The Politics of Borders

Borders sit at the center of global politics. Yet they are too often understood as thin lines, as they appear on maps, rather than as political institutions in their own right. This book takes a detailed look at the evolution of border security in the United States after 9/11. Far from the walls and fences that dominate the news, it reveals borders to be thick, multi-faceted and binational institutions that have evolved greatly in recent decades. The book contributes to debates within political science on sovereignty, citizenship, cosmopolitanism, human rights and global justice. In particular, the new politics of borders reveal a sovereignty that is not waning, but changing, expanding beyond the state carapace and engaging certain logics of empire.

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The Politics of Borders

Sovereignty, Security, and the Citizen after 9/11

Matthew Longo

Leiden University
For Nina
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Preface: Anatomy of a Crossing

Imagine yourself at a border, or at the arrivals hall of an international airport. What do you see? It is a place swarming with activity. If you are in an airport, you have just walked past aisles of glimmering merchandise. If you are at a land border, you are accosted by touts calling out their wares – do you perhaps need a water as you wait in the sun, or umbrellas to defend against the rain? Then you come upon the queue of people waiting to cross into the country of their destination. Their faces reveal a medley of moods: excitement at coming home, fatigue from travel, anxiety about the impending interrogations. As you approach you wonder: what will they ask me? Have I filled out my forms properly? Will they search my belongings? What will they find? In fact, each border has two sides: one for each state. And within each border, two crossings: one for people (immigration), another for goods (customs). When you pass through these hoops – which cannot be taken for granted for many travelers – you breathe a sigh of relief. You are welcomed by flags and signs; a wall of gleaming faces. Perhaps this gaudy new horizon is a space of familiarity. Perhaps, trepidation. Either way, you are changed by the experience. Even if all you did was cross from one side of a line to another – an act that in the twenty-first century should be banal. You might wonder: what happened to have affected me so?

I

A border is a space of definition, of delineation. It is also an in-between place of heterogeneity and contradiction. A border can be like the wall of a fortress, fencing people out; like the wall of a prison, fencing other people in. The border is a palimpsest, signifying different things to different peoples at different times. It is a meaning-bearing space, meaning-generative too.

It is a place of absolution, of proving-one’s-worth and proving one’s not-worth-wasting-time-with. Of homogeneity-as-purity, security-as-omnipotence. And odd bedfellows: you should trust the system, but question your neighbor (“if you see something, say something”).
It is a place where violence is most and least expected. Where the condition of its impossibility is also its allure.

The border is the definitive marker of the political, defining in and out, friend and enemy, us and them. It is also where all the paradoxes of modern politics come to the fore: the contest of diversity and singularity; chaos and order; liberty and security. And of course, power: power that is everywhere visible; that is invisible. That disciplines and directs; that saves some, as it punishes others. That watches and is watched, even when the lights turn off and the chamber empties of bodies. Power that lies in wait, that anticipates, which is, in itself, the antithesis of power.

For most of human history, the border was a peripheral thing, a dusty land of criminality and relegation, a haven for tax evasion and non-conformity. A forgotten, far-flung place. Today, it is the center of the political world.

This book draws inspiration from my own experiences at borders. Having traveled and lived for many years across the Middle East, border crossings have been particularly memorable – places I frequently felt uncomfortable as an American. What was I doing there, the officials wanted to know. Who was I working for? These were often spaces in which I came to feel unsafe, even though I was putatively in the hands of the state (including “friendly” ones), under the stewardship of my own government by means of the ceremonial blue-and-gold document in my hand. Yet just as frequently these encounters were banal, the giant flags and concrete towers excrecent from the sand bidding no process at all. In these cases, passage was automated, as through the turnstiles of a subway – my passport reduced to a glorified MetroCard. Either way, the border was an event. It was something to be anticipated, often the highlight of a long bus ride across a monotonous, lunar landscape.

But as much as these crossings abroad were formative, they paled beside my experiences returning home. Here, my passport – the very vehicle that protected me abroad and which guaranteed my re-entry home – became a liability. What were these foreign stamps – Syria, Yemen, Egypt – the port officials asked? Who did I speak to and what did we discuss? Because of my experiences abroad – as a student, an employee, a tourist – I have been escorted off planes, separated from my wife for interrogations, placed in vast databases (which continue to find me, unexpectedly). My documents have been taken away from me, placed in sealed plastic bags as though they – and thus, I – were a form of contagion. I was at home, but rather than feeling welcome, I felt suspected.
Preface

What these borders revealed to me was a discord between how borders appear on maps – simple, homogenous, uncomplicated lines – and how they were manifest on the ground. On maps, borders are defined by several attributes: thinness (they have no depth); external homogeneity (all borders look the same); internal homogeneity (all aspects of the border are the same); and moral neutrality (no history of violence, legitimacy). But these cartographic depictions do not align with our experiences. In fact borders vary mightily. Some are marked, others aren’t. Some have long queues, others are untrafficked. Some feel secure, even though they are all, in different ways, vulnerable. On the map, the border is a line defining one monochrome state from another. They are taken to be simple, and given, which could not be further from the truth.

Embarking on this project, I took as my starting point the goal of identifying the border in all of its complexity – as a site of human interaction. Before we can appreciate why this is true, we need to change the way we see borders, away from thin jurisdictions, and toward thick institutions. The following vignettes and anecdotes of border crossings frame the discussion.

III

Salman Rushdie, in a talk entitled “Step Across This Line,” describes his experiences at border crossings as follows:

At the frontier we can’t avoid the truth; the comforting layers of the quotidian, which insulate us against the world’s harsher realities, are stripped away, and, wide-eyed in the harsh fluorescent light of the frontier’s windowless halls, we see things as they are . . . At the frontier our liberty is stripped away – we hope temporarily – and we enter the universe of control. Even the freest of free societies is unfree at the edge, where things and people go out and other people and things come in; where only the right things and people must go in and out. Here, at the edge, we submit to scrutiny, to inspection, to judgment. These people, guarding these lines, must tell us who we are. We must be passive, docile. To be otherwise is to be suspect, and at the frontier to come under suspicion is the worst of all possible crimes . . . We must present ourselves as simple, as obvious: I am coming home. I am on a business trip. I am visiting my girlfriend. In each case, what we mean when we reduce ourselves to these simple statements is, I’m not anything you need to bother about . . . Truly. I am simple. Let me pass.1

In *Palestinian Identity*, historian Rashid Khalidi describes the Palestinian experience:

The quintessential Palestinian experience, which illustrates some of the most basic issues raised by Palestinian identity, takes place at a border, an airport, a checkpoint: in short, at any one of those many modern barriers where identities
are checked and verified. What happens to Palestinians at these crossing points brings home to them how much they share in common as a people. For it is at these borders and barriers that the six million Palestinians are singled out for “special treatment,” and they are forcibly reminded of their identity: of who they are, and of why they are different from others.²

Henk van Houtum, a geographer, remembers family trips as a child, crossing into Eastern Europe by car during the Cold War:

What particularly struck me during the passing of the Iron Curtain was the impressive sound of silence. On the way there, my parents were comforting and attentive. Games, music, eating, laughing – all was permitted up to this point. But the border stopped our childishness. When going through customs, my parents became surprisingly and impressively silent. We sensed they were no longer in control. Realizing that there was a bigger, overarching power other than our parents was frightening, unreal. The heavily armed men who checked our faces and passports made an intimidating impression on my sister and me. It was as if the making of sounds could lead to suspicion. We did not dare to look at each other. Our faces were motionless, without expression. We kept quiet. No laughter. No nothing. Passiveness. Tension. An atmosphere built out of machines, uniforms, domination, pressure and suspension. Not seldom this tension and containment turned into a joy of relief when we finally passed through. My father then would pedal the car a bit harder and we shouted things like “YEAH! We’re through! Now our holiday can start!” It was if we had just passed a test.³

The power of these accounts derives from their commonality, despite radically different terms of encounter. For Rushdie, as for most first-world travelers, gates fling open. For the Palestinians, they slam shut. And yet, the same questions and anxieties obtain. The rollercoaster of emotions is captured masterfully by van Houtum, who describes breathlessness while awaiting judgment, anxiety at being watched, and euphoria at passing through to the other side. These emotions are familiar, despite taking place in an entirely different geopolitical era.

