
12. This research was carried out in the archives of the city of Otavalo, and its point of departure was the relation between the Indians and the construction of a nation-state in the nineteenth century, seen from the periphery of a remote canton.
13. If we accept the figures of the 1848 census, the population of the Republic consisted of: 41 percent white, 52 percent indians, 4 percent free mulattos, 1 percent slave mulattos, 1 percent free blacks, and 1 percent slave blacks (Censo General de Población 1846, Serie: Empadronamientos, Archivo Histórico Nacional, Quito).
14. The notion of “symptom,” I use here is taken from the deconstructivist connotation of essences given it by Slavoj Žižek. The symptom of citizenship as essentially inclusive, an expression of what is denied by its universally inclusive “essence”: the doubleness of exclusion (Žižek 2005: 107ff.).
15. Two brilliant methodological examples of this sort of procedure can be found in Guha (1997) and Amin (1997).
16. Apartheid was introduced in South Africa in the first half of the twentieth century, not under the constitution of the Republic of Boer citizens at the start of the nineteenth. Segregation was implanted in the US at the beginning of the twentieth century, after several decades of citizen equality introduced after the Civil War. In France, citizens of German descent or born in Germany were stripped of their citizen rights during World War I. German citizens classified as “Jews” were stripped of their rights to be confined in concentration camps (see Agamben 2004; Marx 1998).
17. Parliamentary debates, 21 November 1855; Serie: Actas de la Cámara de Representantes.
18. Michel Foucault (1997: 151–152, 202–204) insists in his seminars on the methodological pro-

- cedure consisting in situating (creating) a “principle of intelligibility of society and history,” an “analyzer” or “de-coder (d crypteur) of forces,” “networks (grilles) of intelligibility,” which enable questions to be formulated about the organization of society.
19. As for the “administration of populations,” my reference to “importation” is taken from Foucault (2004b: 119–129), from his notion of “governmentality” (*gouvernementalit *) and from that of the “government of men” (*gouvernement des hommes*).
  20. An example of this kind of citizenship are tests that must be passed by immigrants who are candidates to citizenship in some countries, to see if they share the “behaviours” of the citizens of the receiving country. Of course, like every test, this is an administrative system with a potential charge of exclusion (Rothstein 2006).
  21. On the need to take into account the historical restrictions hidden within any notion of universal equality, due to the concrete meanings given the term by each social group, see Metha (1997).
  22. One deputy, in the same daily, recalls how, according to the Spanish Constitution (art. 23), “it is an exclusive right of Spaniards to take part in public affairs.” The right of suffrage given to foreigners would have the character of “an exception, not a basis for (constitutional) equality” (L pez-Medel 2006: 17). For his part, Alfonso Aguilar, chief of the US Office of Citizenship declares: “Our history has been one of a citizenship in expansion,” without mentioning at all the exclusion of millions of Latin undocumented immigrants (quoted in Rothstein 2006).
  23. John Stuart Mill forgets the autochthonous inhabitants of these countries. On the functions of the exclusion of the American and African American populations in the formation of the citizen system of the United States, see the lucid analysis by Alexis de Tocqueville ([1835] 1981: ch. 10).
  24. *Arbitrio* in Spanish has the triple meaning of capacity for decision, dependence on someone, and a discretionary power (Moliner 1998).
  25. The data refer to legal foreigners and to the illegal registered in municipal lists (*padrones*), which means that the undocumented are excluded. The PP (Partido Popular, at present the opposition to the government) calculates that, instead of 1 million, the *sin papeles* (undocumented immigrants) are some 1.6 million. These come mainly from sixteen countries: in order of importance, from Latin America, Africa, and Asia (El Pa s, 24 July 2006).
  26. Some authors, alluding to the population erased from the registers of the state in George Orwell’s 1984, denounce that the foreigners “without papers” are like “non-persons” (Subirats 2006). When the state recognizes and identifies foreigners within the field of equality, they obtain rights that bring them close to being citizens (they become denizens, in English terminology), although this change does not mean that they will reach full equality (Brubaker 1990: 379–407).
  27. I use this qualifier to exploit the paradoxical connotation it has: people who are identified in the media as “without the identification” (*sin papeles*) have the right to equality.
  28. The immigrants disembarking in Canary Islands were coming from, first, Senegal, and, in smaller numbers, from Mauritania and Mali.
  29. With regard to Ecuadorian immigrants, the second most important colony of foreigners in Spain, the periodical *Ecuador Debate*, edited by the Centro Andino de Acci n Popular, has been publishing a series of important articles that deal with various themes. The December 2004 issue contains six articles almost entirely dedicated to the problem.
  30. According to one newspaper, those repatriated do not exceed 8 percent of the immigrants who arrive (*La Raz n*, 28 September 2006). This implies that there may be as many as 14 million “undocumented” in the EU who cannot be repatriated (Egurbe 2006).
  31. According to Amnesty International, the principles of the United Nations for the protection of detainees and the penitentiary rules of the Council of Europe were left unfulfilled. Cell phones were systematically confiscated on entry (Amnesty International 2006: 13). Restriction on visits and communication with the outside were suppressed by the Spanish Supreme Tribunal in September 2005 (SOS Racismo 2006).
  32. The French equivalent, the Centres de R tention Administrative, have much older antecedents than the Spanish CIEs; and they are somber. They were created in 1938 to detain the Spanish population who entered France fleeing from General Franco’s fascist army; a year later they began to receive, not only Republican combatants, but left-wing politicians, Jews, gyp-

