

The London School of Economics and Political Science

*Nomos: A Comparative Political Sociology of
Contemporary National Border Barriers*

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A thesis submitted to the Department of Sociology of the London
School of Economics for the degree of Doctor of Philosophy,
London, September 2015

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Abstract

Since 2001, there are more than 50 national border barriers around the globe — proposed, under construction, or finished. My dissertation considers this new infrastructure inside larger questions of sovereignty, governance, immigration, and security in the “borderless” age of globalization. To approach this work I used an epistemological framework of border thinking, a “third space” hermeneutics that locates the border as a central place to theorize the complex geopolitical and postcolonial relationships. I conducted two case studies of this fortress infrastructure, one along the U.S.-Mexico border and another along the Costa Rican border with Nicaragua, considering how new border walls are material manifestations of inchoate sovereignty, occupying claims in the borderlands — one of the latest frontier zones of global capital. Broadly, this project calls for us to consider the global proliferation of national border walls and fences in a way that invokes collective action against the persisting operative logic of race/culture thinking that underpins securitization as both a form of governance and an ideology. It situates the urgency of this intellectual work inside the expanding sovereign jurisdictions of capital and opens up new sets of questions about how national border barriers are integral structures inside the changing ideo-political frameworks of war, sovereignty, and governance in the age of the drone.

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Acknowledgements

Undertaking a PhD is a solitary journey, but filled with people who help you as you find your way.

My deepest thanks is to my supervisor, Professor Paul Gilroy, FBA, and his commitment to me as his student. Thank you for teaching me through your example what it means to be a public intellectual.

At the London School of Economics, I want to acknowledge the faculty and students who were part of the Race, Ethnicity, and Post-Colonial Studies concentration at the LSE Sociology Department, and thank them for their commitment to doing political and critical intellectual work that is engaged and in conversation with social inequalities and injustices.

This project would not have been possible without the generous support of the Lozano Long Institute of Latin American Studies and Benson Library at the University of Texas at Austin and the Instituto de Investigaciones Sociales de la Universidad de Costa Rica. I am especially grateful to Dr. Charles Hale and Dr. Carlos Sandoval García for their help in making my visiting research position at their respective institutions such a positive experience. The academic communities I encountered in both places enriched my experience as a researcher.

There are many other people I encountered during my research — more than I can name here — who generously shared their stories and expertise, and showed me forms of border hospitality and care. I am also grateful to the University of Texas–Pan American Border Studies Archives and to the University of Texas at El Paso Center for Inter-American and Border Studies for giving me visiting privileges and access to border archives.

I would like to thank Professor Chetan Bhatt and Professor Judy Wajcman for their constructive comments on an early version of this work. This project was partially supported by research and travel grants from the London School of Economics.

I am grateful to Dr. Ellen Riojas Clark, Dr. Josie Méndez Negrete, Sandra Cisneros, and Dr. Ruth Behar for their friendship and support over the years, and who first helped me start this journey.

Finally, I would like to thank Angel Mena, my partner who has accompanied me on this journey close to home and most often from afar. *Donde hay amor, no hay fronteras.*

Prelude

May we dedicate ourselves to hastening the day when all God's children live in a world without walls. That would be the greatest empire of all.

— Former U.S. president Ronald Reagan at the installation of “Breakthrough,” an art piece made from a fragment of the Berlin Wall at Westminster College in Fulton, Missouri, on Nov. 19, 1990

Warehouses of Steel and the Bounded Present

In the Río Grande Valley in South Texas, 27,000 tons of unused steel worth US\$44 million sit in a storage facility (Department of Homeland Security, Office of the Inspector General 2011). This surplus of fencing supply, which contains more steel than the Statue of Liberty, has already been stored for five years, and eventually it will be used to complete additional miles of the U.S. fence on the border with Mexico. The future fencing will go up in several border towns along the delicate ecosystem of the Río Grande near the Gulf of Mexico, even though previous U.S. government studies have shown that this type of fencing compounds and exacerbates flooding (Nicol 2013). A group of borderland residents-turned-activists who organized under the banner “No Border Wall” to protest the initial waves of government land seizures and the fence construction outlined in the U.S. Secure Fence Act have continued to show up to almost every public meeting for years, requesting through the Freedom of Information Act documents outlining the government's plans, and to sound the regional and international alarm that more border walls are coming.

Since the early 2000s, there has been a new, intensive proliferation of national border walls and fences around the world. There are 55 new national border barriers around the globe — proposed, under construction, or finished — since 2001.¹ This

¹ See Appendix for a table of contemporary border barrier projects.

border buildup is indicative of a shift in the way the world is being divided and organized that goes beyond reified cartographies of the “global North” and “global South,” but instead is more in line with Bauman’s millennial forecast of “planetary frontier-lands” (2002). Nation-states now have the countenance of frontier-lands — ad hoc, provisional spaces of perpetual acquisition where “fences and stockades announce intentions rather than mark realities,” and for many people “entrench the new extraterritoriality of the human condition” and test the limits of human submissiveness inside these new arrangements (Bauman 2002: 90–114). Terrestrial national borders are one of the places where the closing routes of human mobilities and increasing mobility of capital converge in the same space. More and more often these border spaces are vertically organized with walls or fences built at key human crossing corridors in order to create a wider horizon for surveillance and entrapment of certain groups of people unauthorized for entry. Simultaneously, new roads and bridges are built nearby to facilitate authorized flows of increased commerce and goods, and new immigrant detention centers also go up in the borderlands and beyond to incarcerate captured human crossers. The closure and controls in the borderlands, the traditional laboratories for new forms of nation-state policing and surveillance, are a particular place to think about our bounded present — a contemporary reality where we experience the growing ontologies of walling that range from gated residential communities (Blakely and Snyder 1999; Low 2003) to portable protest walls deployed in metropolitan squares (Hancox 2011) to national border fences.

This project asks what walls might tell us about the shifting social organization of state power through infrastructure of policing and surveillance. It documents a particular moment, situating what contemporary border walls mark out inside the rapid buildup of a new aerial order of the power of drones. It studies how walls are a mutant

form of colonial management, a disembodied, low-intensity *terrorstrafe* — recreating and improving practices of “nonlethal” human control in service of new political economies. It is a form of rule that relies on discretionary force to instill fear and terror in both the hearts of the people who find themselves behind the idea of protective walls, and also the “others” who find themselves as objects of management. The hallmark of neoliberal governance buries the magnitude and costs of this infrastructure between the layers of shell companies, entangled in webs of private contractors working to provide security as a “public good” so that the wider social, cultural, and environmental damages are often hard to name with any accuracy or precision. Some of the places where we can locate this disenfranchisement are in the spatial alterations: the long lines in the hot sun, the everyday interrogations and searches, the illegal questioning, and the beyond-the-border checkpoints. The defining characteristic of land along the border is not whether it is public or private, but rather the prevailing sense of insecurity that reigns there. The global changes in border security are critically interconnected with the larger state of insecurity inside discussions and protests about policing, racism, and inequalities, which are confined almost exclusively within the margins of domestic national discourse. People have to navigate the latest “technologies of pain compliance,” not only the barbed wire, rubber bullets, and chemical tear gas, but also the more abstract distancing powers of these forms of control that translate into the everyday aggressions that eat away at the physical and emotional well-being of even the strongest and most resolute (Arike 2010).

