THE BORDER THOMAS NAIL

# CONTENTS

Acknowledgments ix
Introduction: Moving Borders 1
PART I: Theory of the Border
1. Border Kinopower 21
PART II: Historical Limology
2. The Fence 47
3. The Wall 64
4. The Cell 88
5. The Checkpoint I 110
6. The Checkpoint II 138
PART III: Contemporary Borders: United States-Mexico
7. The US-Mexico Fence 165
8. The US-Mexico Wall 183
9. The US-Mexico Cell 193
10. The US-Mexico Checkpoint 202
Conclusion 221
Notes 225
Index 265

# Introduction

## Moving Borders

We live in a world of borders. Territorial, political, juridical, and economic borders of all kinds quite literally define every aspect of social life in the twenty-first century. Despite the celebration of globalization and the increasing necessity of global mobility, there are more types of borders today than ever before in history. In the last twenty years, but particularly since 9/11, hundreds of new borders have emerged around the world: miles of new razor-wire fences, tons of new concrete security walls, numerous offshore detention centers, biometric passport databases, and security checkpoints of all kinds in schools, airports, and along various roadways across the world.

Contemporary social motion is everywhere divided. It is corralled by territorial fences around our homes, institutions, and countries. It is politically expelled by military force, border walls, and ports of entry. It is juridically confined by identification documents (visas and passports), detention centers (and prisons), and an entire scheduling matrix of bordered time zones. Above all, it has become economically stretched—expanding and contracting according to the rapid fluctuations of market, police, security, and informational borders that can appear at any point whatever in the social fabric. Although there are many borders today, no systematic attempt has yet been made to provide a theory of the border that would be useful across such widely differing domains. This book aims to fill this gap.

This book provides a theoretical framework for understanding the structure and function of borders across multiple domains of social life. Borders are complex composites. Since each border is actually several borders, there is already quite a crowd. Not only is the indexical question "What is a border?" challenging enough to answer,2 but the questions of how, when, where, and who makes the border are just as crucial and complex. Furthermore, historically the border has gone by multiple names: the fence, the wall, the cell, the checkpoint, the frontier, the limit, the march, the boundary, and so on. These are all distinct phenomena in social history, even if they often overlap with one another to some degree.

For all their differences, these types of borders also share something in common. "The border" is the name of this commonality. The border is "a process of social division."3 What all borders share in common, following this definition, is that they introduce a division or bifurcation of some sort into the world. This definition I am proposing has four important consequences for a theory of the border that is further developed throughout this book. Thus as an introduction I would like to begin by elaborating each of these four consequences and outlining a methodology for their general application to the study of borders, or limology.

#### THE BORDER IS IN BETWEEN

The first consequence of a border theory defined by the social process of division is that the border is not reducible to the classical definition of the limits of a sovereign state, offered by many early theoreticians. 4 This is the case not only because the techniques of social division precede the development of states historically, but because even as a division between states the border is not contained entirely within states. The border is precisely "between" states. Just as the cut made by a pair of scissors that divides a piece of paper is definitely not part of the paper, so the border, as a division, is not entirely contained by the territory, state, law, or economy that it divides. While the technologies of division themselves may differ throughout history according to who wields them, when, where, and so on, the cut or process of social division itself is what is common to all of its relative manifestations.

This is an important consequence for a theory of the border since it means that the study of borders cannot be approached solely according to any one type of division or social force—between territories, between states, between juridical and economic regimes, and so on. 5 This is the case because what is common to all these types of borders is the status of the "between" that remains missing from each of the regimes of social power. What remains problematic about border theory is that it is not strictly a territorial, political, juridical, or economic phenomenon but equally an aterritorial, apolitical, nonlegal, and noneconomic phenomenon at the same time.

For example, take the border between states. The border of a state has two sides. On one side the border touches (and is thus part of) one state, and on the other side the border touches (and is thus part of) the other. But the border is not only its sides that touch the two states; it is also a third thing: the thing in between the two sides that touch the states. This is the fuzzy zone-like phenomenon of inclusive disjunction that many theorists have identified as neither/nor, or both/and.6 If the border were entirely reducible to the two states, nothing would divide them—which can't be true. For example, if a piece of paper is cut down the middle, there remains something in between the two pieces of paper that is not paper and that divides the two pieces. Similarly, in between the two sides of the cut that touch each of the states is the division itself, which is not a state nor part of a state. Thus states infinitely approach the limit in between them in the sense best described by the mathematical concept of "limit" in calculus. States approach the limit (border) but never reach it or totalize it once and for all because the limit is a process that infinitely approaches the point of bifurcation, like the slope of a tangent. Border theory is the study of this limit.