Interrogation has always occurred at international crossings. At the turn of the century, in the aftermath of the Haymarket Riot of 1886 and Immigration Act of 1903, US border officials asked questions like: “Are you a Polygamist?” or “Are you an Anarchist?” It’s unclear the purchase of these queries except to prompt travelers to reflectively doubt their loyalties. Such was H. G. Wells’ reaction upon reaching the US:

The questions seem impertinent. They are part of a long paper of interrogations I must answer satisfactorily if I am to be regarded as a desirable alien to enter the United States of America. I want very much to pass that great statue of Liberty … [But it is] at the price of coming to a decision upon the (theoretically) open questions these two inquiries raise.⁴
Borders cultivate a sense of interiority and exteriority through their very presence (and practice). What is remarkable about this quotation is that the “other” created at the border has nothing to do with national differentiation – anarchists and polygamists are equally unwelcome, regardless of whether they hail from a friend nation or an enemy one, or are themselves citizens. The border is not home to anyone; it is a space of adjudication. One must prove one’s worth to enter.

Border interrogation has evolved considerably since Wells’ day and has come to include more invasive physical searches. Nowhere is this truer than at airport crossings. One contemporary social theorist, Gillian Fuller, describes these experiences as follows:

Visible to all, only our thoughts move in private. Our baggage, our bodies, and our movements are all part of an encompassing spectacle … On a recent trip through a “SARS scare,” I was thermally scanned and appeared through the operator’s windows interface as a series of roughly pixellated mauve, green, yellow, and orange blobs … Each of my movements, including the incorporeal ones, where my digital-double was being processed generated another abstraction of me. Fuller is not alone in feeling turned-inside-out by technology at the border. Much recent social criticism is dedicated to the dystopian aspects of new security protocols, with the border described as the interaction point between the human body “and the data-double,” driven by biometrics that turn the human body into “readable text.” The border is a site of purging – a place “to cleanse of guilt, sin and impurities” – where everyone is a suspect, and everyone feels the imperative to self-categorize as non-risky.

In any case, for the individual traveler, the border manifests as a moment of identification – a site where the rudimentary aspects of our political and social identities are called into question, scrutinized and judged; where we are forced to reconcile ourselves as citizens or co-nationals and understand the privileges and obligations of those commitments. At the border we distill ourselves and all our human complexity into our nation. We become our papers, no more, no less – the same identity that we might otherwise identify against. This experience changes us. Forced to be our nation, to be normal, we are compelled to reconsider ourselves (in all of our transgressive abnormality). Here the border is like a funhouse mirror: we are reduced to a self play-acting at normalcy, a normalcy that is itself revealed as artifice. To act “normal” means to vanish into the undifferentiated mass of what is expected of us – i.e. to be the antithesis of anything security would concern itself with (Rushdie’s “I am simple, let me pass”).
Foucault’s distinction between discipline and law here is instructive: law leaves room for that which is unknown; for discipline, what is unknown is the least allowable.\(^8\) At the border the citizen is risky until proven harmless, not innocent until proven guilty. It is for this reason that at the border the traveler feels *unfree*. Through its practice, the border turns individuals into *population*.\(^9\) This sets up a paradox: through discipline, individuals are reduced to “population” at the precise moment they are, through increasingly advanced forms of identification, most individualized. Discipline at the border is thus a process of *de-individuation through regulated individuation*.

At the border we also encounter our own foreignness, as we are not-quite-in but not-quite-out. Although we are not “strangers” we nonetheless feel estrangement, as the border (even *our own*) is not yet home. The port of entry is, literally, a door – an “in-between” place between home and abroad. The ambiguous nature of the border makes it the site of a paradoxical, *inhospitable hospitality*.\(^10\) When a citizen returns “home,” she is in need of hospitality from her own state, thus she is “guest” in a house, where by dint of membership, she should be “host.” This estrangement at the border is amplified by our encounters with foreigners. It is a common trope that in spaces of cultural interaction, differences and similarities are thrown into relief – we realize, as Julia Kristeva observed, “*nous sommes étrangers à nous même.*”\(^11\) This reaction is acute at the border, as we meet foreigners at a point of *mutual strangeness*.

The border is also a space of *state vulnerability*, as the border is its least defined point, the intersection of law and nothingness. In this way, we are also disciplined by the *force of ambiguity*. The border-crosser is the subject of discipline, to be protected by the state, and its object, that which the state must protect against. They are at risk from intruders and of being an intruder. For the traveler, this experience prompts ontological uncertainty. As Bourdieu argues, one of the central functions of states is to produce the “naturalization of its own arbitrariness.”\(^12\) Yet this “naturalness” fades at the periphery. It is an arresting space for the traveler, as the world’s arbitrary underpinnings are laid bare.

The border is precisely this liminal zone, where self/other, distant/proximate, citizen/state are called into question. In such a climate, identities are not just filtered, but created, modified and destroyed. This is evermore the case now, in the age of expansive security protocols. Ironically, borders have become far more critical in light of today’s globalized mobility – putative borderlessness – than they ever were during preceding eras of sovereign fixity. Why this is the case, and why it matters, is the subject of the chapters to follow.
IV

Not every project becomes a book; those that do, get help. This one would not have been possible without the assistance and support of many colleagues, friends and family along the way. I have had the immense fortune of working with two advisors that encouraged me in complementary ways. I first encountered Seyla Benhabib as an undergraduate at Yale. Her lectures introduced me to thinkers like Hannah Arendt, Michel Foucault and Jacques Derrida – figures I still engage with today, and without whom I probably never would have decided to pursue graduate education. As her doctoral student, she anchored me in critical theory, and refined my unruly ramblings into manageable and meaningful claims. At the same time, I became greatly moved by the writings and approach of Jim Scott, who encouraged me to go out into the field and test my intuitions; to see the border-world as it appeared to those that inhabited it, to abandon my comfortable perch many thousands of miles away. He gave me the courage to follow my passion for discovery, even though it fit uncomfortably in the rubric of the discipline. I am indebted to each in different ways.

Graduate education is a production with an ensemble cast; mine would not have reached its completion without Paulina Ochoa, Bryan Garsten and Andrew March, who coached me through the many stages that took this project from prospectus to dissertation to book. I also received support from a number of places, most notably the National Science Foundation Graduate Research Fellowship Program and the MacMillan Center at Yale. I feel particularly indebted to Ian Shapiro whose generosity helped propel the project at its outset; and later, kept it afloat. More recently, I feel very grateful to have had the opportunity to complete this work while as a postdoctoral fellow at St Anne’s College, Oxford. A special word of thanks is due to Todd Hall, Neil MacFarlane, Ian Philips, Johannes Abeler and Terry O’Shaughnessy as well as to Michelle Clayman, without whom the fellowship would not be possible. Other colleagues who warrant a word of appreciation include Katharine Brooks, Daphna Canetti, Lucas Entel, Francesca Grandi, Nancy Hite, Humeira Iqtidar, Turku Isiksel, Leigh Jenco, Halbert Jones, Stathis Kalyvas, Willem Maas, Karuna Mantena, Lois McNay, Shmulik Nili, Erin Pineda, Ayelet Shachar, Steven Smith, Sarah Song, Luke Thompson, Peter Verovsek, Elisabeth Wood, participants at the Yale Political Theory workshop, the Oxford IR Colloquium, and the Comparative Political Theory Workshop at King’s College, London and much earlier, to Ellen Lust, who helped pique my interest in scholarship long before this project ever took shape.
Finally, this book would not have been possible without the tireless, loving help of my wife, Nina. She has edited more drafts than I would like to admit, and her talent and dedication to craft has helped make this book what it is. Without her, this book may never have been written; it certainly wouldn’t have been written as well.

Notes

9 Ibid., at 57.
Notes on the Cover Image

Border Door, 1988

Site Specific Installation/Intervention Performance
Golden wooden door, nails, keys, door knob, blue wooden frame and hinges

Free standing workable door installed on the Mexico/USA border ¼ mile east of the Rodriguez International Airport. The performance extended to the neighborhood where the artist grew up in Tijuana. Where he gave out over 250 keys inviting the residents of La Colonia Roma and Altamira to use his Border Door.