Walls are historically one of the oldest tools and practices of segregation and control. The aporias and ambiguities inherent to any border space make it difficult to decipher the new measurable increase in barriers from what actually might be “new” about the social processes surrounding them. The clarity and legibility of a line that a

border wall is supposed to inscribe effectively creates ambiguity on the ground. A state boundary line is a baseline of national truths, which sets the limits of legal state violence in relationship to a neighboring set of sovereign truths. However, when a national border fence is erected firmly on the builder's territory, away from the actual boundary line, a zone of ambiguity emerges between the boundary line and the fence. It is the physical space where might becomes right — where the truth of the international boundary line no longer defines the legal limits of the builder-state's force and violence. Instead, the threat of violence and force redefines the boundary line into a flexible apparatus. Often this zone is functionally extended inside a secondary special radius for border enforcement, beyond the immediate vicinity of the border fence. These spatial changes allow for violence and threat of force to define the truth, rather than the fixed truth of a boundary line defining the limits of force at the given moment a person enters that zone. For example, on several occasions, U.S. Border and Customs Patrol agents have shot through the U.S. border fence into Mexico and killed men and young boys who were innocent bystanders (Borunda and Ybarra 2010; American Civil Liberties Union 2014). None of the agents involved have been found guilty of violating international sovereignty, and all have been exonerated from these extrajudicial murders.²

The discourses of migration in the era of globalization have reflected on the shifts in sovereign practices and tended to theorize and think about these changes in relationship to the symbolic and material importance of national boundaries, and how these boundaries pertain to the concepts of citizenship, sovereignty, and ultimately, deeper questions of belonging and exclusion. These discussions usually look at the

² There have been 67 Border Patrol shootings since 2012, which resulted in 19 deaths. In all but three pending cases, the agents involved have been absolved of misconduct. Only two agents were disciplined by verbal reprimand. There were still three pending cases under investigation by the U.S. Department of Justice as of June 15, 2015 (Bennett 2015).

limits of who can and cannot move inside the new networks of production and consumption inside the changing geographies of the neoliberal organization of capital, and how these boundaries relate to identity formation, questions of security, and the organization of labor. Often these changes are considered in the context of urban centers or inside planetary binaries, where different kinds of worlds rub up against each other. This sociological account of walls situates the social practice of state-based boundary initiatives inside a longer archeology of hedges and barbed wire, one that troubles the ways in which our understanding of border walls is often framed.

Specific instances of walling at the edges of the overdeveloped world hold primacy in theorizing these changes in a “First”-World-fits-all approach that applies the same conceptual tools and ways of thinking about the militarization and reconfigurations of borders in Europe and the United States to subaltern places where barriers and fortifications are also deployed. The early discussions and reportage about contemporary border walling share a common intuition about some of the underlying congruencies between very disparate manifestations of national border barriers in the world, but fall short by qualifying these material structures’ symbolic currency and exclusionary functions. Frequently, discussions reference the spatial shifts in the “war on terror” as a part of this telling; however, these shifts are located or talked about almost exclusively in connection with the United States and Israel, two of the pioneering governments leading the way in creating extra-national forms of governance, control, and social imaginaries of terror. Although the contemporary proliferation of walls is quantitatively measurable, it is very difficult to capture the kinds of social changes that this architecture indicates and what these changes mean in relationship to other neoliberal geographies of enclosure crafted through “lawfare” to develop new confinement practices deployed in fields of war in places like Guantánamo,

Afghanistan, the Occupied Palestinian Territories, Iraq, Yemen, and many other locations (Khalili 2013; Weizman 2011; Gregory 2004; Mamdani 2004; Cole 2003). Eyal Weizman (2011) has even used the term “wallfare” as a way to describe how a wall can become a tool of enacting violence and control in growing “securitocracies” and the changing configurations of citizenship and nation-state sovereignty that formulation implies. This work asks how national border barriers figure as integral structures inside the changing ideo-political frameworks of war and governance. And it explores how these are connected with the everyday realms of citizens and non-citizens living far beyond the traditional geographies of terrorism.

To do this, it revisits the standard account of contemporary border walls, which usually begins with the fall of the Berlin Wall in November 1989, the symbolic and powerful juncture that was supposed to mark the advent of the “borderless” age of globalization, but that instead, gave witness to new planetary geographies of enclosure, incarceration, and segregation. Since then, we have begun to talk about borders in terms of networks, flows, and mobilities (Urry 2007; Castells and Cardoso 2005), which are constitutive of a new spatiality of politics (Bauman 2002; Sassen 1996; Rumford 2006). The liberal human right to the freedom of movement, a right that was first formulated in relationship to walls and enclosure, is increasingly tenuous inside more heavily policed human mobility regimes. And though mobility politics (Squires 2011) are very much at stake inside these changes, there are also other pressing politics caught up in these formations: the politics of family and community separation, the environmental politics of devastation and habitat fragmentation, and the politics of xenophobia and racism.

There is a need to theorize contemporary border walls from the borderlands, an epistemological position (Anzaldúa 2007; Mignolo 2000) that yields very different kinds of questions and ways of understanding these changes. This is a way of thinking

that works from the unnatural space of a border — a space that is simultaneously real and fictive, invisible and spatial, economic and emotional, physical and existential. It destabilizes views from the center, engages all of the paradoxes that are inherent in a border space, and troubles the novelty in recent accounts that do not always successfully access the historicized formations of borders. The central claim of this work is that we have to understand the contemporary configurations of border walls and the context of the securitization of national borders more broadly, not as new, dramatic changes, but rather consider them inside the historicized, co-constitutive formations of sovereignty, security, and territorial boundaries, where the technology of walls and barriers was developed as a racialized tool to control the spheres of labor and other human participation, a process of boundary-making that was made explicitly in the service of developing new inter-state, free-trade networks. The chapters in this thesis survey the new material manifestations of inchoate sovereignty, occupying claims in the borderlands, one of the latest frontier zones of global capital. Some of the same historical places where the “coloniality of power” first foraged state borders to create new spheres for the emergence of a global free trade are now the places where more intensive forms of vertical and digital surveillance, policing, and state-sponsored violence occurs (Quijano 2007). This telling troubles the telluric register of sovereign national borders in the age of “terror” by historicizing walls as a key marker of spatio-political reconfigurations of extractive economies that set limits for labor and other human participation globally.

My intellectual work draws from the deep well of transatlantic writers and thinkers who have charted with precision and clarity the real stakes in dividing lines, “the veil” of the color line, and compartments of colonial rule, especially Frantz Fanon, W. E. B. Du Bois, and Aimé Césaire, but also many others writing back against

imperial and neo-imperial powers, both then and now. My return to their writings is certainly from a situated time and place precipitated by a different set of planetary circumstances. However, the historical grain of their insights is still useful to dissect the newest, yet same old lines of race today. I also have drawn inspiration from a more recent body of contemporary diasporic postcolonial and borderlands literature as central to my theorization and understanding of walls and borders. These texts not only offer rich and nuanced understandings of oppression, domination, and power, but also provide us with valuable resources and critical vocabularies to discuss forms and responses of human liberty in relationship to that “caging force” of walls (Lloyd, Mitchelson, and Burridge 2012).

There is a growing tendency in contemporary social theory to look more broadly at borders as a central site to understand and examine the changes wrought by the new sovereignty of capital in the changing power configurations of neoliberalism and globalization (Rumford 2006). Perhaps this is because borders are traditionally the space where the normative configurations of the nation-state have always started to unravel and breakdown, or because borders are the one place that these concepts could never fully reach or account for in the first place. The wall itself serves as a major meridian to orient this analysis inside a milieu of theoretical renegotiations of the conceptual characterizations of the nation-state and its territory, sovereignty, and nationalisms in a residually ungovernable, third-space place rich with hybridities, pluralities, and postcolonial possibilities (Mignolo 2000). This orientation is strategic. It attempts to carefully engage with the persisting undertones of ethnic nationalism and ethnicization of political violence that underpin discussions of “us” and “them” that insidiously creep back into our very attempts to disarticulate dialectics of difference in our accounting of globalization’s discontents (Brubaker 1999; Brubaker and Laitin

1998). And while walls are not the only place where these considerations are important and useful, they are sites where concentrated formations of disciplinary powers dwell and transform at the epicenter of questions around citizenship, sovereignty, and borders, offering a rich theoretical space to think about these formations, a place that has been largely neglected empirically.

