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COMMON MARGINALIZATIONS: NEOLIBERALISM, UNDOCUMENTED MIGRANTS AND OTHER SURPLUS POPULATIONS

PREM KUMAR RAJARAM

Abstract. The study of the marginalization of undocumented migrants tends to focus on how states govern migrants in order to reinforce its sovereignty. These are important accounts, but the tendency is then to think of the marginalization of undocumented migrants as being of a significantly of different order to the marginalization of other groups or populations. In this essay I argue that the contemporary neoliberal relation to politics, economy and the law cultivates surplus populations, amongst which are undocumented migrants. Their marginalization, while possessing singular features, is related to the marginalization of other groups surplus to a neoliberal political economy. It is important to understand this common marginalization as part of an ongoing history of the relationship between capital and labour. Understanding common marginalization would be useful in understanding the possibility of political change.

The recent study of undocumented migrants in Europe and North America has focused on their relations with counter-political movements. Such alliances, it has been argued, may allow us to 1) study how the state's right to decide 'inside' and 'outside' allows for 'its' monopolization of the political and 2) study alternative conceptions of political community that marginalize the state and lead to new political formations (Nyers 2003; Nyers 2010).

Undocumented migrants become then, a prism through which to study the constitution of politics, the sovereign right of the state and the possibilities of new political formations. Often explicit, and maybe nearly always implicit, is a sense of 'the state' as repressive. Undocumented migrants are studied as a way to understand, and perhaps overcome, the repressive sovereign.

I suggest instead that a richer account of the historical relationship between marginalization and the constitution of the political is needed. This relationship, more specifically, can be understood by studying the role of capitalism, operating as a cultural ideology as well as an economic system, as a constitutive process of making the political. It is not then simply about a sovereign excluding others, but about how cultural and economic relations, systems and moral economies coalesce to express a historically contingent 'political'.

Capitalism, the mediation of relations of production through specific modes of

valourization centred on accumulation and commodification, is an important force through which such relations and systems coalesce to form historically contingent expressions of the political. Which is to say that capitalism is the conduit by which cultural and political relations and systems become material, i.e. more than idealized abstractions. Capitalism translates potential and desire (a potential for dignity, a desire for education), into specific material provisions that are (to be) taken as approximations of those considerably more abstract ideas (Clarke 2008, 142). Capitalism, then enters subtly as ideology when it is the principle conduit and process by which aims and aspirations – desires – are realized. Being filtered by capitalism means that some or all of its modes of valourization, and concomitant accumulation by dispossession and commodification, are left as traces. There are other translators of human potential and desire besides capitalism, religion for example. But capitalism is a dominant cultural ideology because it has the power to rework the material conditions under which other cultural ideologies translate.

Capitalism is not, of course, a neutral translator. Its processes of valourization and operational procedure (of which accumulation by dispossession and commodification are primary) lead to the regular production of surplus populations (Smith 2011). By surplus population I mean, following Gavin Smith, the identification, and curious reproduction, of populations with no productive function (Smith 2011). It may be helpful to note first that capitalism is a representation of economy, it is a mode of “fixing” an economy (Mitchell 1998): there is a front and a back stage to capitalism. The frontstage are the quantifiable, taxable and so legitimate sets of commercial and productive relations. The backstage are shadowy markets, unpaid work of all sorts, and irregular recruitment and hiring practices. The backstage centres on populations with no productive function, or no permissible productive function. Its participants are irregular migrants, women and domestic workers, but also legitimate capital itself. Surplus populations are not excluded from the dominant political economy, but how they are incorporated is often concealed.