However, just because the "cut" of the border is not reducible to any given regime of social force or power does not mean that it is in any way a negative process. The "in-betweenness" of the border is not a lack or absence. The border is an absolutely positive and continuous process of multiplication by division—the more it divides social space the more it multiplies it. It is thus important to distinguish between two kinds of division: extensive and intensive. The first kind of division (extensive) introduces an absolute break—producing two quantitatively separate and discontinuous entities. The second kind of division (intensive) adds a new path to the existing one like a fork or bifurcation producing a qualitative change of the whole continuous system. The bifurcation diverges from itself while still being the "same" pathway.

Although borders are typically understood according to the extensive definition, this is only a relative effect of the intensive kind of division. Borders emerge where there is a continuous process that reaches a bifurcation point. After this point, a qualitative divergence occurs and two distinct pathways can be identified. The result of this bifurcation is that the border is experienced as a continuity by some and as a discontinuity by others. For some people, such as affluent Western travelers, a border may function as a relatively seamless continuity between two areas. For others, such as undocumented migrants, the border may appear as a discontinuous division across which they are forbidden to pass and from which they are redirected.

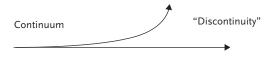


Figure I.1: Bifurcation.

In both cases what remains primary is the continuous process that actively maintains the border and enforces it as a filter that allows one path or road to continue on ahead and another to be redirected elsewhere through detention, deportation, or expulsion (figure I.1). In other words, the border is an active process of bifurcation that does not simply divide once and for all, but continuously redirects flows of people and things across or away from itself. The border or social division in between territories, states, and so on only appears as lack or discontinuity from the binary perspective of the presupposed social bodies that are divided. From this perspective, the border appears conceptually as a secondary or derivative phenomenon with respect to territorial, state, juridical, or economic power.

However, the problem with this extensive definition of the border is that it presupposes precisely what it proposes to explain. If individual societies are defined as delimited territorial, political, juridical, or economic fields of power, and borders are the various divisions these societies create, how did these societies come to be delimited or bordered in the first place? In other words, a border seems to be something created not only by the societies that divide them within and from one another, but also something that is required for the very existence of society itself as "a delimited social field" in the first place. In this sense, the border is both constitutive of and constituted by society.

A society without any kind of border, internal or external, is simply what we could call the earth or world: a purely presocial, undivided surface. Accordingly, society is first and foremost a product of the borders that define it and the material conditions under which it is dividable.<sup>7</sup> Only afterward are borders (re)produced by society. This is another important consequence for the theory of the border as a continuous division. If we want to understand the border, we should start with the border and not with societies or states, which presuppose its existence. The border has become the social condition necessary for the emergence of certain dominant social formations, not the other way around. This is not to say that *all* social life is the product of borders. There have always been social movements and communities that have been able to ward off social division and borders to some degree.8 Indeed, since the continuity of motion is primary and bifurcation or division is secondary, the primacy of borders is only primary in relation to a certain set of historically dominant modes of social organization: territorial, statist, juridical, and economic. In this sense, the theory of the border

developed here is not a universal theory of the border, but a historical theory of how the border has been made to work. The aim of the theory is to reveal the mutable and arbitrary nature of four dominant border regimes—not to impose them by reproducing them—but to destabilize them by interpreting them according to the very thing they are supposed to control: movement.

Material border technologies are the concrete conditions for the principles and ideas of social life. However, the border is not only in between the inside and outside of two territories, states, and so on, it is also in between the inside and the inside itself: it is a division within society. This is one of the key consequences of the in-betweenness of borders that has been important for recent border studies. As Chris Rumford points out,

Border studies now routinely addresses a wide range of complex "what, where, and who" questions. What constitutes a border (when the emphasis is on processes of bordering not borders as things)? Where are these borders to be found? Who is doing the bordering? It is still possible to ask these questions and receive a straightforward and predictable answer: "the state." This is no longer a satisfactory answer. Seeing like a border involves the recognition that borders are woven into the fabric of society and are the routine business of all concerned. In this sense, borders are the key to understanding networked connectivity as well as questions of identity, belonging, political conflict, and societal transformation.9

Accordingly, recent border theory has become significantly multidisciplinary. As David Newman writes, "For as long as the study of boundaries was synonymous with the lines separating the sovereign territory of states in the international system, the focus of research was geographical. As our understanding of boundaries has taken on new forms and scales of analysis, so too the study of the bordering phenomenon has become multidisciplinary, with sociologists, political scientists, historians, international lawyers and anthropologists taking an active part in the expanding discourse."10 However, as border theory has included new scales of analysis, 11 it has also, according to Newman, "experienced difficulties in fusing into a single set of recognizable parameters and concepts."12 This book thus proposes a set of philosophical concepts that will allow us to theorize the border at many different levels of in-betweenness.