My engagement with this work was born out of an encounter I had while living and working in South Texas as a journalist in 2006, when former U.S. Homeland Security director Michael Chertoff made his first visit to the U.S.-Mexico border in Laredo, Texas, to announce a series of border security initiatives (Doerge 2006). At the time, the other border reporters and I laughed at the preposterousness of the idea of building a fence along the entire U.S. border with Mexico, but watched in slow and drawn-out horror as construction began cutting across our communities. In the years after this event, new studies and news reports detailed the construction of border walls in other places around the globe. However, the early discussions I found emerging in some of the academic circles looking at global borders were very quick to locate the discussion of contemporary walls inside the civilizational “culture talk” of post-9-11. The construction of the U.S. border fence was not an unprecedented moment in the borderlands, but rather the dynamics of this major change registered to me as something quite familiar in the historical memories of Mexican and Mexican American communities, especially in the U.S. Southwest. In the early 1920s, the Texas Rangers — one of the country’s first paramilitary organizations — roamed the state with the license to kill Mexicans and Mexican Americans with impunity to open up the way for Anglo settlers to take their landholdings (Texas Legislature Committee Proceedings 1919). In the 1940s and 1950s, as U.S. soldiers started to return home from World War II, Mexican Americans and Mexican *bracero* workers were rounded up into full train

cars and deported en masse to Mexico when their labor in the Dakotas or Montana was no longer needed. The history of U.S. border enforcement practices historically relied on an ideological praxis of the racialized politics of American imperialism. Many of the recent changes I saw happening fell along older, more recognizable lines of violence and exclusion. The early aim that oriented my approach to this work was to uncover the real substrata of contemporary border walls.

New border barriers are not built solely by democracies, or restricted to countries in Fortress Europe and other parts of the overdeveloped world, nor are these barriers built exclusively to fend off extra-territorial terrorism, although often terror's expanding territoriality is crucial in upholding a rhetoric of security with no limits. This work builds on and moves beyond some early claims about this fortress architecture (Davis 2005, Brown 2010, Jones 2012, Till et al. 2013) to look specifically at what constitutes border walls, and how different national border barriers might be alike or different inside a global tendency toward walling and closure. The account begins by looking at how border walling is a kind of "legibility of statecraft," and it outlines an early archeology of state-based walling practices, looking at how walls historically telegraph or mark changing configurations of state organization of power and systems of closure (Scott 1998). It uses *nomos*, a socio-political concept of spatial ordering, as a theoretical starting point operative in uncovering the updated trappings of postmodern and postcolonial race/culture logic that continues to make human segregation via walling a salient practice in spite of its costly ineffectiveness. Methodologically, this work required an engagement with a wide range of issues: the changing signification of border walls over time, the uneven and unilateral nature of wall building, and the use of the interpretative practice most conducive to working inside the unique spatialities and contested histories particular to borderlands.

This is an inquiry into the bounded present, a political sociology of walling that looks specifically at the contemporary infrastructure characteristic of the changing territories and sovereignty of the nation-state through a series of descriptive engagements with several different walls around the world. The chapters look at walls mentioned in occasional news briefs, in relationship to one of the archetypes of contemporary walling initiatives — the U.S.-Mexico border fence, with drones and sensors — to address the interconnected socio-political forces that segregate certain kinds of people and build walls in other places. These chapters ask questions about what these monolithic barriers might have in common with smaller border barriers in places like Costa Rica, and how the legacy of the fall of the Berlin Wall continues to define the discursive horizon for understanding walls in a field of war making. This work looks at an instance when a border barrier does not go on to become a major symbolic point of reference in an ongoing national border controversy. It also looks at countries that are walling out neighboring labor forces, even as their own citizen migrant populations are encountering similar barriers in their movement to other places.

The specific context of each contemporary barrier and the physical and material infrastructure and technology that accompanies it are profoundly different. However, in the process of looking at the underlying formations and political architecture of wall building, I found a very similar pattern of events. Most national border barriers are built after an exceptional amnesty or a demographic increase in economic immigrants from the neighboring country. And although the unilateral act of wall building is widely criticized, it still goes up firmly inside the sovereign bounds of the builder's national territory. In the aftermath of the wall, there is a growing climate of xenophobia and racism in the wall-building country, and escalating tensions on the border lead the destination country to declare a state of emergency and redraw national security

policies, which require new and intensive rounds of public funding expenditures for border security. Following the infrastructure changes, increasingly expensive and restrictive migration policies are rolled out, often directed specifically toward migrants from the neighboring country. In both cases, a border wall marks the beginning of a changing configuration in the respective borderlands.

This sociology of walling offers better kinds of questions, rather than any conclusive findings or answers. As with most work of this scale and scope, this account is provisional and limited. It is my hope that the present work will be a contribution to our understanding of the bricks and mortar of the division and human segregation of contemporary borders in ways that open up intellectual resources and vocabularies on bordering, which are necessary to do the more difficult work of imagining a more convivial world (Gilroy 2004) where new forms of hospitality (Derrida 2000; 2001) surpass the limited and problematic global system of human rights secured in state-based configurations and humanitarian interventions (Weizman 2011; Arendt 1968).

Over the ongoing course of my research, several new national border walls were announced and built in places like Greece, Bulgaria, Turkey, Israel, Kenya, and the Dominican Republic. And certainly, as I write this text, there are no signs of this trend slowing. We should remain attentive to frontiers in the carceral era, characterized by the increase in physical systems of enclosure and confinement through growing webs of punishment that manage human submission. The simultaneous rapid democratization of drones has required me to situate my findings about the “vertical sovereignty” of walling regimes in conversation with other recent literature looking at the implications of the expanding asymmetrical aerial jurisdictions of drones and the proliferation of domestic “no-fly zones.” This project calls for us to consider the global proliferation of national border walls and fences in a way that invokes collective action against the

persisting operative logic of race/culture thinking that underpins most securitization as both a form of governance and an ideology. Walls isolate spaces of struggle inside national frameworks, but the larger global practices operative of the infrastructure of power are precisely what connects these struggles.

Chapter 1: Border Methodology

To survive the Borderlands
you must live *sin fronteras*³
be a crossroads.

— Gloria Anzaldúa, from her poem “To live in the Borderlands means you” –
(2007: 217, emphasis in the original)

The colonial world is a world divided into compartments. ... Yet, if we examine closely this system of compartments, we will at least be able to reveal the lines of force it implies. This approach to the colonial world, its ordering and its geographical lay-out will allow us to mark out the lines on which a decolonized society will be reorganized. The colonial world is a world cut in two. The dividing line, the frontiers are shown by barracks and police stations.

— Frantz Fanon, *The Wretched of the Earth* (2001: 29)

A national border is a line of sovereignty, one that is drawn through treaties and accords by political powers, enforced through military might. Most border studies scholars point out that nation-states are a relatively recent historical development, and that the creation of more than 70 new countries in the last 50 years has dramatically increased the number of national borders, which has been generative of many more experiential border zones. Although borderlines sometimes correspond to physical geographies or linguistic patterns, these artificial limits are generative of the borderlands — the unusual social and spatial formation where two systems of power exist in immediate proximity and where inhabitants can often access resources on both sides of the line. Border barriers are exclusively constructed within the builder-state’s geographic jurisdiction. However, sometimes they are built at significant distances from the actual sovereign boundary line. A borderline does not have to have a wall for it to manifest the larger official apparatus of the border, but walls and fencing always produce and manifest

³ *sin fronteras*: without borders.

borders in symbolic and material ways.