Thus my argument is: in order to understand the marginalization of irregular migrants today, we need to engage with a history of capitalism as an economic system and cultural ideology. Irregular migrants are surplus populations to contemporary capitalism or neoliberalism. While the marginalization of undocumented migrants is not a unique or special case but is related to a general marginalization propelled by capitalism, in particular its processes of accumulation by dispossession (Harvey 2009), it remains difficult to give a satisfactory account of this marginalization. This is in part because of a historical-theoretical reading of capitalism that sees marginalization as derivative of a process of surplus accumulation and distribution. In that reading, marginalization does not need to be further explained, the specific histories and stories of complex marginalizations are not as important as the fact that marginalization is an outcome of accumulation by dispossession and the societal norms that legitimize or normalize such dispossession. Much hinges on an old debate in the history of capitalist accounts of world systems. To what extent did capitalism sublate other economic, social and political forms of production

in its ongoing march? This is a question, I argue, of fine distinctions. While capitalism has become dominant, it may in different places be interwoven with systems of production and the cultures that preceded it. Capitalism is sometimes compromised, as a history of the onset of capitalism in colonialism shows, and it is not always able to do away with difference. A second point makes an argument that is more general. Capitalism is not a pure system. Central to accounts of capital is a notion of free labour and contractual relations between capitalist and labourer. In most, or all, capitalist systems however, freedom is a matter of degree. Labourers are not simply free or unfree, they are relatively more or less able to fairly contract out their labour depending on – I will use shorthand for now – overriding cultural norms. Capitalism persists in relating to unpaid or underpaid labour; migrant labour and that of undocumented migrants is a case in point. Marginalization of undocumented migrants and workers as surplus populations, sometimes also of people of certain ethnicities, is not a condition of being outside of a system. It is neither entirely inside a system because capitalism as a system does not often have clear or integral boundaries drawing its limits.

Policies towards undocumented migrants arise from relations between legal, economic and political institutions and actors. If the liberal state is not a concrete entity but a complex of social forces and relations, then its policies reflect broader cultural and institutional norms. Such norms develop in light of two factors: the complex of norms and ideas that structure the field of possibilities for different actors, and a broader set of economic, cultural and political processes that influence that field. I examine the marginalization, that is the production of surplus populations here, by first looking at specific colonial histories of capitalism where I make the case that capitalism is a cultural ideology distinguishing between the productive and non-productive, and on more recent accounts of how marginalization and surplus populations are a by-product of neoliberal capitalism.

CAPITALISM AS CULTURAL IDEOLOGY

There is a persistent inner contradiction in capitalism: as capital and profit accumulates, wealth becomes concentrated and inequality grows. The approach to that contradiction in 19th century Europe was to seek new centres of production in colonies (Harvey 1982). In the colonies the same problem occurred. This time the internal contradictions of capitalism were not shied away from but embraced and justified in a system of cultural legitimation: inequality was a necessary condition where there were groups unready to work productively and be worthy of their labour, and be political and claim rights. One of the things we learn about capitalism when we study it in colonies is that it is a cultural ideology: a system of imagining and producing patterns of deserving and undeserving, legitimacy and illegitimacy, permissibility and impermissibility, the political and the pre-political in the service of production. This takes the form of 1) the commodification of labour – which involves imputing and determining the relative value of work undertaken by different people; and 2) the legitimation of an uneven geography

of capitalism where profit becomes concentrated amidst surrounding inequality.

In colonies, capitalism and culture intertwined. The mode of production and means of accumulation were racist. Capitalist production was in some sort of dialectic relationship with dominant 'cultural' norms. The consequence then were two: 1) often economic aims, profit, was threatened by racially motivated exclusion, mistreatment of workers or violence; 2) labour reproduction was tied in with the politics of exclusion, the system of capitalism fed into and supported a restrictive and exclusionary sense of politics (Rajaram 2014). The lesson to be learnt from capitalism in colonies of the 19th century is that the mode of production did not centre on profit, but carried difficult racial and ethnic modes of subjectification that threatened the accumulation of profit (Taussig 1984; Cooper 1992). We learn by studying colonial capitalism that capital is not a physical product but a social relation, involving ongoing processes of cultural and economic disenfranchisement and appropriation (Harvey 1982, 413).

This leads us to uneven development. Capitalism institutionalizes the reproduction of inequality and unevenness. Looking at capitalism in colonies sheds light on the persistence of an inner contradiction in capitalism. It is here that the cultural intertwining occurs. The Marxist geography of uneven development centres on the relationship of capital to spatial fixes, that is to the attempt, usually but not inevitably or completely successful, to re-organize space so that some parts of it may be more conducive to the accumulation of profit (Smith 1984). Capitalism here is not fragmented, it is a coherent though contradictory system that produces inequality both as a result of the way capital looks for specific parts of space to 'fix' in and because of the internal contradictions of capital, notably due to fundamental contradictions in the use value and exchange value of commodities. Theories of uneven development are based on histories of capitalism, but histories that centre on capital itself, not on the social relations surrounding capital.