Artist: Richard A. Lou
Photo Credit: James Elliott
Every border is different. Every perimeter, unique. Which means that to meet security needs, we need to integrate a range of capabilities. Mobile and fixed towers. Vehicle and hand-held solutions. Infrared and daylight capabilities. Surveillance radar and motion detection.

– DRS Technologies, Advertisement, 2012

Fixed fortifications are monuments to the stupidity of man. If anything made by God can be overcome, anything made by man can be overcome.

– George S. Patton

If the border is a line, it is also a zone. The spectral conception of borders was introduced in the previous chapter, stipulating that even the most linear borders have zonal elements or catchment areas that extend far inland. But what do these look like? In one sense, they are like everywhere else, populated by cities and towns, highways and minimarts. But they differ too: they are the sites of extensive security presence, the center, repositioned at the periphery. This is not the wall – the material instantiation of the linear border – but sprawl, a process by which border areas are becoming “wider.” Metaphorically, changes at the perimeter have turned walls into moats. As one official explains, the new US strategy toward border security entails a “layered detection system that focuses on risk-based screening, enhanced targeting and information sharing.”

Another remarks: “The wider we make our borders … the more effective we are going to be.”

This chapter investigates the evolution of security in border zones, exclusively within the territorial US. Three features of the border area coalesce into meaningful trends. It is first a Zone of Surveillance, as there is a broadening of physical infrastructure, with layered walls, roads, towers and surveillance installations. This includes a new move in technology toward the creation of a “net” – using long distance radars, sensors and UAVs to make the perimeter double-sided. It is second a Zone of Heterogeneity, as there are multiple forms of authority, including federal,
state and local forces – and increasingly military involvement – the coordination of which includes information-sharing and expanded border networks, replete with inland checkpoints. Third, it is a Zone of Vigilance, given the increased role that citizens play in the monitoring of cross-border activity (or questionable behavior, subjectively defined), amounting to the integration of local border communities in law enforcement.

This material raises a number of questions. We are familiar with the idea that the state watches its populations. But who watches? It is too easy to characterize the state as puppet master of the citizenry. In fact, there are several states, and the people act as police too. This chapter asks us to reconsider how authority is structured in the new borderlands. A number of questions obtain: what happens when citizens cross the line between vigilance and vigilantism? And what is the impact of the overlap between security and defense? In many ways there is a blurring of security and law functions at the border, raising concerns of the military acting like police and the police acting like military. This feeds back into the discussion of vigilantism or individual discretion – the personalization of authority, reminiscent of pre-modern forms of governance.

This chapter also gives a first look at the complex nature of sovereignty in the borderlands. If authority is heterogeneous, who is sovereign in the periphery? The border brings out the vulnerability of the sovereign at the border – its point of definition – as the border is the site where the exception arrives constantly at the doorstep of the state; where border-guards (or the national guard or the local police) react to a case that could not have been anticipated and for which, while there may be protocol, there can be no precedent. In this way, the border is less a site of sovereignty, than sovereign anxiety. This fact erodes the normative basis of sovereignty – precisely because the border is in a perpetual state of exception. This echoes Agamben’s critique that in the state of exception the sovereign assumes full powers and abrogates legal constraints.

Drawing on this, the chapter raises questions about who is subject to sovereign rule. Unlike nation, which we take to be an amorphous, border-transgressive phenomenon, we expect state to be a uniform, bounded concept. In fact, state power – or sovereignty-as-control – is uneven and heterogeneous. In general, it is strongest in the center and wanes as it approaches the periphery; however, at the periphery, the state re-emerges. With or without security installation, the border is a site of central presence and national iconography. Revisiting points raised in Chapter 1, to focus only on state policies vis-à-vis the “other” – the barbarians outside – is to miss out on the function this projection of power has internally. Flags are part of this inculcation,
this *domestication*. They are there to remind the people on their own side of the border who they really are, to garner loyalty from the state’s most distant self. Indeed, in a significant sense, the border is itself the center displaced at the periphery – i.e. it is an instrument of central control used as much to subjugate the periphery as to defend it. I suggest this is best understood as a local colonial project. Indeed, if any space embodies the violence of founding it is the border. Borders embody this history of violence, like scars.

This characterization raises important normative questions. What challenges does securitization place on the local peoples of the borderlands regions (hereafter: border dwellers)? How much security is too much? But also, *what is it about security that we find objectionable?* In part, we find it objectionable when it is not in the interests of the people it affects. In this case, the goal of new security initiatives is not merely to protect the local populations against a threat, but also to condition their loyalty. In this way, there is a displacement of burden – a weight not necessarily of their choosing. As much as security is aimed at their protection, it is also aimed at their control.

**Border Security at the Perimeter in the United States: 1986–2016**

After 9/11 the US pursued a “big bang theory” of border security,⁵ which entailed building a hi-tech fence and placing tens of thousands of additional law enforcement personnel, as well as the National Guard, at the border. Today, more than a decade removed from the attacks, a new consciousness about border securitization is forming, borne of the knowledge that “you can’t just build a wall around the United States.”⁶ This evolution in thinking is detailed below.

**Walling, 9/11 and the First Border Patrol Strategy**

In the United States, the move toward fences and walls⁷ began with the Immigration Reform and Control Act of 1986 (IRCA), which doubled the size of Border Patrol (USBP) and introduced numerous laws related to migration enforcement or border security – part of a general policy known as “prevention through deterrence.”⁸ This immigration reform, signed into law by President Ronald Reagan, enabled the legalization of more than 2.5 million illegal aliens. It also marked the beginning of raised consciousness in the US toward the importance of border security. This in turn produced the first stretch of fence at the US–Mexico border, in the San Diego sector in 1990.
This pilot initiative was expanded in 1994 with the National Security Plan (NSP), which began a more concerted deployment of resources to the border, including “Operation Hold the Line” in El Paso and “Operation Gatekeeper” in San Diego, which produced two stretches of fence. This meant putting more boots “on the line” and using landing-mat fencing, stadium lighting, cameras and sensors. However, support for walling at this point was still in its nascent stage; in fact, fencing was placed last on the list of policy imperatives in the NSP, which were, in descending order: personnel, equipment, technology and tactical infrastructure. This policy was generally considered effective and in 1996, through the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), the use of fencing was extended, especially in San Diego, where a triple-layered fence was installed. In 1997, the NSP unveiled a second phase of fence deployment, with “Operation Rio Grande” in McAllen and Laredo, Texas and then again with “Operation Safeguard” (1999) in Tucson, Arizona.

The terror attacks of 9/11 prompting renewed interest in the border, especially with the creation of the Department of Homeland Security in 2003. US Customs and Border Protection (CBP) was formed in 2003 under the DHS umbrella. A new focus on the apprehension of terrorists and calls for new investments in technology produced a comprehensive border security plan in 2005 called the Secure Border Initiative (SBI), which emphasized a comprehensive surveillance technology system – SBI net – which included sensors, night vision, remote video surveillance, light towers and unmanned aerial vehicles (UAVs). Defending the new focus on technology, Chief of US Border Patrol, Michael Fisher critiqued earlier strategies as essentially brute force: “We said ‘get everything we can and get it to the line’ … more Border Patrol agents came on, more technology, more fence, more roads.” The strategy was called “terrain denial.”  

But alongside this technological deployment came a major increase in tactical infrastructure with the Secure Fence Act of 2006, which amended IIRIRA with a requirement for double-layered fencing along the Southwest border, totaling 850 miles – thereby radically expanding the infrastructural developments of the 1990s. The amount of financial appropriation for border fencing increased markedly in these years, from $25 million in 1996, to $298 million in 2006 and then again to $1.5 billion in 2007. In addition to this move toward walling, there was an enormous increase in personnel – as with Operation Jump Start (2006–2008), which sent 6,000 National Guard troops to the southwest border – a controversial deviation from the norm, discussed below. Funding for walling increased steadily over the next years,
culminating in 2010 in the Supplemental Border Appropriations Bill (HR 6080), after which, CBP became the single largest law enforce-
ment agency in the US. On the northern border, the number of border patrol agents climbed from 340 in 2001 to over 2,200 in 2012. On the southwest border, the increase was from roughly 9,100 in 2001 to more than 17,900 in 2012.

Speaking in 2012, Jayson Ahern, former CBP Acting Commissioner, declared that the border was better staffed than at any point in its eighty-
year history.