At the primordial heart of border work lies the foundational idea of the dividing line that separates the collective “Self” from the “Other.” This manifests as an inherent dualism in borders that pervades work on contemporary nation-state borders. Often it is a normative way of dealing evenhandedly with “both sides,” two nations, two sets of laws, two peoples, et cetera. This dualism is capable of objectively recognizing the existence of mixed inhabitants, border communities, border economies, and transnational flows. But this recognition is still confined inside a closed Hegelian dialectic, one that does not offer reciprocal recognition, but instead is rooted inside an irreciprocal, racialized, and asymmetrical power relationship. To theorize and to do research on the border requires unsettling this normative and underlying dualism in order to access the geopolitics of knowledge particular to the borderlands. That is, to use “third space” epistemology as a methodological bypass to trouble and to draw out the aporias inherent in doing political and intellectual work from an in-between place, where fictive arrangements consolidate real, oppressive, and destructive social systems.

To do this I draw on the “critical vocabulary” of a Fanonian *antidialectic*, one that facilitates a deeper understanding of walls as a kind of social space inside the open discourse of borderlands (Sekyi-Otu 1996). I understand this to be a quality of thought, a way of thinking outside of the system, even while that very action is formed and ultimately locked inside the constraints of dialectics. This methodological approach allows me to work from imaginative horizons, even if only for a moment in time, accessing perspectives that undermine the terms of discussion and the forms of thought that reproduce the systems of power as forms of knowledge. It is a practice that is at best only partial because it is constantly fractured and disrupted by the carceral and oppressive realities. However, this Fanonian critical practice is still relevant in the ways

it allows us to address the lingering and persisting colonial ecologies in the present.

The implications of doing border research in this way are that it opens up an entirely different kind of genealogy of fencing as a practice of power. This reassessment of the history of walls requires us to consider the recent spate of border buildup with a familiar eye for the continuities of state-sponsored violence and policing, problematizing the ways that violence is rendered as politics. I approached the questions of the global phenomena of border wall building by starting from a sociological imperative of looking at the whole picture of global border walling through detailed descriptive accounts of two very different barriers: one of the world's longest and most militarized fences, built by the United States on its southern border with Mexico, and the world's smallest, a one-kilometer cinder-block wall built by Costa Rica on its northern border with Nicaragua. In building the architecture of this research project, I had to confront the limits of methodological nationalism (Wimmer and Glick Schiller 2002) and face the challenge of selecting case studies from more than 30 potential fieldwork sites. This work was conducted over several years across continents, with cross-institutional affiliations, and in different languages, bringing up important reflections for me on some of the ethical dimensions of building and executing this kind of intellectual project. These procedural underpinnings shape and inform the larger aim of this project.

We internalize national borders as a priori social and political configurations that condition our existence in the world, often in ways we do not consciously consider or label as such; and we approach border research inside the dynamic and living reality of these assumptions. When doing research and work on national borders, the inhabitant who is not from the borderlands, but from a more distant political center, confronts his or her social and political imaginaries and experiences of the border in new and novel

ways, often as shocks and shifts to his or her worldview. This newfound knowledge of self in the world that takes place at the border often evokes a hyper-sensitivity and alertness to the difference and limits that a borderline inscribes and the constant changes that occur there. For the border resident, the person who lives in the immediate vicinity of either side of the boundary line, these subjectivities are intimately familiar and routine. Writing and reading this work requires us to situate ourselves at “perpetual crossroads,” a position of both reflexive and situated knowledge of ourselves in space, a constantly open position, which Anzaldúa (2007) described. The ever-changing rules, regulations, and rhythms shape the contours of everyday life on the border. People must constantly respond to the always-shifting and ever-present division, and it is their collective and personal lived rejoinder to the border that is constitutive of a particular kind of knowledge of the borderlands.

The Geopolitics of Knowledge in the Borderlands

The borderlands are a “third space” configuration, the creative formation born of a border, but which also transcends a border. Borderlands are places, often referred to as peripheries, that are historically ungovernable and neglected by capitals and centers of national power. Often the different options for local mobility in the borderlands between two countries open up all of these other emotional, intellectual, cultural, political, and spiritual resources that are also generative of and constitutive of a “third space,” which is a priori to the imposed divisions of nation, territory, and capital. New barriers in the borderlands cut apart families, communities, and friendships, and segregate a habitus in service of bridges and roads that privilege and secure the cargo of semitrailer trucks. But it is not just mobility politics at stake in the securitization of borders, nor is it simply the political economies of security, labor, or nation building —

all of which intersect inside this new architecture — but it is the ongoing ecologies and ontologies of the “emotional residue” of unnatural boundaries (Anzaldúa 2007: 25). By this, it is not just the feelings of “otherness” that are inscribed by a border, but it is the terror and fear that marshals and confines people inside unnatural formations of asymmetrical power that are drawn up by dividing lines.

Chicana/o theorizing, more than any other discipline, began to elaborate the border as a central place to theorize the complex geopolitical and postcolonial relationship between the United States and Mexico, emphasizing the ways in which the borderland also serves as a “heartland” for new political horizons of hybridity, creativity, and moral possibilities (Michaelsen and Johnson 1997: 3, 22). This decolonial epistemology disrupts the formulations of knowledge that privilege and maintain Eurocentric, Western modalities of power that rely on the rhetoric of modernization and prosperity (Mignolo 2009). The geo- and body-politics of delinking imperial knowledge, both epistemologically and politically, challenges the entrenched lines of power and global distribution of resources and work opportunities, which still fall along old colonial matrices of power that continue to be made and remade (Mignolo 2009; Quijano 2007: 168–169). Border theory (Hicks 1991; Rosaldo 1993; Saldivar 1997; Anzaldúa 2007) offers a unique framework premised in resistance that privileges the border as a site of “creative cultural production” that calls out the “mixed” border inhabitants’ (*fronterizo*⁴ and *mestiza*⁵) birthright and expert knowledge in crossing physical, intellectual, linguistic, and cultural barriers (Rosaldo quoted in Michaelsen and Johnson 1997).⁶ It is a kind of critical outlook or wisdom, rather than an exclusive sensibility. The pluralities available in accessing border spaces at physical, psychic, and

⁴ *fronterizo*: border inhabitant.

⁵ *mestiza*: mixed-race woman. This terminology invokes the mixed origins of Mexican Americans (African, Indigenous, Anglo [see Anzaldúa 2007: 99–113]).

⁶ This partial paragraph was previously published in an online intervention on the *Antipode* website (see Mena 2013).

imaginative multidimensional levels are useful to unpack the complex temporalities and spatialities of the power formations that border barriers generate. Border work is not limited to a geographical spatiality created in the overlap space of two places, but rather it resides in a space not acknowledged by hegemonic power (Saldívar Hull 1991). This “third space” or “imaginary ‘third country’” is “disidentified from the actual site where the nation-state draws the juridical line, where formations of violence play themselves throughout miles on either side of the line” and opens the possibilities for new forms of consciousness about ourselves and the formations that cross and divide us (Alarcón 1993–1994: 154).

This kind of intellectual work is often situated in between methodological and disciplinary boundaries. It is a critical form of engagement that was first forged by Chicana border feminists using methods and theories that draw on ideological analysis and materialist and historical research, as well as race, class, and gender analysis, which is developed from an awareness of a specific material experience of a historical moment (Saldívar Hull 1991). Border thinking is a locus of enunciation that takes into account the ways that the margins are also in the center (Mignolo 2000). Border hermeneutics also deal with both sides of the intellectual frontiers of European modernity and entail writing from a place and a time, a situated knowledge that draws on our experiences (Mignolo 2000). This is a way of seeing that comes from the borderlands, which is constantly in a state of transition; it is also the lived and embodied crossroads without borders described by Anzaldúa (2007: 25). It is a space that in many ways must be comprehended in its immediacy.