Accumulation by dispossession is central to uneven development. The term as used by David Harvey shows that capitalism progresses by conflictual processes of social transformation, such as the monetization of exchange; the reworking of property ownership such that common claims to rights to land, its usage and terms of exchange, are downplayed in favour of sole proprietorship; legal processes of individualization that extract people from customary relations and replaces this with a notion of individual agent capable of independently selling his or her labour; the reworking of notions of productivity and work, especially as these apply to land and labour; the surveying and plotting of land into parcelable, alienable plots; the organization of rent; the credit system and usury; the organization of a system of education; the downplaying of indigenous modes of production and consumption; the organization of the 'working day'; the removal or downplaying of the magical and sacred as ways of giving value to land and territory; the use of statistics and maps to plot an abstracted and governable space (and the dominance of economic methodology therein); and the establishment of a far-reaching bureaucratic apparatus to understand and manage the different processes within that space

(Harvey 2004; Cooper 1992; Chakrabarty 2000).

Most studies of accumulation by dispossession take note of the violence of this process. Harvey insists that this predatory violence does not belong to a prior or original insertion of capital into a territory (following which a liberal peace and equality, or near equality, is achievable). Rather, the predations of capitalism are ingrained in its history, and an imperial bent has been a part of capital's progress. How else may we explain the ongoing systematic processes of labour exploitation and harsh discipline that occur to the most vulnerable (the women, migrant workers and irregular migrants that I call surplus populations)?

Moving on, however, from Harvey's insight is important. It is equally important to pay attention to the processes and struggle to establish capitalist modes of production. Power, capital, does not easily transform space, it finds itself often received in social formations (Rajaram 2014; Li 2007). Harvey's, and Neil Smith's, analysis of the geographies of capital do not readily pay attention to the social processes of institutionalizing, cultivating and maintaining capital (nor to the other social processes, new forms of identity consciousness, new forms of rule, that arise, often unintentionally from this social process) (Brenner 2006).

Capitalism is not simply accumulation by dispossession, as Harvey does note. What is important are the cultures that justify who accumulates and who gets dispossessed, and who become surplus. Jean and John Comaroff argue that we have reached a millennial moment in the history of capitalism. They mean that at this juncture in time, capitalism has taken on a deep messianic quality: it is about salvation (Comaroff & Comaroff 2000). This trope of salvation was, of course, central to colonial-capitalism. The capitalism that we find ourselves in now appears new or novel insofar as we remain within a limited geographical spectrum or range when studying capitalism over time and space. That is to say, the propelling inner logic of capitalism, its spatial fixes and transformations for example, cannot be fully understood solely with reference to the sites of its emergence in Europe and the specific problems of accumulation that occurred there. In this reading, colonialism occurred because markets impelled it. There had to be new resources and new places to invest. Colonialism fits into the broader (European) history of capitalism in this reading. And it does because not enough importance is attached to the cultural social process of embedding and institutionalizing capitalism. At best, this cultural process of making capitalism good was seen as an adjunct of a broader process, and not, as I argue, an irrepressible counterpoint to capitalism as accumulation.

By understanding capitalism in colonies of the 19th century, we may be able to say that capitalism was a cultural ideology as much, and perhaps more than, a simple system of production and accumulation. The question is the relevance to contemporary capitalism (scholars that use histories of the global south to give an account of contemporary social processes need to justify their doing so because of old but still persuasive academic imperialisms, Chakrabarty 2000). Is capitalism as a cultural register that names deservingness and undeservingness, the productive and non-productive surplus, relevant to understanding contemporary global and

European economic and political structures? It is a core hypothesis of this essay that it is.

As a cultural ideology, capitalism operates in articulation or connection with social structures that pervade and give meaning to social formations. These social structures are registers of identity and identification, shared across groups taken to be similar or imposed from elsewhere. Race and ethnicity are important ways of structuring social formations, but they are not transhistorical elements; their specific contours, how they arise and to what degree, are dependent on historical circumstance.