Walling and Its Discontents

The post-9/11 window witnessed an enormous effort toward the securing of the border through manpower and walling. But what success did this really bring? There have been some palpable returns – but nothing con-
clusive. For example, illegal immigration, as measured by Border Patrol apprehensions, dropped precipitously. From 1999 to 2004, apprehen-
sions fluctuated around 1 million per year, but in the years after the 2004 National Strategy (NS) they dropped precipitously, by more than 60 per-
cent, from 1,139,300 in 2004 to 447,500 in 2010. This said, there is no way to accurately account for whether walling had any positive impact. For example, while the numbers of undocumented migrants attempt-
ing to cross US borders illegally have decreased, this period correlates with the slowing of the US economy. Moreover, the project remains incomplete. For example, as late as 2011 the Government Accountability Office disclosed that of the 873 miles along the southwest border that BP claimed to have under operational control, only about 129 miles (15 per-
cent) were classified as “controlled;” the remaining 85 percent were clas-
sified as “managed,” meaning that while there were some interdictions, this only could be achieved after illegal entry into the US was detected. If you include the northern border, only 69 miles or 1.7 percent, of 4,000 total miles under operational control.10

Difficulties in accounting are further aggravated by the displacement effect, as walling in one area simply pushes illicit trade and traffic else-
where. In the US, this has meant that the initial walling, which was suc-
cessful in Texas and California, pushed illicit trade into Arizona. Former CBP Commissioner Alan Bersin remarked: “Criminal organizations have adapted to the increased resources, turning the Tucson sector of Arizona into a trafficking corridor for illegal immigrants and drugs.”11 The fence has also relocated drug-smuggling to the northern border. This logic of displacement is reiterated in interviews that I conducted with local officers in the field. As one border county sheriff described the
problem: “take a balloon, clasp it between your hands and start blowing into it, it’s going to start bloating … [eventually] it’s going to burst.”\textsuperscript{12}

In addition to problems of accounting, there has been a real shift in political and strategic thought at the border, with walls increasingly considered ineffective. Fencing quickly becomes financially unsustainable when combined with technology, as with SBI\textit{net} which has been mocked as a “billion dollar-plus attempt to erect a ‘virtual fence’ across the Southwest border.”\textsuperscript{13} But there are also legitimate concerns that walling has actually made matters worse, as any success in closing off routes into the US has made the services of violent gangs more imperative for crossings, prompting vast increases in violence at the border – both sides – as gangs compete for access routes. More specifically, there are two types of problems that have risen to the fore since the advent of walling, both of which would persist even if the wall were to be completed: tunnels, which go underneath the wall and \textit{UAV}s which go over it. Looking first at tunnels, the rate of tunneling has expanded exponentially since the advent of walling. From 1990 to 2011, US law enforcement unearthed 149 cross-border tunnels, along the US–Mexico border, 139 of which were discovered after 2001.

The Nogales sector of Arizona has become the fulcrum of the problem. One former Deputy Chief of Border Patrol remarked to me colorfully: “I have witnessed the discovery of over one hundred tunnels … One of these days the entire city of Nogales, Arizona is going to drop about 50 feet because it is so catacombed with tunnels.”\textsuperscript{14} Tunnels also present especially dangerous problems for law enforcement. A local Border Patrol agent explains the dangers intrinsic to “crawling” the tunnels as follows:

\begin{quote}
It \textit{is} very dangerous work \textit{because} you never know who will be down in those tunnels with you … \textit{Agents} have smelled cigarette smoke in there, they have heard voices. Can you picture yourself about 45 feet under the ground, headed toward Mexico? … You are underground, 90 feet from the opening and you find somebody in that tunnel with you.\textsuperscript{15}
\end{quote}

A second concern are ultralights or \textit{UAV}s, which are low-flying aircraft that are able to transport drugs over the wall. Ultralights present a particular problem for lawmakers because they are small, inexpensive and quiet, evading sight and radar. They are flown across the southwest border year round, carrying hundreds of pounds of illegal drugs on each trip. They also provide drug cartels a form of inexpensive counter-surveillance. As one FBI agent puts it: “While we are watching them on the border with our sophisticated drones, they are also watching us.”\textsuperscript{16}
In addition, there are numerous other forms of breach popularized in recent years. Some go through the fence. The Police Chief of Nogales explains that the fence has a gap of about six inches between the bollards, so they make “packages that go right between those bars.” Another problem is the use of ramps which go up one side of the fence and down the other: “The fence is not a silver-bullet. It does impede their ability to drive at will with their loads by the thousands of pounds in vehicles, as they used to do … [but] ramps go over the tops of fences.”

All told, policymakers have since come to realize that this solution was a problem unto itself, that it was “unreasonable and unsustainable.”

2012 and Beyond – the New Consciousness

Outside of heightened political rhetoric – especially in the 2012 and 2016 Presidential campaigns – the euphoria over fencing that dominated the 2000s has largely faded. Recently, largely in response to the economic recession and the climate of fiscal austerity, appropriations for tactical infrastructure have fallen precipitously. This de-funding of border walling reached its apex with the well-publicized cancelation of SBI\textit{net}, which was discontinued because of its inefficacy. In 2010, Secretary Napolitano downgraded the program to a rump of its former self, explaining that SBI\textit{net} “has been plagued with troubles from day one.” Senator Joseph Lieberman (I-Conn.), chair of the Senate Homeland Security and Governmental Affairs Committee, stated that “From the start, SBI\textit{net}’s one-size-fits-all approach was unrealistic.”

Indicative of this change in thinking, in 2012 Border Patrol put out a new strategy, “The 2012–2016 National Strategy” toward border security, which moves away from previous notions of guarding the line. One security analyst explains that Border Patrol’s new strategy emphasizes “risk-based approaches,” rather than resource-based ones: “risk-based strategies are not based on \textit{apprehension}, which is the catching of people that attempt transgression, but instead toward catching people before they come in, which is a form of \textit{deterrence}.” This necessitates the “widening of the border” and “segmenting risk at the border.” This move is more than semantic – it involves a whole change in consciousness toward what a twenty-first century border represents. This includes cooperative agreements between federal, state and local law enforcement agencies. It also includes an evolution in relations with Mexico and Canada. As a Border Patrol official explains:

[We want to move from a strategy of] coordination and collaboration to one where we have operational fusion with our partners. We want to be in an environment
where we not only are planning together, but are executing jointly – not only within CBP, but with our international partners, whether they be the government of Mexico or the government of Canada.23

This shift in thinking is massive and has only recently been consecrated as policy – including agreements with Canada and Mexico, discussed in Chapter 3. Whereas in the past, walling was a centerpiece in border security, the new strategy cultivates an integrated border enforcement zone. The section to follow examines three parallel trends at the border, what I term the zones of Surveillance, Heterogeneity and Vigilance.

Trends in Bordering at the Perimeter: Widening the Net

Zone of Surveillance: Infrastructure, Technology and the Inland “Net”

There is an increased awareness that for borders to be effective, they cannot merely be “tall,” they must also be “wide” and “layered,” especially through the renewed commitment to use and deploy technology at the border. But what does this entail? At its most basic, this means widening the actual borderline – i.e. extending the border’s “horizontal footprint” inland. There are several means of using technology and tactical infrastructure to widen the border. For example, some technology is being dedicated toward thickening the physical line through ground sensors. There are several types of sensors currently being deployed to the US border – seismic, magnetic, infrared – which are mostly placed within about half a mile from the border, but in some cases can even be extended as far as fifty to a hundred miles off the border. Unattended underground sensors enable the Border Patrol to react to any “sensor hit” at the border with the immediate deployment of patrol officers. In this way, sensors act as a “trip-wire.”24

Presently, technology companies are fast at work cultivating new sensor systems. One technology developer explains that the “idea is to create a seismic zone along the border.”25 Their technology boasts it can detect people crossing a border at a range of 600 feet. Another company offers perimeter fencing with “buried cable detection systems,” which complement fencing by providing an invisible “detection field” to protect a perimeter covertly with “software-controlled zoning.”26 Other sensors can be spread throughout the border area – like landmines – creating a zone of detection at intervals beneath the earth. In addition to same-side sensors, some systems create invisible fields of detection, emanating in both directions from the fence itself, to detect possible transgression in advance of the border.27 These technologies contribute to the widening of border spaces, offering a different type of functionality than
walling. As these technologies are covert, they are aimed at detection, not deterrence. Far from the purchase of the fence, which seeks visibility and demarcation, this technology is interested instead in invisibility and attempts to expand the border, rather than define it.