Some of the critiques of “third space” border work are that it risks being a reductive image of the border by espousing a panacea of hybridity, a tenor in some of the work that has corresponded with the rise of the discourse of globalization around the

turn of the millennium. These pitfalls are some of the same ones that appear in neoclassic studies of borders ranging from a complicit espousal and alignment with neoliberal, free-market universals (i.e., a “borderless” world) to a romanticization of particulars that is offered up as universal, which can be symptomatic of a theoretical narcissism or even an exalted cultural particularism or nationalism. These extremes also rely on a dialectics of difference, so to approach this work I invoke a Fanonian resource of *antidialectics* that I employ as a way of explicitly laying bare the persisting Hegelian dualism that tacitly undergirds so many of the discussions of contemporary national borders today (Sekyi-Otu 1996). This opening vocabulary pays careful attention to social power mediated through space in a way that opens up a different set of resources to understand and think about dividing lines.

A Fanonian Return — Antidialectic as Space

My return to Fanon is precipitated by a different historical moment and situation in the world (Gates 1991). And it is not a singular return, but rather a series of situated returns. The role of Fanon and other revolutionary Third World writing shifted the sites of discursive work, deeply informing the emergence of first Chicana/o Studies and later Border Studies as counter-disciplinary fields of study, which are foundational to the methodological approach of this investigation (Pérez 1999: 15). I revisit Fanon’s writing, which explicitly deals with the “narrow” world that is “delimited by fences and sign posts,” and the ways that he understood material divisions — the “compartments,” the “lines of force,” and the “frontiers” of the colonial world — as a critical typology of roles and relations of race and power (Fanon 2001: 29; and quoted in Sekyi-Otu 1996: 96). Our understandings of contemporary walls need to be grounded inside this historical genealogy of coercive division to fully and meaningfully engage with this

persisting social and political state architecture. What is unique about Fanon's engagement is that it completely refuses a dialectical understanding of colonial history, which is what makes his writing an ongoing resource for understanding colonial governance, policing, and violence, laying bare the organizing power of race (Sekyi-Otu 1996). This refusal ultimately allows Fanon "to avow and to name the horizon that constrains and enables its speech" (Sekyi-Otu 1996: 51). This is the same stance we must take in doing border thinking and border work. The act of refusing to acknowledge a division as real is what clarifies the sociological functions of the border wall, as opposed to merely its symbolic meaning. Fanon's writing provides a vocabulary that I center as pivotal to my understanding and discussion of the coercive power of borders, which fundamentally alter time and space inside a real social political order that *is* the economic order. This perspective simultaneously allows for the "apprehension of a historical object in its immediate mode of appearance, and yet prepare[s] us for a *comprehension* of this object — that is to say, a fuller knowledge of its appearance *and* its conditions of intelligibility" (Sekyi-Otu 1996: 52–53, emphasis in the original). In other words, it is a perspective that allows us to understand the immediacy of our contemporary moment as both a historical object and as a futurity. Most of the world's borders on every continent were drawn by conquest; and they were shaped and reshaped by colonial occupation and colonial management and, more recently, reconfigured by neoliberal corporate governance and/or military interventionism. Instead of looking for what might be the "new" significance of the latest generation of border fences and walls, a task that is ideologically locked inside a teleological relationship with well-defined hegemonic temporal schemas that include "post-Cold War," "post 9-11," and "globalization," I want to take a step back to consider the continuities of age-old practices of state-sponsored violence in delimiting the world — a perspective where the

field of interactions becomes the focus, and where new objects of study can come into view. I think this is useful for understanding walls and for problematizing the semiology of walling, a spatial form of violence *as* politics, and all the conceptual problems this untenable schema poses.

What does the structure of domination look like? In the colonial context, it was the visible condition of sequestration, apartheid, and confinement to the “narrow world strewn with prohibitions” (Fanon 2001: 29). “[W]hat parcels out the world is to begin with the fact of belonging or not belonging to a given race, a given species,” said Fanon (2001: 30–31). The colonizer-colonized relation is an order of absolute difference and radical irreciprocity that is fixed and made manifest in space (Sekyi-Otu 1996: 72). The world is spatially organized through a coercive politics of race, not the Marxist economy of time and class, which is why Fanon tells us the Marxist analysis must be “slightly stretched every time we have to do with the colonial problem” (2001: 31). The colonial context introduces “dead time,” where labor is coerced and time is no longer a regulative principle in the narrative of social being and the critique of domination (Sekyi-Otu 1996: 76). The measure of the totalitarian nature of this social organization isn’t so much in the surplus value, but the magnitude of the physical and metaphysical division between colonizer and colonized (Sekyi-Otu 1996: 76–77). This is a coercive and forced existence, and one that is primarily connected to the human condition of existing in space. “Coercion as a compulsion presupposes coercion as restraint. One cannot begin to compel another to use a space in a certain way unless he has already restrained the other from using space in alternative ways. At the center of coercion is effective control of space” (Weinstein quoted in Sekyi-Otu 1996: 78). The critique of domination becomes an analysis of the spatial structuring of positions. Fanon’s writing assigns causal primacy to the political event of violent conquest that constitutes a social

reality. It is the conquest institutionalized in the “colonial system” to which the colonizer owes the very fact of his existence as a property owner (Sekyi-Otu 1996: 49). The consequences of the act of conquest and political domination are the system of property relations, and an entire universe of social, juridical, and symbolic practices and transactions (49). It is a world where the native lives in a “permanent state of tension” (Fanon 2001: 41). “The symbols of the social order — the police, the bugle calls in the barracks, military parades and the waving flags — are at one and the same time inhibitory and stimulating. ... [T]hey cry out ‘Get ready to attack’” (41). “[T]he presence of an obstacle accentuates the tendency toward motion” (41). The references and depictions of the freeing power of bodily movement and motion present throughout most liberatory, Third World, revolutionary, anti-colonial, and postcolonial writing accentuate the moral and political power of the corporeal response in undercutting what we might call the arrested dialectics of isolating division and domination.

Implications of Using Border Methods

The question of the universal and particular is important to engage with, especially as this study tries to situate larger questions about the global practices of national wall building inside the particulars of specific projects and historical moments. What is universal about walls is the persisting idea of otherness that frames most of the knowledge production about changes in borders. Racism is premised in borders, divided by straight and clear lines (Du Bois 1984). Race supremacy is naturalized in the historical world, and the people in it and the categories of race are atemporal. Essence precedes existence for the colonizer, and for the “Other,” his or her existence decrees essence, an essence innocent of discrete particulars (Sekyi-Otu 1996: 52). Divisions are rendered as atemporal. It is an anti-narrativist manner of living and reliving the colonial

event and the insurrection it invites that allows us to understand the colonial context (Sekyi-Otu 1996: 51). This is a borderlands perspective. Borderlands work has to accomplish this subversive outlook. It is anti-modern, anti-dominant, and anti-territorial. Border thinking can only be from a subaltern perspective, and never from a territorial one, because territorial perspectives are operative of appropriation, and ultimately make the study of the “coloniality of power” (Quijano 2007) or “colonial difference” an object of knowledge rather than an epistemic potential (Mignolo 2000: 45). In the methodological and procedural architecture of my research approach, I continually refer back to this orientation, a *perpetual crossroads*, where I constantly question, probe, and challenge the normative assumptions that are embedded in this work. Because walls are social, spatial, symbolic, discursive, and even allegorical, the new geographies and configurations of power formations via walls implicate the need for a borderlands approach to looking at this phenomenon.

Research Architecture

Early on, as I began to plan the scope of research and to think about which methodological tools might be best suited for unpacking the social and political building blocks of very different contemporary border barriers — ranging from short, cinder-block walls near alligator-infested rivers to high-tech, virtual barriers with cameras and sensors in harsh desert terrain — it became clear that I would need an approach that would allow for macro-level inquiry, but one which would still capture the complexities and very different socio-historical contexts of each particular walling project. Also, the methodology would need to be able to accommodate the changing signification of walls and fences over time because most of the structures had already been built years prior to my investigation.