Understanding capitalism as a cultural register focuses on the social relations that constitute it and influence how and to what degree it plays out in space. Capitalism is articulated with social formations and the norms and ideologies therein. Capitalism does not impose itself onto space nor does it readily transform that space: it is in a dialectic relationship with the norms of that space.

AUSTERITY AND IMMIGRATION

As a firm believer in equality I support Ms. May with this one. After all, the Tories are making Britain a hostile environment for all citizens (except their rich mates) so why not for illegal immigrants too?

Comment by 'Oakenden', *The Guardian* 30 September 2013.

The Guardian reported in September 2013 that the Home Minister of the United Kingdom, Teresa May, announced a new Immigration Act intended to “ ‘create a hostile environment’ to illegal immigrants” (Travis 2013). The Act reduced in different ways undocumented migrants’ rights to legal redress, restricted their rights to healthcare and made it very difficult for migrants to challenge deportation orders. The Home Minister justified the Act and its restrictions with reference to the government’s 12 year fight to deport Abu Qatada, a cleric suspected of supporting terrorism.

The UK’s new Immigration Act was put in place in a climate of austerity. Articulations of austerity, by politicians and experts, centred on the problem of an expensive welfare state, rather than the risky strategies of banks. This translated to cuts that hit the already marginalized the hardest, the out of work, the disabled and the very poor. Public spending in much of the ‘Global North’ was the target and enforced at least indirectly by experts at the International Monetary Fund (IMF) and the European Central Bank (Clarke and Newman 2013). At the backdrop of the austerity regimes were accounts of crisis that enabled what John Clarke and Janet Newman call various forms of ‘magical’ thinking. Rather than calling freewheeling banks with their aggressive investment tactics and deceitful consumer loans to account, the response to ‘crisis’ in the western world was to cut back public spending. Rather than irresponsible private finance, the problem became welfare, and by extension, the poor. The second form of magical thinking was a faith in the power of apparently confidence-inducing policies to generate

consumption and so drive economic growth, without the benefit of public money. Clarke and Newman are not directly interested in investigating whether economic growth follows from austerity (though they do cite other scholars whose evidence point that it does not); they are interested in studying how the forms of ‘magical thinking’ underpinning austerity create a discursive frame that makes austerity a commonsensical and even virtuous response to ‘crisis.’

Accounts of crises underpinned the UK’s new Immigration Act and its austerity regime. Both were accounts that enabled targeting populations or economic sectors that do not on the face of it seem to be the most obvious causes of these crises. Conceptual and imaginative leaps were enabled. The accounts of both crises called to mind deep-seated collective memories (the London bombings and the World Trade Centre attacks on the one hand, and memories of post-war austerity on the other). Both accounts factored in a good dose of virtue and responsibility. Austerity and deporting migrants were framed as virtuous and responsible acts, a wholesale effort to be shared by state and society. Consumption became patriotic, and landlords in the UK were asked to report on “illegal immigrants.” “Signs, vocabulary and narratives” became invested with a surplus or excess of meaning, that could not be transgressed (Mbembe 1992). By something that cannot be transgressed Achille Mbembe means that such signs, vocabularies and narratives become commonsensical, they become the barely discernible limits of our common political conversation and practice.

Austerity and the curtailing of the human rights of undocumented migrants went hand in hand. The attempt to generate public consent on austerity regimes did not lead to a simple accession. New conceptions of belonging and non-belonging were drawn, and violence, physical and discursive, occurred against minority groups, Roma and undocumented migrants in particular. In October 2014, the European Union began Operation Mos Maiorum, a connected effort probably involving 25 member states to find, detain or deport undocumented migrants and to gain knowledge about their networks of entry. The operation has been kept out of the media spotlight on purpose so that undocumented migrants will not be aware. This type of concerted effort is often the first initiative of every new EU presidency.

LAW, HEGEMONIC PROCESSES AND NEOLIBERAL PROJECTS

How do we unpack this? Austerity regimes and austere immigration policies may be in a dialectic relationship, but what does that mean? And what does it teach us about the state? Are there real lines of connection between these marginalizations or are they of a different order? We may perhaps begin with law and its relationship to hegemonic processes.