An alternate way to thicken the line, is through cameras and radars. The idea here is to extend the detection and pre-detection range of the border. As a local Police Chief on the US–Mexico border explained to me: “It’s a net, basically. You are creating a new visual net and then having a response to that net.” This began with SBI.net’s “Integrated Fixed Towers” system, which included cameras, night vision and radar that enabled “the Border Patrol to spot illegal immigrants at distances up to 7.5 miles away.” New camera systems serve as “the eyes of the border patrol agents,” controlled remotely from a command center. These new cameras correct for some of the earlier shortcomings of border cameras because they conceal where the cameras are pointing. These can be positioned to look inward from the border, mimicking the sensors, as well as across the other side of the line. These cameras work alongside radar systems that can track many miles out from the border, creating a pre-border buffer zone. These long-view detection systems work alongside covert reconnaissance cameras – such as “remote decoys” and “artificial rocks,” which distract border-transgressors from the actual cameras and can be speckled throughout the border area to create a covert camera zone.

In addition to fixed sites, cameras and radars operate via ultralight aircraft, unmanned aerial vehicles (UAVs) and Aerostats (radar balloons). UAVs are fairly common at borders, but interest in them has redoubled of late, as UAVs have capacity for extremely long-range surveillance power, including Electro-Optical (EO) sensors that “can identify an object the size of a milk carton from an altitude of 60,000 feet.” A DHS technology expert explains that the goal is to have a “wide-area” and “tiered air surveillance system” that coordinates the many different types of air surveillance units:

Much of the border is deserted, but we need to patrol it. We need a net out there. We are not going to build any fences, but at low cost we can provide eyes almost around the clock … SBI.net never made sense to me; airborne systems are the way of the future.

Relatedly, cameras are increasingly being fixed to mobile units, such as portable long-range infrared sensors and truck-mounted mobile video surveillance systems, thereby perpetuating the net at the agent level. An industry leader explains: “We want to provide ‘situation awareness’, so [patrol officers] can see what is out there, miles around them, so they
know where the danger is, so they know where their friends are and they know where to go and where not to go.”

Taking this inland “net” a step further are checkpoints – less a technology than an institutional site – which essentially recreate the border inland. These checkpoints, or “choke-points,” allow the state to monitor and control traditional smuggling corridors – akin to the defense-in-depth strategy deployed in ancient Rome. Chief of Border Patrol Michael Fisher explains that checkpoints are part of a layered approach that “extends our zone of security outward, ensuring that our physical border is not the first or last line of defense, but one of many;” they enable a “hardening at and between borders.” Locally, checkpoints are referred to as a “backstop” enabling agents a “second bite of the apple,” as importantly, they are unique legal spaces, as you “need no probable cause to stop a person.” Further, there are designs for roving checkpoints and temporary outposts to be speckled throughout the area.

In addition to aiding in detection and apprehension, checkpoints are “contact points” where border patrol has direct access to individuals and thus facilitate the capture of biometrics (usually fingerprints or irises). This subject is treated at great length in Chapters 5–7. This is a central mission of Border Patrol, which is now to “identify, not just catch.” This is part of the broader move since 9/11 to create expansive identity profiles that link identities to international terror databanks. In fact, remote biometric capture first started in the military, with units in Iraq and Afghanistan capturing fingerprints and relaying that data via satellite to the US to see if the person linked to a terrorist watch database. These same uses now apply to Border Patrol.

For this reason, checkpoints have been controversial. After all, the Fourth Amendment protects “against unreasonable searches and seizures.” To understand the climate, here is an exposition, about a contested checkpoint beside Arivaca, AZ:

Warrantless searches, property destruction and other alleged rights violations by Border Patrol have escalated … Tensions are running so high that local residents are operating their own surveillance operation to watch the watchmen.

Normative concerns about life in the security zone are treated at the end of the chapter.

Zone of Heterogeneity: Federal, State, Local

Border areas in the US can increasingly be seen as discrete regions, due to the integration of different actors and agencies. Two aspects of this trend are noteworthy: intra-federal cooperation (including with
Beginning with intra-federal integration, there is a general understanding in the federal government that effective risk-prevention at the border begins with information sharing. This may seem self-evident. However, historically there has been little to no information shared among agencies – a fact made manifest nationally by the inability of first responders to communicate on 9/11. This move toward intra- and inter-agency sharing at the border is formalized in the 2012–2016 Border Patrol agenda, which pledges to “continue to integrate our intelligence and enforcement capabilities [and] … to gather relevant intelligence and share it with our partners to enhance their ability to execute their portion of this effort.”

The primary means by which this sharing is executed is through the integration of Border Patrol with intelligence entities and fusion centers – frequently on-site at the border, culling information throughout federal ranks.

But most importantly, interest in intra-agency cooperation has led to the decentralization of DHS. This shift in model is significant: whereas in the past the idea was to have a central knowledge bank, which circulated information to the perimeter, the plan now is to empower CBP officials who fan out throughout the border community. As one senior official explains: “at headquarters we have really flattened our organization … We have taken some high-level positions from headquarters and moved them out into the field.” Of course, getting real information sharing off the ground is not easy and there have been “turf wars.” Nonetheless, significant inter-agency integration is underway. As a former head of CBP explains: “We have seen a level of sharing of information, certainly within the federal community, law enforcement and intelligence community, like we have never seen before.”

The second move has been toward the coordination of local and federal forces. This revolution in thinking is also derived from 9/11 and the linking of illegal immigration and terrorism – thereby collapsing much of the distinction between local and federal responsibilities and domestic and national security. The Homeland Security Act of 2002 and the Intelligence Reform and Terrorism Prevention Act of 2004, specifically mandated that DHS share information with local and state partners regarding terrorism and homeland security. In recent years, this transformation in thinking has really gained steam. In 2009, Julie Myers Wood, former head of ICE, encouraged the federal government to empower state and local officials to make decisions over immigration at the border,
because the federal government had “not enough money and too few beds,” to handle border issues on their own.\textsuperscript{42} In 2010, DHS Secretary Napolitano stated that her main goal for the year was to encourage federal–state and federal–local sharing as regards border-related terrorism concerns: “Our goal is to give that front line of law enforcement the tools they need to confront and to disrupt terrorist threats.”\textsuperscript{43}

This change in thinking reached its peak with the 2012–2016 Border Patrol National Strategy. Michael Fisher explains the need for not just information-sharing but the full integration of the different forces at the border: “we are now doing things like integrated planning and integrated operation, which is different than just collaborating and coordinating with our partners … What we’re talking about [now is] pooling all capabilities, independent of the color of your uniform.”\textsuperscript{44} From the federal perspective this type of sharing is imperative. After all, in most border communities, the individuals most able to understand threats and observe suspicious activities are local officials, not federal ones.

Interest obtains on the local side as well. For example, the Sheriff of Hennepin County, MN explains that the integration of federal and local forces is essential because “more and more the technology and information that we all rely on are shared resources.”\textsuperscript{45} The Police Chief of Nogales, AZ attests that there has been a marked increase in coordination with federal officers in recent years:

We have [police officers who] get funded by the Federal government to assist Border Patrol, on border issues – immigration, smuggling, etc … And we have people that go to Border Patrol briefings and we set our missions based on Border Patrol staffing. We now have a lot of Border Patrol channels that hadn’t existed ever before on our radios, so we have communications abilities by getting encrypted codes that we were able to get because of this closer model working relationship that we have … It’s gotten so much better than it had been. There had been a lot of “no that’s mine, no that yours, stay out of here.” Its gotten to being more cooperative, with more communication.\textsuperscript{46}

All told, there is a clear sense from both local and federal officers that the classic model of singular, federal control at the border cannot continue.