In using a borderlands imagination that privileged the border as the center, I found that the contour of my questions was very different in relationship to some of the early literature on this subject. Rather than having a rigid commitment to a singular methodology, I explored different ways of making these walls “speak,” looking at not only the “nature” of walling in the present, but also how they related inside a larger history of state-based walling initiatives. This kind of framing allowed me to home in on what these material structures might mean for the ways we talk about the social space or the “geo-body” of the nation-state and its borders in the context of the rising sovereignty of global capital (Winichakul 1994). In particular, this approach privileges the borderlands as a key site where changes in securitization, policing, and violence against both citizens and noncitizens offer clues about the continuities, the contradictions, and the reconfigurations of racialized regimes of power in the era of “multiculturalism” and universal human rights. Comparisons of different walls through case studies, which involved mixed, qualitative methods, proved rich in findings that forced me to revisit my questions again and again. Each wall and the sociopolitical scaffolding that surrounded its construction and ongoing existence served as a unit of study. Strategically limiting the scope of this comparative project required careful considerations of the timeframe of the analysis, representative fieldwork sites, and which side of the walls I would ultimately work from.

Understanding Walls as Social Space

In order to assess if the new genre of border walls is indicative of a new kind of social organization of space, it was necessary to characterize the term space as it relates to walling. Drawing from different bodies of work about the logic of capitalism in the construction of social space (Lefebvre 1974; Jameson 1991; Etlin 1994; Virilio 1994;

Fanon 2001; Massey 2005) opened up a broader set of means to help distinguish between ideology and knowledge in the context of understanding space — the lived, perceived, and conceived — and deciphering its interrelationships, oppositions, and dispositions that are all messily bound up in a simultaneous web of past, present, and future (Lefebvre 1974). Architectural space, in this case as it pertains to walls, is a way of thinking that offers a kind of cognitive, problem solving, and philosophizing in the postmodern. Walls telegraph the changing socio-abstract into a spatio-concrete inside the spatial formations of capitalism, which operatively renders an in-between space that simultaneously contains an appearance of security and constant threat, and experiences both overt and latent acts of violence (Lefebvre 1974: 57). This sociological approach in looking at the spatial situates border walls as paradoxical superstructures, characteristic of late capitalism, where the cultural and economic collapse back into one another in new spatial relations of power (Jameson 1991: 125, xxi).

The spatial relations of the present are profoundly shaped by the “coloniality of power,” a concept that underscores how modern management of people in relation to space has a neocolonial core (Quijano 2007). Imperial and colonial relations have created deep interconnections between places via architectural, spectacular, performative, and lived spaces. Even now, this spatial relationship tends to be characterized inside updated binaries of the imperial “center” and colonized “periphery,” like the “Third World,” the “developing world” and the “global North,” et cetera, obscuring the hybridity of place — the idea that places are constituted in relationship to other places, as opposed to some intrinsic quality of location (Driver and Gilbert 1999; Massey 2005). Also, images and attitudes persist about different kinds of spaces: the city, the country, the border, et cetera, even as they are reconfigured and reconstituted by new relationships of labor, capital, and violence (Williams 1973).

Geographer Derek Gregory has described this as the imaginative geographies of the colonial present:

... constructions that fold distance into difference through a series of spatializations. They work by multiplying partitions and enclosures that serve to demarcate “the same” from “the other,” at once constructing and calibrating a gap between the two by “designating in one’s mind a familiar space which is ‘ours’ and an unfamiliar space beyond ‘ours’ which is ‘theirs.’ (2004: 17)

Often these are constituted in linear narratives that have roots in universality. Even when political action and alternative configurations of power are reformulated in linear narratives, they end up in a theoretical aporia somewhere in a primordial locus for modernity in Greece and France, or in the case of border walls, back in Berlin. This telling of contemporary border walls carefully looks at different local and situated histories of border barrier projects, contextualized inside the respective histories of colonial power through several case studies.

Case Studies

To answer these questions about the contemporary global tendency to wall national borders, I started from a sociological imperative of looking at the whole picture through detailed and descriptive case studies. Case studies are in-depth, multifaceted investigations using qualitative research methods of a single social phenomenon. Conducting multiple case studies of border walls constructed during roughly the same period created a framework for an inter-subjective and comparative basis for my observations (Orum, Feagin, and Sjoberg 1991: 2, 18). Following Geertz, these case studies consist of “thick descriptions,” an interpretative practice that asks questions about these structures’ social grounding and importance (1993). Descriptive method involves conceptual and methodological assemblage in a creative, innovative

observation, which can yield new insights (Savage 2009: 170). Many different qualitative approaches could have proved equally engaging and useful as the method I ultimately decided to use for this project. For instance, I could have framed my investigation to look narrowly at only the physical structures themselves, or conducted ethnographic fieldwork with communities impacted by the border walls. But at the heart of my inquiry were core questions about some of the early claims that have been made about this as a global architecture (Andreas 2000; Davis 2005; Brown 2010; Jones 2012). Does the latest wave of wall building actually mark out something “new”? Beyond the highly symbolic roles of walls, what are the lived, sociological, and material functions of border barriers? Do these barriers present contradictions or paradoxes about state sovereignty, or are some of these contradictions inherent to the dialectics of bordering? To ask some of the deeper theoretical questions about how nation-state sovereignty might be changing, and what significance border walling might have in relationship to new formulations of securitization, terror, and globalization, I needed an approach that was more than an isolated, in-depth depiction of one wall.

Due to the lack of primary sources on less studied walls, the “thick description” in these case studies derives from mixed, qualitative methods of investigation. These rely primarily on three main sets of archives: government documents, judicial documents, and media coverage. I also examined some of the borderlands literature, fiction, and music from each country that specifically addressed social and cultural memories of national boundaries, or that offered alternative futures or conceptions of these contested spaces. The span of these archives corresponds with the changing spatiotemporal changes of the wall itself, tracing from when a border barrier is first conceived as an idea or “solution,” through its construction and its ongoing existence. Secondary methods, including supplemental interviews and observational visits to the

actual walls helped to fill in the spaces or gaps in the “descriptive assemblage” of these cases (Savage 2009). Limited additional interviews were conducted with adults living or working in border communities crossed by walls. These voices accounted for a daily reality of the actual processes that take place at the wall, which tempered the official narrative in the archives, and often drew out some of the functional aspects of state sovereignty and power embodied in the wall that are not mentioned in the headlines or policies, but are functional on the ground. This helped me to create a deep, descriptive analysis of the “structures of signification” in walling, a process that relates quite literally to the physical wall itself, and also to the national and social context surrounding the construction and presence of the wall (Geertz 1993: 9). This kind of “triangulation” of literature analysis, interviews, and empirical observation opened up the possibilities for me to critically study different border walls with very different historical positions, and to interrogate in what ways they are similar and dissimilar (Orum, Feagin, and Sjoberg 1991).

Project Scope

The first step in this project was to begin with an archeology of state-based walling initiatives. This helped me to identify the emergent temporal markers that the early work on contemporary national border walls laid out within a particular ideological framing, a set of assumptions that use post-Berlin and, later, post–September 11, 2001, as a sort of shorthand to demarcate the age of border walls. Peter Andreas and Tim Snyder’s early considerations about “the Wall after the Wall” in the late 1990s offered some of the first insights into the new border walls springing up after the fall of the Berlin Wall and marked the changes in an “increasingly important era of state regulatory activity, which involves ideological redefinitions of border functions and

territorial policing” (2000: 2). Even though the political popularity behind walls persists, the “nature” of these walls and the threats they are built to repel have changed (Andreas and Snyder 2000: 1). The new walls deter a perceived invasion of “undesirables” — unwanted immigrants — a phenomenon that Andreas located on the “geographic fault line dividing rich and poor regions” and, specifically, on the U.S.-Mexico border and the eastern and southern borders of the European Union (2000: 1). However, since these early reflections, contemporary nation-state walling has not really emerged in the world or in scholarship as a single historical phenomenon. New walls were often discussed individually, but not as part of a global and common event until very recently (Brown 2010: 26–27). More often this phenomenon takes the form of more specific case studies or area or regional studies like Nevins’s (2010) and Andreas’s (2000) work on the U.S.-Mexico borderlands or Gregory’s (2004) work on Gaza and the architecture of colonial occupation. Mike Davis (2005) was one of the first social scientists to talk about the singular contemporary global phenomena of border wall building. In an essay titled “The Great Wall of Capital,” Davis explained in a thesis similar to Andreas’s how “the global triumph of neoliberal capitalism has stimulated the greatest wave of wall building and border fortification in history” and how globalized border enforcement is as much in the sea and in the air as on land, including digital, geographical, virtual, and architectural borders (Davis 2005: 88–89). He situated the current walling regimes as analogous to the Roman Empire’s transition into the second century from relatively open borders to massive linear walls, like a great wall of capital on the edges of the overdeveloped world. He outlined three continental regimes: U.S.-Mexican Frontera⁷, Fortress Europe, and what might be called the “Howard Line,” separating Australia from Asia, noting that since the fall of the World

⁷ Frontera: border (but this has a double meaning, as *frontera* also means frontier, a terminology that references U.S. imperial practices in the West and Southwest).