Eugene Genovese (1976), writing on laws governing slavery in antebellum southern United States, argues that the law reflects the interests of ruling classes and that individual pieces of legislation, or policy, reflect and are sustained by dominant norms about decency and responsibility. They help establish a moral

economy – ways of thinking about the purposes of economic arrangements and legitimizing specific modes of exploitation (of labour and resources).

Genovese wrote about law in hegemonic conditions, basing his work on Antonio Gramsci's. For Gramsci (1971), hegemonies were enabled and sustained by articulations between different ruling groups or classes. These alliances, between civil society and state actors or institutions, formed the basis of a hegemonic process. With the word 'process,' Gramsci placed struggle at the centre of his account of hegemony.

Hegemonies struggled to maintain fragile alliances between ruling classes and struggled to convey terms of rule to a dominated class. This means that hegemonies were a subject of work and depended on enforcing a stability on economic, social, cultural and political relationships that naturally tended to flux. The legitimacy of rule was conveyed through civil and political institutions, schools, the police, and married the use or threat of force with a moral claim to guaranteeing order (the state as a protection racket). Hegemonies then serve not only narrow economic interests but concepts of decency, right-thinking and responsibility, a moral order and a moral economy.

The general acceptance of individual sets of laws and the whole edifice of the law rests on its being seen as part of the legitimate moral register. In turn and in a feedback loop, every individual act of obedience to a law may sustain and strengthen the moral economy. The other part on which the hegemony of the law depends is its relative capacity to be coherent. To what extent are individual pieces of legislation or policy evidently connected to the dominant moral order?

Another dimension of hegemony is the relationship of a cultural 'superstructure' to the base, the dominant mode of production. Cultural norms that equate labour with specific ideas and modes about productivity can strengthen the disciplinary hold of capital over labour as well as more broadly the very structure of everyday life (for example through the regulation of clock-time, Thompson 1967). We are now approaching the difficult question of consensus. The durability of hegemonies depend on the cultivation of consensus along two temporal planes. One is the cultivation of everyday agreement to the content of politics and economics. This may involve acquiescence to a specific policy, and involves a certain use of force or the threat of its use. The other form of consensus is connected to the form of government, the political, economic and judicial systems and their narratives. A sustainable hegemony depends on enough people being willing to follow and comply with dominant ways of doing politics and justice without the exercise of physical force. It is the form of politics, economics or justice that tends to be taken as commonsensical: the barely discernible boundaries that both limit and enable activity and thought.

Hegemonic processes are projects of domination. This means that they have a shaping function. The Marxist view is that a hegemonic project shapes productive labour and the relationship between capital and labour and ensures their

productivity. Rather than a government representing a body politic, that body politic is shaped in ways to enhance productivity (Smith 2011, 3). Hegemonic projects are, then, based on knowledge-gathering exercises. Such exercises delineate and name populations to be governed. Naming is an act of acquisition: describing ethnic groups or proletarian labourers to themselves creates, with the usual disclaimers about resistance, relationships and patterns of activity that can be incorporated into a hegemonic project (Ranciere 2004). We then have the problem of a surplus population, people of no account, the residuum, those that consist of the no-part (Smith 2011; Ranciere 2004). The will behind the shaping of the hegemonic project, its ideology, is often hybrid. Nationalist, statist, ethnic and capitalist ideologies underpin most such projects, often in ways that appear contradictory and confusing. The identity of surplus population(s) varies with respect to the varying strength of the different component ideologies forming the basis of hegemonic projects. The nature of the alliance between different classes with degrees of interest in different ideologies matters, but Marxists say, of course, that a capitalist ideology tends to dominate. What this means though is not that other ideologies are subsumed under capitalism. Capitalism instead becomes inflected with other ideologies. This then accounts for the racial or gendered occlusions or bias in the way capital relations to labour and in its strategies of accumulation (Hall 1986).