\textit{Zone of Vigilance: The Citizenry}

In addition to intra- and inter-agency cooperation, there has also been an increase in civilian–state cooperation. There has of course always been some sort of state–civilian relationship at the perimeter – most notably amongst ranchers whose land abuts the border. However, Border Patrol is now explicitly cultivating a vigilant border community, especially as
regards terrorism. This is embodied by the strategic move away from involving local border communities simply through “public relations” to what is termed “community engagement.” This is because practitioners are increasingly aware that the local community is the single most reliable source of information:

We used to think information came from government sources, shared down to the agent. Now we turn this upside: the agent has more information than anyone in Washington DC. But more than this: the local community actually has more information than the border patrol agents … So you have gone from a top down [logic] – “information starts in DC and goes out to the agents at the border” – to this idea where border patrol agents have to interact with the community, engage with the community and win over the community. The community has to understand that those Border Patrol agents are here for a reason and [thus] want to share information with the agents.

Border Patrol has recently put forth a number of programs to this effect. For example, Operation Detour and Drug Demand Reduction Outreach are schooling programs that educate students about border area dangers and coach them out of partaking in trans-border crime. These programs are preventative in nature, but also train students to react in ways that assist Border Patrol if they do learn about or get entangled with crime. In addition to educational programs, Border Patrol engages in what they call “community and stakeholder outreach.” Part of this program is to alert local borderland communities that there is a Border Patrol liaison who forges relations with local community leaders toward providing information and assistance to Border Patrol and enables stealthy assistance in return.

This “community engagement” also exists on the level of technological advancement – with new capabilities being developed so that individuals can enact their own self-governance. The most widely known of these campaigns is DHS’s famous slogan “If You See Something, Say Something.” But this logic of using citizen awareness for the purposes of homeland security is now enabled by technological applications – mostly funded by government grants. One example of this is the company Town Compass LLC, which made a Most Wanted Terrorist database available for download as a smartphone app. This software allows vigilant citizens to directly contact the FBI with information – i.e. as “first responders.” On this point, one industry leader explains: “Notification systems are now becoming two-way, enabling people in the community [to] communicate from the field by whatever means available.” In fact, DHS itself has developed a First Responder Support Tools (FiRST) app for smartphones.
There is a veritable echo chamber within CBP about how vigilant border communities are the most effective line of defense. But this does not mean it is going to be easy or without cost. Potential ramifications are considered below.

**Reconsidering the Peripheral State**

The border is a complex space, with many actors and structures of control. What does this mean for governance? More to the point: how can we understand how authority is structured in such an environment? And what harms might inhere in this arrangement? This section hones in on the question of the place of the state in the borderlands. It first revisits the question of legitimate governance, then the problem of sovereignty.

The state is never simply a “thing” but rather a set of things – in this case, there is a heterogeneity of authority in the borderlands. Putatively, US border areas are controlled by Border Patrol, which is part of law enforcement – i.e., the police. But as is manifest above, there is much more than this. For example, the state is increasingly dependent on citizens for law enforcement. This is not harmless, as there is a thin line between *vigilance* and *vigilantism* – a line crossed famously by the “Minutemen” of Arizona, who militarized the role of self-policing. In this way, the border is decidedly *un*-modern. In the modern state, only state violence is tolerated; civilian violence is forbidden. As per Weber’s formulation, the state does not simply control violence, it *monopolizes* it.

Another critical matter looms: the insertion of the US military into what are putatively domestic affairs. The militarization of the border after 9/11 was discussed briefly above. There have been two large outlays of National Guard troops to the border since 9/11: Operation Jump Start (2006–2008) and Operation Phalanx (2010–2011). There has also been a proliferation of US Air and Marine bases along the border – which had previously existed at the US–Mexico border, but which have now expanded to the US–Canada border. The merging of military and law enforcement functions is perhaps not that great a concern if it is exceptional, circumstantial and circumscribed. However, as the threat landscape shifts toward the merging of transnational crime (previously the domain of law enforcement) and terrorism (the domain of national security), the line between *security* and *defense* blurs – just like the distinctions between *foreign* and *domestic* in the intelligence community.

The question then is: what are the ramifications of this blurring? Should the military merely play an auxiliary role in the borderlands? Is
its function surveillance or deterrence? Bert Tussing, of the US Army War College explains what is at stake:

This country is held together in many ways by an ethos that says we want our soldiers to be soldiers, not policemen. We want our military to be our servants, not our overseers … In November 2001, a month and a half after the attacks, there were still National Guardsmen in some airports. [Did you think]: “what are these guys doing here? And why are they carrying those guns? Do they really need that stuff?” Don’t feel bad about that … We love our military, most of the time. But we know where we want our military to be, all of the time. So is this going to be an acceptable thing for the American people?  

Tussing brings up an important theoretical point about the projection of state power and the protection of its citizenry: we have an intuition that national security and law enforcement must be kept separate. But why is this true? One concern is that the presence of the military perpetuates the threat cycle, with threats to national security and law enforcement caught in an ever-expansive loop. Thus there is a blurring of security and law functions at the border, thereby enabling the two-headed hydra of the military acting like police and the police acting like military.

This feeds back into the discussion of vigilantism, or individual discretion, which can work in contravention of the law. Indeed, it is a hallmark of the modern state that everyday politics does not have face-to-face violence, but rather the depersonalization of political power, common to bureaucracy or administration. The personalization of authority is a serious concern. We need look no further than the classic voices of the canon for strong statements about how the only thing protecting us from tyranny is the law, as when Locke writes: “Wherever Law ends, Tyranny begins … Exceeding the Bounds of Authority is no more a Right in a great, than a petty Officer; no more justifiable in a King, than a Constable.”

It also raises specific points about the rise of the police as agents of statecraft – here they are not only law enforcement, but in the gray area of the border, something that resembles law creators – purveyors at once of choice and violence. Concerns over this were raised by Hannah Arendt regarding the question of stateless peoples, which created a shift in balance such that police discretion began to take weight over state laws:

The nation-state, incapable of providing a law for those who had lost the protection of a national government, transferred the whole matter to the police. This was the first time the police in Western Europe had received authority to act on its own, to rule directly over people; in one sphere of public life it was no longer an instrument to carry out and enforce the law, but had become a ruling authority independent of government.
What transpired was violence, lawlessness and “illegal acts” by the police in the name of the state. Derrida also comments on the police – and specifically the border police – taking the law into their own hands:

One has to be mindful of the profound problem of the role and the status of the police, of, in the first instance, border police, but also of a police without borders, without determinable limit, who from then become all-pervasive and elusive, as Benjamin noted in Critique of Violence just after the First World War. The police became omnipresent and spectral in the so-called civilized states once they undertake to make the law, instead of simply contenting themselves with applying it and seeing it observed.54

The question then arises: if authority is heterogeneous, how does sovereignty function in the periphery? What happens when there is an act of violence at the border, where law enforcement decides to take authority into its own hands, to act violently against perceived perpetration? This, in some sense is the ultimate sovereign act – looking here at sovereignty-qua-decisionism – as in this case it is the police that decides on the exception. Here it is important to revisit Schmitt:

It is precisely the exception that makes relevant the subject of sovereignty, that is, the whole question of sovereignty. The precise details of an emergency cannot be anticipated, nor can one spell out what may take place in such a case … The precondition as well as the content of jurisdictional competence in such a case must necessarily be unlimited.”55

In Schmitt’s formulation the sovereign has two functions: to decide on the exception and to decide what the exception is. This is precisely the kind of authority that takes place at the border. There is a constant evaluation of what is or is not exceptional with every act of border transgression. There is no unitary state oversight; instead, there are numerous offices in which authority is overlapping. It is a sphere of constant judgment, of matters essential to the state, made by actors independent of the state itself. What actually happens in the state of exception? For Schmitt, the exception is a realm of unlimited authority “which means the suspension of the entire existing order. In such a situation it is clear that the state remains, whereas law recedes.”56

It is no stretch to locate these concerns at the border. The border is the site where the exception arrives constantly at the doorstep of the state, where local officials react to a case that could not have been anticipated. The inevitability of this state erodes the normative basis of sovereignty – precisely because of the cultivation of a perpetual state of exception. The normative challenge is rendered clearest by Agamben, for whom the state of exception is the state of war turned inward, entailing the subversion of constitutional protections:
The paradigm is, on the one hand (in the state of siege) the extension of the military authority's wartime powers into the civil sphere and on the other hand a suspension of the constitution (or of those constitutional norms that protect individual liberties), in time the two models end up merging into a single juridical phenomenon that we call the state of exception. Agamben likens the state of exception to the pre-Montesquieuean state in which there is no separation between the executive, legislative and judiciary. Therefore the sovereign assumes full powers and abrogates legal constraints. 