Trade Center towers, these mega-borders have become the ramparts of empire in several literal and paradoxical senses (90). According to Davis, these borders enthrone the borderless sovereignty of capital upon the physical fortification of inequality and the criminalization of labor migration (98–99). These prime meridians, so to speak, occupy a large space in contemporary literature about border securitization and migration in the era of globalization, but still orient our knowledge production about these processes in a particular way that privileges theorizing inside a hegemonic telos of Western civilizationism. This plays out when a civilizational wealth axis is used as a primary means to understand and think about contemporary divisions between nations, and it becomes even more problematic when this is mapped onto “terror talk” that extends and legitimizes concepts of cultural orders tacitly in this framework. This is often expressed as a kind of “novelty” that there is something inherently new about the latest round of border walls and what they inscribe or do, and especially how these practices reconfigure state-based power.

The Berlin Wall was the last major wall in the twentieth century, and when this wall was taken down in 1989, national border walling fell out of favor as an acceptable practice, except along lines of very sharp conflict. However, in the late 1990s, early incarnations of new walling projects like the pilot wall in San Diego along the U.S.-Mexico border were already underway. September 11, 2001, has become a kind of bookend reference to the fall of the Berlin Wall in much of the literature that describes globalization. Contemporary walling initiatives were born out of this convergence of the cultural/race logic of the Cold War, and also out of a contemporary legal shift in which military justice was extended to citizens in the United States after 9-11 and also in Europe, where new labels of alienage based on nationalism and religion became guises for race and new forms of ethnic profiling and policing (Mamdani 2004; Cole

2003). I begin with 2001 as the starting point in my query as a way of intentionally engaging this taken-for-granted temporal scape and thinking about it differently.

Geographer Reece Jones examined several controversial border security projects in leading democracies and the consequences of physical barriers on those who live in these “newly securitized spaces” and “how the process of locking down and closing political borders should be theorized in terms of state-making, nationalism and sovereignty” (2012: 1). He said that these physical and symbolic changes will remain the most durable and profound consequence of the global war on terror, shifts that have occurred as the “enemy-other” is represented as no longer constrained by geography, but a figure that can strike anyone, anywhere, and at any time. However, the global war on terror discourse does not explain the whole picture, he explained. Feelings of fear and vulnerability of a globalized terrorist network were reanimated and focused through representations of neighboring countries as ungoverned spaces with uncivilized populations (Jones 2012: 2). The narratives that justified barriers in places like the United States, Israel, and India focus on the external factors of terrorism, violence, and instability, while the underlying causes and significance of the barrier are internal to the barrier-builder state (3). In Jones’s framework the construction of the barrier legitimizes and intensifies the other internal exclusionary practices of the sovereign state in material form (3). The lasting significance of walls, Jones suggested, is the context of the long-term expansion and consolidation of sovereign power in the state system (3).

Political theorist Wendy Brown (2010) wrote one of the first books discussing the global scope of contemporary walling initiatives in the context of the reconfiguration of nation-state sovereignty, which is increasingly dividing the economic power from the political power in a way that makes capital the new global sovereign and requires the state to take on an increasingly theological formation of political

powers in religiously sanctioned political violence. Contemporary border walls are situated in an economy-security nexus where forms of biopower and governance intersect in an updated Realpolitik where the nation-state boundary is a border to limn non-state transnational actors (Brown 2010: 94, 21). There are paradoxes in these new walls: the simultaneous opening and blocking; the universalization mixed with exclusion and stratification; and finally, a network of virtual power met with physical barricades (20). And walls in this context are iconographic of the predicament of state power and the increasingly corrupted divide between internal and external policing with both police and militaries (24–25). According to Brown, walls have temporally and spatially ad hoc and provisional qualities, and walls often undo or invert what they are meant to inscribe and generate an increasingly closed and policed collective version of identity instead of the open society they are intended to defend, which constitutes new forms of xenophobia and parochialism in a post-national era (24, 40). In the context of late modern subjects' psychic-political desires, anxieties, and needs, walls offer reassurance inside the shifting horizons, orders, and identities in the face of the decline of state sovereignty. The transnational specter of terrorism is insufficient to account for the state's vulnerability to be transformed into the vulnerability of the subject citizen. Brown suggested that it is the circuitry established by the social contract that achieves this. The sovereign state brings into being and secures the sovereign social subject, even as it appropriates the subject's political sovereignty (108). She concludes her reflection on how walls fail to repel or block transnational flows, but instead are effective in producing psychic containment (109).

The meaning-making of walling and fencing projects is usually couched in symbolic terms, a discussion that is situated in the modernist tradition of the older aesthetic absolutes of the symbol, which is in crisis (Jameson 1991). This is a juncture I

approach carefully with a thoughtful tension to avoid a narrative where border walls are either reduced to symbolic terms of psychic engagement or to merely the material violence. For instance, understanding the U.S. border wall as a symbolic monument is problematic when most of the taxpayers underwriting the ongoing costs of the wall's maintenance never even get to see it except in pictures, news reports, and the occasional reality TV show like "Border Wars," where U.S. Border Patrol agents are a new kind of frontier hero. I have not seen accounts of conflicting configurations of sovereignty, between the version that is trying to protect the state from terror and the other kinds of sovereignty that have a more everyday quality, that border residents have to negotiate. For instance, I met an Arizona rancher who lives along the border wall who has to file a tort claim with the federal government every time he tries to get compensation for the cattle that U.S. Border Patrol agents on all-terrain vehicles run over and kill.

This work engages with some of the complexities of doing border work by starting from the contradictions that are inherent in "third space" work at a methodological level in order to be more precise about the "paradoxes" of border walls and frame these a bit differently. I have cursorily staked out some of the junctures in the early literature on contemporary national border walls in this section to better situate points of departure in my own case studies looking at the importance of the disciplinary and exclusionary power of walls in our contemporary moment. There are no clear answers in this kind of inquiry, but rather, different kinds of questions about how we think about contemporary walling in relationship to some of the broader implications of the changing configurations of national borders.

Selecting Fieldwork Sites

The next step was to try to decide which of the more than 30 border barriers to include

as case studies in the project. I decided to look at walls that had already been built, because finished walls and fences harbor some initial clues about their functionality, and also their failures. My aim was to have several case studies in countries with different socio-political contexts of boundary making. Initially, the plan included: the tiniest border wall, built by the Costa Rican government on its national border with Nicaragua; the longest border fence in the world, under construction between India and Bangladesh; and one of the archetypal and heavily militarized barriers, the U.S. border fence with Mexico. Ultimately, the decisions around the final fieldwork sites were made within the constraints of access, contacts, safety concerns, language abilities, and funding. I was able to successfully conduct the Costa Rican and U.S. case studies as planned, partnering as a research affiliate at the national university and a well-known state university, respectively. The Costa Rican barrier is situated inside a complex postcolonial history, which includes highly contested historical flows of human migration. However, unlike walls in the United States or Fortress Europe, this barrier is not at the edges of the overdeveloped world, and it offered a rich comparative space to interrogate what kinds of social forces inform state border-walling initiatives. This space offered an opportunity to look with a comparative lens at the different socio-cultural conceptions of nation and citizenship that these walls produce, and the ways in which these particular scenarios intersect and diverge inside a larger global tendency to build border walls.