Those at the sharp end of austerity programs constitute a surplus population. It is important to note that changes since about the 1980s in the nature of capitalism, broadly encompassed by the term 'neoliberalism,' establishes selective or graduated forms of domination (Smith 2011; Ong 2000). Gavin Smith explains this by emphasizing that there have been important changes in the way it is thought economy ought to relate to society. In the post-1945 era, significant gains were made by the non-capitalist classes (at least in Europe) which made the relationship of economy to society in large part a remedial one. The state and civil society, it was understood, would intervene to address social and spatial inequality through development projects and social welfare regimes. The population at large was taken to be the target of government and a notion of equality, as aspiration, was dominant. The 1980s saw the beginning of a relationship between economy and society that is sectoral, modular and spatial and is generally described as 'neoliberal'. This is a relationship between economy and society that sees, simply put, corporate growth and profit as key aims. It is justified by doublethink, or magical thinking, that privileged (contentious) indicators of fiscal health as accounts of economic growth (Mitchell 1998). It is sectoral first in a spatial and then a biopolitical sense. Rather than a national scale, this new relationship between economy and society targeted sub-national scales, cities or regions conducive to investment. It becomes biopolitical because appropriate workers and agents were to be shaped. It is also modular, as different sectors become components of a wider neoliberal project. The neoliberal project is sustained by governmentality focused on developing appropriately neoliberal subjects with the right entrepreneurial and independent spirit. There then follows a backlash on welfare recipients, people who are not responsible or capable. Neoliberalism de-socialized prosperity, rather than an

aspiration for all it became centred and exclusive: specific populations and sectors benefited because of their specific virtues of which responsibility, self-care and an entrepreneurial spirit were key.

The turn to 'neoliberalism' over the last thirty years is also coloured by a shift from production to finance, meaning that the management and investment of capital took precedence over traditional modes of production. This had political and cultural resonances as well as real material effects. Finance moved across space and was quick to shift to other areas in search of higher profit ratios. Traditional bastions of production, and of the growth of a politicized working class and the foundations of European welfare regimes, simply could not keep up. As factories closed or workers were re-trained to become cogs in the new financial economy, political gains made over decades were slowly eroded, more so for certain groups. Welfare and social services have in Europe become increasingly contingent on proving a capacity and desire to work, or even on good behaviour. The poor become objects of a certain reviled fascination (replicating for good measure colonial and orientalist accounts of the strange and backward customs of natives). Described as scroungers or at best irresponsible and called to account for debt-defaults, the poor increasingly constitute a surplus population, the new financial economy simply does not need them (Clarke and Newman 2013).

The situation is worse for people with little or no societal or economic safety nets. Remembering that capitalism has always been ethnicized, gendered and/or racialized, it should not surprise us to note that Roma populations in Europe become disproportionate targets of 'welfare' regimes that are humiliating, punitive and governmental (van Baar 2013). Working class women, too, are disproportionately affected by the roll-back of services and the breakdown of traditional modes of production and the social relations that they sustained (Massey 2014). Roma as well become subject to irresponsible social and political narratives, as the political atmosphere becomes coloured by a heated competition for scarce resources. Such competition is made more volatile by the growth of surplus populations who have their loss of collective political positions and the gains thereby made (collective bargaining, socialized healthcare, social security) ameliorated by increasing attempts to fold them in culturally. Smith (2011) suggests that such populations surplus to the new political economy have difficulty in participating politically. This does not seem to be the case, at least for most: their economic marginalization is often followed by a cultural centralization, witness the growth of far right narratives and politics based on histories of folk tradition. This does, of course and in agreement with Smith, lead to the further marginalization of the most marginalized, as well as to the depressingly unimaginative recourse to politics based on ethnic or racial lines.

What is the connection of law to economy in this? Law, I submit, is that which enables the specific historical relationship of 'economy' to 'society'. If law serves the interests of dominant groups or classes and reflects norms about moral economy may we thus give an account of the odd magic behind responses to crises? (Clarke

and Newman 2013) If the account of the shift to neoliberalism above is broadly correct or persuasive (there are no doubt lines of disagreement, but a number of scholars agree with the decentering and de-scaling nature of neoliberalism and its political and economic consequences), then we may argue that austerity regimes pinning the blame on an unvirtuous, untrustworthy and unreliable poor who defaulted on their debts fits within the logic of neoliberalism. As does the turn to protect corporate profit. While there is much to be said for accounts that point out the cronyism of large bail-outs, such bailouts made sense in terms of an account of moral economy and the nature of prosperity. If fiscal health is equated with a sound economy then the protection of corporate profit follows.