The challenges posed by the blurring of interwoven state, military and police forces are here made clear. As are the problem of individual border guards taking authority (of law enforcement) into their own hands, the different overlapping and unfolding layers of authority at the border and also the vigilantism of popular rule. Agamben continues:

When [auctoritas and potestas] coincide in a single person, when the state of exception, in which they are bound and blurred together, becomes the rule, then the juridicopolitical system transforms itself into a killing machine ... The normative aspect of law can thus be obliterated and contradicted with impunity by a governmental violence that – while ignoring international law externally and producing a permanent state of exception internally – nevertheless still claims to be applying the law. 

The point here is not to suggest that the American border regime has anything in common with the type of “killing machine” that Agamben describes. But the threat of different layers of rule aligning in the hands of a single official is prevalent at the border. This should flag concern.

Point of Peripherality: Security and the Borderlands Subject

If we were to ask the question What kind of space is the border region?, we would answer: it is first and foremost a space of security. This has always been somewhat true, but this point is brought into particular clarity now, with the webs of personnel, infrastructure and surveillance that expand inland from the border, fundamentally altering the shape and character of the communities therein. One is here reminded of how Foucault described the panopticon, the “oldest dream of the oldest sovereign.” Indeed, the landscape thus described, of surveillance, visibility and control, in many ways recreates the panopticon in the open air of the borderlands. It is a space in which the state not only watches its subjects, but shapes them. In his essay, “The Eye of Power,” Foucault explains: “[The system of surveillance has] no need for arms, physical violence, material constraints. Just a gaze. An inspecting gaze, a gaze which each individual
under its weight will end by interiorizing to the point that he is his own overseer, each individual thus exercising this surveillance over, and against, himself.\[60\]

The peripheral subject is conditioned by surveillance. But is this sufficient to understand the harms of security on the peripheral subject? I argue that it is not, because there is something specific about the borderlands dweller. In particular, as much as security is aimed at their protection, it is also aimed at their control. Peripheral peoples are not trusted and so they are disciplined, not merely for fear of attacks from without, but also secession within. The people on the border have a double role: they are most at risk from outside threats, while at the same time at risk of being a threat. They are both the subject and object of security.

**Center/Periphery: A Dialectic of Domination and Resistance**

The borderlands are a panoptic space; they are also a peripheral space, thereby bringing into focus the complex relations between the center and periphery within a polity. With or without security installation, the border is a site of central presence and national iconography – replete with flags, uniforms, songs and other traditional representations, a performance of national identity which in the US has become ever more dramatic after 9/11. What is the point of this ostentatious declaration of state power and identity? These policies may be designed to make clear to the bordercrosser the awesome power of the state. Or to convince citizens politywide that the state is being “tough on immigration.” According to Wendy Brown this symbolic strength at the border is an attempt to regain sovereign power it has lost in the face of border porosity.\[61\] Surely these rationales are part of the story. But to focus only on state policies vis-à-vis the “outside” is to miss out on the function this projection of power has internally. The flags are also part of this effort to affirm the loyalty of the border community, the state’s most distant self.

Turning our gaze toward the projection of central power on the periphery also illuminates a problem with the sovereignty-as-jurisdiction perspective. In our fixation on Westphalian sovereignty, the distinction of center-periphery has largely been lost. Indeed, the original challenge of statehood was to achieve homogenization within, not merely (and simplistically) to negate the world without. Indeed, the border is itself the center displaced at the periphery – an instrument of control used as much to subjugate the periphery as it is to defend it. In the US case, this re-claiming of the periphery by the center is embodied by some of the moves within CBP described above, such as the decentralization of CBP, the relocation of federal authority at the periphery and the appropriation
of local law enforcement into asymmetrical power relations with federal agents – via integration and coordination. Still, this requires some unpacking. What do we mean when we suggest that states dominate their peripheries? I suggest this is best understood as a local colonial project.

This problem has deep roots. In ancient Rome, the frontier lands were comprised of dubiously loyal subjects, including some that were partially nomadic as a means of avoiding taxation. Consequently, the Roman state took great pains to cultivate some loyalties in these distant reaches of the interior. Indeed, one of the principle functions of early walling systems was “to divide the barbarians beyond from the barbarians within, who were in the process of becoming Roman.”

In the Chinese empire too, boundaries were not simply designed to keep people out, but also to monitor the empire itself and keep imperial subjects from escaping:

It is assumed that an imperial border policy is concerned solely with keeping out the barbarians … [But] an imperial boundary that is described as defensive, being supposedly designed to keep out unwanted barbarians, has in fact a double function: it serves not only to keep the outsiders from getting in but to prevent the insiders from getting out.

The same can be said for early modern states. In the medieval period, the delineation of the border was more a spectacle than a delineation. Sahlins portrays the voyage of the king and his emissaries from the center to the periphery to anoint territory as part of a kingdom. Thus the border was a site of ceremony and festival, which intimated the far reaches of state power, but in fact had no further trappings as such. This grand voyage of the emissary was critical, as through the festival came identification with the center. With the king came wealth, culture and a view of progress that would have been impossible from the periphery.

The colonization of the periphery became even more dominant with the rise of nationalism and centralized forms of administration. This point is made powerfully by Sheldon Wolin, who discusses how boundaries have the effect of cultivating likeness – the essential project of nationalism – achieved through political education and the taming of the polity, what he calls domestication. This is true of any nationalization campaign. Marx made this point when he argued that taxation was a tool to garner homogeneity across the territory: “Taxes are the source of life for the bureaucracy … [which] permits of uniform action from a supreme center on all points of this uniform mass.” With the rise of the bourgeois state, suddenly the enemy of the peasant was not the Cossack, but the bureaucrat.

In an entirely different geopolitical context, James C. Scott’s work on upland Asia produces a similar story. Rather than perform fealty to the
center, the local communities in frontier provinces could spurn the state, knowing that without difficulty they could move to a place beyond the outer-most post. As a consequence, reigning in the periphery has been an obsession of modern nation-states, enacted by “establishing armed border posts, moving loyal populations to the frontier and relocating or driving away ‘disloyal’ populations, clearing frontier lands for sedentary agriculture, building roads to the borders and registering hitherto fugitive peoples.” In this way, the state’s attempt to nationalize the periphery is more than just a security measure designed to breed loyalty – it is an attempt to create in its own image the very place farthest from its likeness.

The point is simply that what we see in general in peripheral areas is something like what we might call colonization, except in this case it doesn’t refer to the act of taking over distant lands for the plunder of the metropole. Instead, it describes the process by which the center generates loyalty out of its periphery. The link to the border is clear: we see it in the education of local citizens (vigilance), the co-optation of local authorities (heterogeneity) and of course the watchful eye of the central state (surveillance). This is a particular form of “nation-building” that targets the periphery, familiar from debates over multiculturalism. For example, Will Kymlicka’s defense of minority groups from the majoritarian “nation-building” exercises by dint of which they have been marginalized. His concern regards minorities. But this can be extended to peripheral peoples writ large.

This point about the center’s subjugation of the periphery also forms the core of our debates over the moment of founding or what Connolly calls the “paradox of origins” – i.e. that the inceptions of democracies are never themselves democratic, because the people are not present (Rousseau) or they are mired in violence (Arendt). The enduring legitimacy of democratic states is thus predicated on the forgetting of the transgressions of their founding. But if any space embodies the violence of founding it is the border, even if that violence or imposition was in the name of democracy itself. Borders thus retain the history of violence, like scars. This fact is lost when we speak of democracy’s edges in pure abstraction, as limits; but borders are physical spaces at which that un-freedom is maintained, as those originary exclusions are re-created daily. The border remains unfree, even once the democratic experiment has begun and it must maintain itself as this space in order for democracy to persist.