### THE BORDER IS IN MOTION

The second major consequence of a border theory defined by the social process of division is that the border is not static. In part, this is a consequence of the fact that the border, as a continuous division, is in between and thus

not reducible to any stable, fixed side. The practical consequences of this are that the border is a zone of contestation. The border is always made and remade according to a host of shifting variables. In this sense, the border should not be analyzed according to motion simply because people and objects move across it, or because it is "permeable." The border is not simply a static membrane or space through which flows of people move. In contrast to the vast literature on the movement of people and things across borders, there is relatively little analysis of the motion of the border itself. Even many so-called theorists of flows, fluidity, and mobility continue to describe the border in primarily extensive and spatial terms: as "borderscapes ... shaped by global flows of people,"13 or as "the material form of support for flows,"14 whose mobility or fluidity is purely "metaphorical."15

The movement of the border is not a metaphor; the border is literally and actually in motion in several ways. 16 First, the border moves itself. This is especially apparent in the case of geomorphology: the movement of rivers, the shifting sands and tides along coastlines, the emergence and destruction of ocean islands, volcanic transformations of mountain ranges and valleys, the redistribution of the soil itself through erosion and deposition caused by wind and water, and even the vegetative shifting of tree lines, desertification, and climate changes. The border also moves itself in not so obvious ways, such as the constant state of erosion, decay, and decomposition to which every physical object on earth is subject to. This includes the crumbling of mortar that holds walls together, rains and floods that rot wooden fences, fires that burn down buildings and towers, rust that eats holes through fences and gates, erosion that removes dirt from underneath a building, and so on. Every physical border is subject to the movement of constant self-decomposition.

Second, the border is also moved by others. This is especially apparent in the case of territorial conflicts in which two or more social parties negotiate or struggle over land divisions; political and military conflicts over control of people, land, and resources; juridical repartitions of legal domains or police municipalities; and economic reforms that directly change trade barriers, tariffs, labor restrictions, and production zones. Borders with large zone-like areas may persist as sites of continual negotiation and movement, for example between Israel and Palestine. In a more restricted sense, this is the process that Jacques Ancel describes as frontières plastiques: an equilibrium between social forces. 17 But the border is also moved in not so obvious ways, like the continual process of management required to maintain the border. Without regular intervention and reproduction (or even legal or economic deployments), borders decay and are forgotten,

taken over by others, weakened, and so on. Borders are neither static nor given, but reproduced. As Nick Vaughan-Williams writes, "None of these borders is in any sense given but (re)produced through modes of affirmation and contestation and is, above all, lived. In other words borders are not natural, neutral nor static but historically contingent, politically charged, dynamic phenomena that first and foremost involve people and their everyday lives."18

The common mental image many people have of borders as static walls is neither conceptually nor practically accurate. If anything, borders are more like motors: the mobile cutting blades of society. Just like any other motor, border technologies must be maintained, reproduced, refueled, defended, started up, paid for, repaired, and so on. Even ethnic, religious, or national borders have their technologies: the control over who is allowed in what café, in what church, in what school, and so forth. Furthermore, this is not a new phenomenon that applies only or largely to contemporary life; 19 borders, as I hope to show in this book, have always been mobile and multiple. Management in some form or another has always been part of their existence.

Therefore the distinction between natural and artificial borders posed by early border theorists<sup>20</sup> cannot be maintained. This is the case not because borders today are radically different than they used to be, but because throughout history "natural" borders as borders were always delimited, disputed, and maintained by "artificial" human societies. A river only functions as a border if there is some social impact of it being such (i.e., a tax, a bridge, a socially disputed or accepted division). Additionally, so-called artificial borders always function by cutting or dividing some "natural" flow of the earth or people (who are themselves "natural" beings).