COMMON MARGINALIZATIONS

Can we explain the administrative and repressive laws directed at undocumented migrants in light of the above account of the history of capitalism and the production of surplus populations? There may be a dialectic relationship between austerity regimes and austere immigration policies. It is important to view both in their broad social registers. The dialectic is on the face of it simple. Austerity leads to contest, competition for resources, housing, education, welfare, suddenly scarce. Boundaries are drawn in terms of deservingness, welfare scroungers and undocumented migrants are undeserving. The boundary between undocumented migrants and citizens is not simply a territorially-inflected one. It is not solely about citizenship and the right to belong, but a moral accounting of virtue. This translates readily enough into accounts of personal or individual value, rather than societal responsibility. Lord Freud, the Conservative welfare reform minister, pondered aloud in a meeting “whether there is something we can do if someone wants to work for £2 an hour” after earlier ruminations about whether “the disabled, as a group” were “worth the minimum wage” (Watts and Winter 2014).

Those at the margins, disabled, Roma, undocumented migrants, are subject to marginalization because of the logic of neoliberalism and its accounting of a moral economy. The dialectic between austerity and immigration policies, in Europe at least, is then on the one hand leavened by the political economy of competition which arises for historical reasons and not because of a clear division between populations based on different citizenship. This dialectic is not, then, only about economic competition but about moral claims not based simply on belonging but on neoliberal accountings of what constitutes virtue and responsibility.

Law conveys the terms of rule, and is the instrument par excellence for conveying hegemony by consensus. There are two aspects to this consensus, an everyday consensus and a general consensus about the narratives and frames that govern the politically and socially possible. Imaginations of other forms of politics arise when there may be articulations, connections, between groups. The neoliberal political economy is sectoral, modular and spatial, meaning that it cultivates, by its very operation, and not necessarily through ideology or wickedness, surplus populations with contingent relations to the political norm. Such surplus

populations, outside of the scope of improvement and protection, have a fragmented relationship to themselves and to each other. Counter-political movements tend towards questioning exclusion on a variant of the 'the no-one is illegal' argument. But this establishes a false front: the argument, again, is not with a sovereign state.

Undocumented migrants may be a surplus population, but they are not outside of the political economy of the neoliberal state. The competitiveness generated by neoliberal policies mean that certain economic sectors and scales actively recruit and exploit cheap undocumented migrants as labour (McNevin 2006). It may appear that undocumented migrants are contradictorily located, at once locally embedded in economies and societies and excluded from a territorially inflected account of belonging. Important arguments have been made for the cultivation of new forms of citizenship practice based on such embeddedness. I do not wish to discount the possibility of emergent political communities. It is, however, important to take into account how such connections are part of a complex neoliberal political economy that leads to common marginalizations among different groups. It is from this understanding, of the relationship of marginalization to contemporary forms of rule, meaning the neoliberal relationship to politics, economy and law separately and together, that a richer account of marginalization and political and ethical alternatives may form.

CONCLUSIONS

I have argued that it is important to study the marginalization of undocumented migrants as historically situated and, unfortunately, normal and common outcomes of the way capital and labour relate. There may be a common marginalization of populations surplus to neoliberalism (as an economic project and as a governmental-moral project shaping virtuous populations); it is from this experience of contingency before the political economic norm shared by many that moves to redress the situation may arise. This is an argument then to move away from the fragmentations imposed by neoliberal narratives and practices of politics, economy and the law. It is to understand the dialectic between austerity regimes and immigration policies and, importantly, to question the recourse to a politics of ethnic and racial division.