The fact that founding is a process steeped in its own violence, in particular exacted by the center on the periphery, is brought out forcefully by Derrida:
All nation-states are born and found themselves in violence. I believe that truth to be irrecusable. Without even exhibiting atrocious spectacles on this subject, it suffices to underline a law of structure: the moment of foundation, the instituting moment, is anterior to the law or legitimacy which it founds. It is thus outside the law and violent by that fact ... Before the modern forms of what is called "colonialism," all States [have] their origin in an aggression of the colonial type. This foundational violence is not only forgotten. The foundation is made in order to hide it; by its essence it tends to organize amnesia.70

This colonization is precisely what we are doing in our peripheries. We can now see the positioning of the center at the periphery is not an accident; instead it is a historical outcome. We might now ask: Against whom was the violence of founding at the border conducted? Border ceremonies are as much designed to remind locals of who they are, as it is to tell outsiders who they aren’t. The border fences in, as much as it fences out.

*The Distant Self & The Price of Security*

So who is this peripheral person – the one against whom centrist colonization efforts are at least in part designed? The concept of the distant self helps break down a central problem in thinking about borders, which is that on one side of the line is a self, taken to be homogenous, and on the other side of the line is an other, taken to be equally homogeneous. This classic rendering can be depicted as follows:

*Figure 2.1*

Country A – (BORDER) – Country B

However, at the border, national identities are not fundamentally distinct and homogeneous (like oil and water). They are to each the “other” but they are not foreign; rather they are familiar and (usually) equally indigenous. In a deep sense, they are neighbors. In the language of us/them, they are as much of the periphery as we are. Thus, identity at the border is intimately intertwined with proximity – with two peripheral peoples proximate to each other. A better diagram might be:

*Figure 2.2*

Center A – Periphery A – (BORDER) – Periphery B – Center B

No assumption should be made over whether nominal (Center A–Periphery A) loyalty is stronger than proximity (Periphery A–Periphery B); both pulls are present.

What the diagram in Figure 2.2 illustrates is not merely that state identification is heterogeneous but also that it has a spatial dynamic, subject
to the vagaries of distance. It is not, as frequently assumed, evenly distributed across a territory like air or the coloration on a map. Indeed, we continue to view states cartographically, as circles of territory with a dot to represent the capital. But this pervasive image conceals the point that functionally, not all parts of a territory identify with the state equally. This discussion of peripherality clearly supports the unevenness of sovereignty thesis (discussed in Chapter 1). At their peripheries, states frequently have the properties of nations.

But Figure 2.2, while able to convey the complex relations of states and peoples in the borderlands, nonetheless excludes the border itself, which has an identity independent of both the center and the periphery. Indeed, in many ways, the border is the center implanted in the periphery – actually, two centers implanted at the site of their mutual peripherality. The border thus represents a center that is alien to its surrounds:

Figure 2.3

Center A – Periphery A – (Center A / Center B) – Periphery B – Center B

With this characterization, we can now return to the question: What is the harm of new security protocols? By what tools can we understand the ways in which peripheral peoples might be subjects of injustice? On some level it is the sheer act of living in a zone of surveillance, heterogeneity and vigilance. It would come as no surprise if people came to feel suspect, abused, unequal. (The problem of security vis-à-vis liberty is treated at length in Chapter 5.) But the problem as it is approached here is something we might classify, following Nancy Fraser, as an injustice of recognition. This harm usually encompasses a set of concerns, ranging from lack of representation, to cultural forms of domination and disrespect. The point here is that institutions that misrecognize people are unjust because they prevent them from being equal participants in society, or that peoples have unequal access to this good. Such concerns are usually focused on minorities. But what about geographic pockets that suffer unequal treatment? Might it be said that peripheral people live in a constant state of non-equality for the sake of security? The claim here is that security policies do not just suspend liberty for the sake of security (treated later), but also that it suspends equality for the same reason.

Following Judith Butler, we might say that the harm of border colonization is that border dwellers are unequally grievable. And because this population is itself interior, it engenders a paradox as people need state protection from the very force by which they are subjugated. In this case, the target
population (border dwellers) are not excluded from the power equation, but bounded and dominated by it. It is by their own law and own security, that they are dominated. This generates a particular form of precariousness, as:

the lives in question are not cast outside the polis in a state of radical exposure, but bound and constrained by power relations in a situation of forcible exposure. It is not the withdrawal of absence of law that produces precariousness, but the very effects of illegitimate legal coercion itself or the exercise of state power freed from the constraints of all law.  

What does it mean if not all subjects are equal and in particular large swathes of the population are put under forms of control that might be questionably legitimate? Such populations might feel that rather than have the state make them secure (i.e. solve the problem of security) they may instead feel insecure (and in fact that security is itself their problem). They are structurally insecure (by dint of being at the border). This is the external problem of security. But they are also insecure by dint of the colonizing center. This is the internal problem of security.

In terms of security, it would seem clear that we can say that border dwellers face categorically different conditions than other peoples throughout the territory of the state. The frontier is conditioned by constant insecurity. By what logic can a justifying explanation be given to these people – stuck between an insecurity that feels permanent (and thus the state cannot solve) and a state-imposed security designed for their protection, but manifests to them as more like colonization? What justification can be given, except to suggest that in the broader view it is better for the state, generally? Is this sufficient, given the permanent nature of security installations at the periphery? A model for solvency through citizenship is discussed in Chapter 3.

Conclusion

Looking ahead, we might ask some empirical questions. What happens to citizens as the lands around them become securitized – does their national allegiance strengthen? Why? And what about minorities? Do they take this as an affront or do they double down their commitments to the state? It seems there is a complicated interplay between numerous factors in borderlands – degree of national identification, degree of state strength and degree of physical development. What is the relationship between them? Another set of questions regards spatiality. Why does the capital benefit from being in the center? What would it lose as it incrementally inches toward the periphery? There may be a multifaceted relationship here, such that a state might want the periphery distant (i.e. enough to
protect the capital) but not too distant (such that it wanders off and joins the enemy’s ranks). Where is this point of perfect balance? When does the periphery become so distant that its removed-ness from the center diminishes loyalty entirely?

This chapter was interested principally in the question of the borderlands, looking at the new ways in which states – using the example of the US – are using security practices on their own peripheral lands. This point is expanded upon in the following chapter, in which new forms of cross-border security protocols are examined, following robust new forms of co-bordering present at the US borders with Canada and Mexico. This chapter will expand upon some of the issues discussed here, focusing on new challenges of sovereignty. It closes by sketching a model of citizenship to address some of the new normative challenges detailed on these pages.

Notes

4 Gilbert, “Cooperative Efforts between Mexico, Canada and the U.S. in Law Enforcement and Prosecution.”
6 Ibid.
7 The terms “fence” and “wall” are here used interchangeably to refer to forms of tactical infrastructure. The most popular is bollard fencing, which is comprised of vertical posts of metal or concrete, embedded into the ground at small enough intervals so as to be impassible. These are the strongest, but the most expensive. Bollard fencing has largely replaced the previous type of fence most common on the border, which was landing-mat fencing, made from surplus from the Vietnam War.
Interview, Phoenix, AZ. March 6, 2012.
17 Kirkham, “Police and the Southwest Border.”
18 Colburn, “Border Enforcement by Land-Air-Sea (Detection and Deterrence).”

Padilla, “Investing in Proven Technologies.”


Interviews, El Paso, TX, October 16, 2012.


Cited in Kimery, “Northern Border Intel-Sharing Deficient.”

Chavez, “2012–2016 Border Patrol Strategic Plan.”


Kirkham, personal interview.


Shiffman, “Patrolling the Border.”


52 Locke, *Two Treatises of Government*, at 400–1.


56 Ibid., at 12.


58 Ibid., at 86–7.


64 Sahlins, *Boundaries*, 27.

65 For example, he writes: “Boundaries work to foster the impression of a circumscribed space in which likeness dwells, the likeness of natives, of an autochthonous people or of a nationality or of citizens with equal rights. Likeness is prized because it appears as the prime ingredient of unity.” Wolin, “Fugitive Democracy,” in *Democracy and Difference*, at 32–3.


71 For example, Fraser writes: “to view recognition as a matter of justice is to treat it as an issue of *social status* . . . What makes misrecognition morally wrong, in this view, is that it denies some individuals and groups the possibility of participating on a par with others in social interaction.” Fraser, Nancy, in Fraser, Nancy and Axel Honneth. *Redistribution or Recognition? A Political–Philosophical Exchange*. New York: Verso, 2003, at 29–31.

72 Butler, *Frames of War*, at 29.