### THE BORDER IS A PROCESS OF CIRCULATION

The third major consequence of a border theory defined by the social process of division is that the border cannot be properly understood in terms of inclusion and exclusion, but only by circulation. In part this follows from the movement of the border. Since the border is always in between and in motion, it is a continually changing process. Borders are never done "including," someone or something. This is the case not only because empirically borders are at the outskirts of society and within it, but because borders regularly change their selection process of inclusion such that anyone might be expelled at any moment.

Furthermore, the process of circulation and recirculation performed by borders is not under the sole control of anyone, like the sovereign. The power of the border to allow in and out is profoundly overdetermined by a host of social forces: the daily management of the border technology (the motor), the social acceptance or refusal of the border (the drivers of the border vehicle), and the subjective whims of those who enforce the borders (to accept bribes, and so on). The techniques of border circulation only have the strength that society gives them.

In practice, borders, both internal and external, have never even succeeded in keeping everyone in or out. Given the constant failure of borders in this regard, the binary and abstract categories of inclusion and exclusion have almost no explanatory power. The failure of borders to include or exclude is not just a contemporary waning sovereignty of postnational states; 21 borders have always leaked. The so-called greatest examples of historical wall power—Hadrian's Wall and the Great Wall of China—were not meant to keep people out absolutely. Rather, their most successful and intended function was the social circulation of labor and customs. 22 Today this remains unchanged with the US-Mexico border wall.23 In fact, one of the main effects of borders is precisely their capacity to produce hybrid transition zones.<sup>24</sup> Thus "it is the process of bordering," as David Newman writes, "rather than the border line per se, that has universal significance in the ordering of society."25

But border circulation is not just the ongoing process of dividing; its technologies of division also have a direct effect on what is divided. What is divided must be recirculated, defended, maintained, and even expanded, but at the same time what is divided must also be expelled and pushed away. Division is not simple blockage—it is redirection. What is circulated does not stop after the division—it comes back again and again. The border is the social technique of reproducing the limit points after which that which returns may return again and under certain conditions. The border does not logically "decide"; it practically redistributes. Since the border is never done once and for all with its divisions, some people who are expelled come back again from inside (undocumented workers) and others from the outside (border crossers). But since the border is not a logical, binary, or sovereign cut, its processes often break down, function partially, multiply, or relocate the division altogether. Instead of dividing into two according to the static logic of sovereign binarism, the border divides by movement and multiplication. The border adds to the first division another one, and another, and so on, moving further along. Instead of "the sovereign who decides on the exception," as Carl Schmitt writes, 26 we should say instead that it is "the border that circulates the division."

### THE BORDER IS NOT REDUCIBLE TO SPACE

The fourth major consequence of a border theory defined by the social process of division is that the border cannot be understood in terms of space alone. This consequence follows from the fact that the border is in between social spaces and states. In between two spaces is not another space—and so on until infinity. If this were the case, as Zeno argues, movement between spaces would be eliminated: there would be nothing but static space. Movement cannot be explained by spatiotemporalization.<sup>27</sup> Similarly, the border cannot be explained by states and presupposed spatial orderings. The border is not the result of a spatial ordering, but precisely the other way around—the spatial ordering of society is what is produced by a series of divisions and circulations of motion made by the border. The border defines society (from the Latin finis, boundary, limit), not the other way around.<sup>28</sup> Unfortunately, as Linn Axelsson observes, "there is a tendency to privilege space and spatialities in the geographical analysis of borders."<sup>29</sup> "The spatial turn," as Chris Rumford writes, "may work to subordinate borders to spaces, as if the former were somehow dependent upon a prior spatial ordering."30 This can be clearly seen in the following geographical definitions of "borders as dividers of space," 31 "bounding [as] drawing lines around spaces and groups,"32 or borders as "the limits of state space."33

Social space occurs when the mobile flows of humans, animals, plants, and minerals stop and loop back on one another.<sup>34</sup> Society is not individuals ceaselessly moving on their own away from one another, but occurs when their motions reach a certain limit and return back on themselves in villages, cities, states, and so on.<sup>35</sup> In other words, social space is the product of a flow that has turned back on itself in a loop or fold (figure I.2).

The process by which these lines are multiplied and (re)circulated back on one another is the process of bordering that produces social life. Society and space do not preexist the delimitation of mobile flows. This argument requires further explanation and is developed in the next chapter.

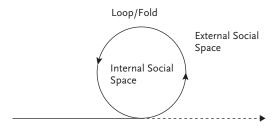


Figure I.2: Loop Space.