REFERENCES

- Brenner, Robert 2006. "What is, and What is Not, Imperialism?" *Historical Materialism*. 14 (4): 79-105
- Clarke, John and Janet Newman. 2013. "The Alchemy of Austerity." *Critical Social Policy*. 32 (3): 299-319.
- Chakrabarty, Dipesh. 2000. *Provincializing Europe*. Princeton: Princeton University Press.
- Comaroff, Jean and John Comaroff 2000. "Millennial Capitalism: First Thoughts on a Second Coming." *Public Culture*. 12 (2): 291-343
- Cooper, Frederick. 1992. "Colonizing Time: Work Rhythms and Labour Conflict in Colonial Mombassa." In Nicholas Dirks ed., *Colonialism and Culture*. Ann Arbor: University of Michigan Press.
- Genovese, Eugene D. 1976. *Roll, Jordan, Roll: The World the Slaves Made*. New York: Vintage Books.
- Gramsci, Antonio. 1971. *Selections from the Prison Notebooks*. Quentin Hoare, trans. London: Lawrence & Wishart.
- Hall, Stuart. 1986. "Gramsci's Relevance for the Study of Race and Ethnicity." *Journal of Communication Inquiry*. 10: 5-27.
- Harvey, David. 1982. *The Limits to Capital*. London: Verso.
- Harvey, David. 2009. "The New Imperialism: Accumulation by Dispossession." *The Socialist Register*. 40.
- Li, Tania. 2007. *The Will to Improve: Governmentality, Development and the Practice of Politics*. Durham: Duke University Press.
- Massey, Douglas S. 2014. "Manufacturing Marginality Among Women and Latinos in Neoliberal America." *Ethnic and Racial Studies*. 37 (10): 1747-1752.
- Mbembe, Achille. 1992. "Provisional Notes on the Postcolony." *Africa: Journal of the International African Institute*. 62 (1): 3-37
- Mitchell, Timothy. 1998. "Fixing the Economy." *Cultural Studies*. 12 (1): 82-101.
- McNevin, Anne. 2006. "Political Belonging in a Neoliberal Era: The Struggle of the Sans Papiers." *Citizenship Studies*. 10 (2): 135-151.
- Nyers, Peter. 2003. "Abject Cosmopolitanism: the Politics of Protection in the Anti-Deportation Movement." *Third World Quarterly*. 24 (6): 1069-1093.

Nyers, Peter. 2010. "No One is Illegal Between City and Nation." *Studies in Social Justice*. 4 (2): 127-143.

Ong, Aihwa. 2000. "Graduated Sovereignty in Southeast Asia." *Theory, Culture & Society*. 17 (4): 55-75.

Rajaram, Prem Kumar. 2014. *Ruling the Margins: Colonial Power and Administrative Rule in the Past and Present*. New York: Routledge.

Ranciere, Jacques. 2004. "Who is the subject of the Rights of Man?" *South Atlantic Quarterly*. 103 (2/3): 297-310.

Smith, Gavin. 2011. "Selective Hegemony and Beyond-Populations with 'No Productive Function': A Framework for Enquiry." *Identities: Global Studies in Culture and Power*. 18 (1): 2-38.

Smith, Neil. 1984. *Uneven Development: Nature, Capital, and the Production of Space*. Athens: University of Georgia Press.

Smith, Neil. 1997. "The Satanic Geographies of Globalization: Uneven Development in the 1990s." *Public Culture*. 10 (1): 169-189

Taussig, Michael. 1984. "Culture of Terror-Space of Death: Roger Casement's Putumayo Report and the Explanation of Torture." *CSSH*. 26 (3): 467-497.

Thompson, E P 1967. "Time, Work-Discipline and Industrial Capitalism." *Past & Present*. 38: 56-97.

Travis, Alan. 2013. "Tory Immigration Bill to Curb Right of Appeal Against Deportation." *The Guardian*. 30 September 2013, <http://www.theguardian.com/uk-news/2013/sep/30/tories-curb-right-appeal-deportation>. Accessed May 20, 2015.

von Baar, Huub 2012. "Socio-Economic Mobility and Neo-Liberal Governmentality in Post-Socialist Europe: Activation and the Dehumanisation of the Roma." *Ethnic and Racial Studies*. 38 (8): 1289-1304.

Watt, Nicholas. and Patrick Winter. 2014. "Lord Freud Offers 'Unreserved Apology' for Comment about Disabled People." *The Guardian*. 15 October 2014, <http://www.theguardian.com/society/2014/oct/15/lord-freud-unreserved-apology-comment-disabled-people-mimimu-wagen>. Accessed May 20, 2015.