sies, and homosexuals from France (Deizik 2002). That is, the French centres served to detain populations which, being classified administratively as “undesirables,” were deprived of their citizen rights and placed in spaces of exception.

33. The CIE were foreseen in the first Law on Foreigners of democratic Spain (*Ley Orgánica de 17/1981 sobre los Derechos y las Libertades de los Extranjeros en España*, artículo 26.2), without an organic law being passed.

An interesting reference to the CIE can be found in Rocha, Regidor, and Miramar (2004). The authors compare the CIE negatively with prisons, which “at least possess a coherent constitution with a law and reglamentation,” and are not in a margin of exception. Espuche (2005) describes the visit to some detainees at a CIE. In 2005, a decree was passed in France giving a public normative to the Centres de Réten-tion Administrative, under pressure from the European Community. A description of one of these French centres can be found in *Le Nouvel Observateur*, 21 February 2006.

35. The quality of the reception in the detainment camps varies according to the will of the police on duty, as is normal in administrative systems. In some cases, the police may show a humanitarian attitude. See Pardellas (2006b), for a description by an African of the reception he received in the CIE of Fuerteventura (Canary Islands). Conversely, see Pérez (2006) for a detailed and less than idyllic description of daily life in the CIE of Málaga.
36. The tactic of presenting themselves as “naked people” may result in their being left without the defense of any state, and being abandoned on the edges of the Sahara to almost certain death, as Morocco has done repeatedly in recent years.
37. On 25 May 2006, the Tribunal of Flagrant Crimes condemned 133 clandestine emigrants to two years of prison, with suspended sentence (Kane 2006; “L’inefficacité de la répression face à l’ailleurs du rêve”).
38. “The growing dissociation of birth (bare life) and the nation-state is the new fact of politics in our day, and what we call camp is this disjunction. To an order without localization (the state of exception, in which law is suspended) there now corresponds a localization without order (the camp as permanent space of exception). The political system no longer orders forms of life and juridical rules in a determinate space,

but instead contains at its very centre a dislocating localization that exceeds it and into which every form of life and every rule can be virtually taken” (Agamben 1998: 175).

39. The first modern experiences of concentration camps organized by citizen states were those created by Spain during the wars of Cuban Independence, inspired by General Martínez Campos’s idea (1895) and carried out by General Valeriano Weyler y Nicolau between 1896 and 1898. It is calculated that some 200,000 *reconcentrados* died of hunger and illness. Later, this “technology of power” for administering populations was taken up by the British to regroup the Boer population of South Africa. Germany in turn used it in its African colonies, as well as in Europe during World War II (Appelbaum 2001, Kotek 2000).
40. This dis-identification does not contradict the fact that, at the same time, in their private lives immigrants without papers consolidate their national, regional, or religious affiliations, using imaginative resources nourished by the globalized media. Further, the strategy of dis-identification of those without papers appears as a phenomenon related to the production of the local in globalization (Appadurai 2003: chs. 1 and 9).
41. When the African immigrants of the Cayucos emerge from the CIE, they are “delivered” to NGOs that receive them for some weeks before “letting them loose.” The NGOs, though they receive state subsidies, are by definition, of course, organisms created and administered by private citizens (Campo 2006).
42. The near totality of the 400,000 Ecuadorians who entered Spain in the past six years followed the routes opened to them by family and neighborhood networks (see the articles in *Ecuador Debate*, no. 63, 2004).
43. The immigrants with papers are in a situation of advantage relative to those without papers in the everyday games of power, because they enjoy some of the rights that come with citizen equality (Brubaker 1990).
44. The Spanish trade unions denounce that subcontracting affects 90 percent of the construction industry, where a great number of immigrants are employed.
45. Other cases of substitution by hiring papers can be found in Junquera and Tesón (2006).
46. In extreme situations, illegal workers may be subjected in the private sphere to unrestrained

violence and conditions of coercion that border on slavery in the businesses (see Bozonnet [2006] on some tomato plantations in the south of Italy; or the experience of some orange-pickers in some Spanish enterprises in Ana Carbajosa and Lydia Garrido [2006]).

47. This was one of the tactics of struggle for the civil rights of African Americans when the federal government abolished racial segregation in the United States in the 1950s.

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