Border walls are always built unilaterally by one country, and my primary orientation and focus in this research was to look at the builder countries. The uneven nature of wall building, in the context of the unique spatiality and contested histories particular to borderlands, required a nuanced frame for my research. Borderlands are a neither here-nor-there space that is crossed by national boundaries, many times

violently drawn, in ways that separate and divide historically connected communities. The nature of this kind of space required that I situate myself as researcher in such a way that did not privilege the imaginary borders of the nation-state, even while I investigated a state practice of border walling within the typical funding and research constraints of methodological nationalism (Wimmer and Glick Schiller 2002). So while I oriented my research to look at builder-states, I also consulted archives and resources as needed from countries that have been fenced out.

Ethical Dimensions of Border Research

Some of the major ethical dimensions, beyond complying with all of the appropriate institutional regulations guiding ethical research practices, were specific to doing research on a border, considerations that go beyond traditional institutional review boards' frameworks. The recently developed "Code of Personal Ethics for Border Researchers" is one attempt at a document laying out the political and activist framework that should ground scholarship and research activities in border communities, and it gives examples of what such a framework might include (Ochoa O'Leary, Deeds, and Whiteford 2013). Often, scholarship on borders draws on and reproduces regional and linguistic borders in research (Ochoa O'Leary, Deeds, and Whiteford 2013: 279). This project attempts to draw on multilingual sources from different regions, even while focusing on builder-states. Another related dimension in maintaining excellence in border research is creating binational collaboration, which includes binational peer-review processes and multilingual publications in the dissemination of research findings. I am grateful to the research communities that I have connected with in my respective fieldwork sites, who have required me to present my work, encouraged me to publish my findings in Spanish-language journals, and

provided important feedback, suggested resources, and agreed to read final drafts of my work to critically assess it.

Delimitations

The goal of this project is not to conclusively answer these questions — an epistemological position that would reproduce some of the very systems of thinking that I am trying to engage with and critique — but rather to interrogate the way we talk about the “nature” of national borders and to address the racialized logic that underpins the construction of these superstructures built at the crossroads of globalization and securitization. The results and findings of this kind of methodology are new sets of questions that challenge the ways we talk about space, sovereignty, the nation-state, and the human right to mobility inside contemporary systems of closure and enclosure. And while border walls are not the only space or place where this kind of inquiry can happen, the politics of place and the Western academy privilege the study of certain configurations, which functionally obscure the operative social mechanics of neoliberal ideologies in updated versions of the same old racisms, oppressions, and violence with new, socially acceptable, and politically correct veneers.

Chapter 2: Hedges and Barbed Wire: An Archeology of State Walling

In the beginning was the fence. Fence, enclosure, and border are deeply interwoven in the world formed by men, determining its concepts. The enclosure gave birth to the shrine by removing it from the ordinary, placing it under its own laws, and entrusting it to the divine.

— Jost Trier, German linguist during the Third Reich, quoted in *Nomos of the Earth* by Carl Schmitt (2003: 74)

The men who first laid out a road between two places accomplished one of the greatest feats. By coming and going between the two they may have linked them subjectively in a manner of speaking, but those places were not objectively joined until they had impressed the Road onto the surface of the earth: the will to connection had become the Form of things, Form which was offered to the will for each repetition, without this being dependent any longer on its frequency or scarcity.

— Georg Simmel, “Bridge and Door” (1994)

Sacred Dividing Lines

The practice of dividing is strictly a human endeavor. The ability to be able to see things in nature as spatially separate means that we have already related them to each other in our awareness, or put another way, “separating and connecting are only two faces of one and the same action” (Simmel 1908). This chapter begins with a reflection on these sacred dividing lines and otherness, looking at thresholds, limits, and transgressions, concepts that are at the core of many enquiries in philosophy and social theory and are constitutive of the histories that are deeply embedded in the psychic and socio-spatial creation of walls and fences. Next, it outlines an archeology of state walling practices, uncovering how walling and fencing have historically taken on new meanings in the context of extractive capitalism and have evolved as a tool to enact violence and formalize racial segregation. This account tends to the social practices of power vis-à-vis walls by highlighting the operational, ideological, and even physical

details of barriers in order to more clearly recognize the continuities and political stakes in the contemporary case studies that follow. There are numerous other examples and instances that could also be considered in conjunction with what is outlined here. However, this survey lays the historical groundwork for a critical engagement with *nomos*, Third Reich theorist Carl Schmitt's geo-philosophy of appropriation, which understands a fence as the spatial order that organizes all political and social human life and will be examined in the next chapter.

Most discussions of division and separation go back to the primordial locus of separation between the sacred and the profane. The location of the threshold is especially pregnant with meaning and symbolism. Etlin describes it this way:

Passage across the boundary between the profane world without and the sacred domain within acquired special importance. Even today the threshold, any threshold, retains a symbolic character that extends beyond its merely functional purpose. It seems likely that the basic configuration of early settlements organized according to a cosmogonic ritual, which privileges the perimeter and the center, is grounded in the human psyche's need for orientation related to our own body sense. (1994: xx)

Humans seek different meanings simultaneously in the same space, which Etlin talked about in three ways: "the primal, experiential space of 'deep structure'; the hierarchically organized space according to social codes; and the multiple, simultaneous layering of meaning given to a particular place" (1994: xx). This is interesting to compare with Gloria Anzaldúa's (2007) work on borders, which echoes this configuration of space and understands it as simultaneously a psychic, personal, and collective experience. In her explanations of the creation of space — and borders as an unnatural space, in particular — she talks about how humans fear both the ordinary — the animal impulse of sex, the unconscious, the unknown, and the alien — and the supernatural — the divine, the superhuman, and the god in us (2007: 39). Culture and

religion seek to protect us from these two forces. She discusses the woman — who creates life and bleeds but does not die, as closer to the undivine — and who becomes the stranger and the “Other” (39). The common, originary root in most texts talking about the “Other” continues to circle back to the line that divides between sacred and profane (Kant 1795; Simmel 1908; Bauman 1990; Derrida 2000 and 2001).

Other theorists have framed these discussions of separation in terms of limits and transgression, where the transgression of a limit or line becomes the threshold. If Kafka’s story “The Great Wall of China,” a fictional account of how a wall is built on mythical foundations, is considered in relationship to his parable of the doorkeeper guarding access to the law in “Before the Law,” the alterity engendered by walls is put in contrast with the exclusionary function of doors (Leach 1997: xix). It is the door that breaches the wall opening up to the “Other,” an act that ultimately exposes the wall for what it is (Simmel 1908; Leach 1997: xx). The act of breaching or transgression is often a place where language fails (Foucault 1977: 40). Foucault uses a metaphor of the transgression as lightning, which lights up the night sky “from the inside, from top to bottom, and yet owes to the dark the stark clarity of its manifestation, its harrowing and poised singularity” (1977: 35). He describes the relationship of transgression with limits as a spiral, which is generative of a multiplicity of spatialities and different kinds of horizons. “Transgression is neither violence in a divided world (in an ethical world) nor a victory over limits (in a dialectical or revolutionary world); and exactly for this reason, its role is to measure the excessive distance that it opens at the heart of the limit and to trace the flashing line that causes the limit to arise” (35). This metaphor accesses the multiple temporalities and spatialities of crossing a borderline and the complexities in categorizing or capturing the illusive significance of the line itself.

Many of the semiotic frames and psychoanalytical discussions of the “Other”

often focus on this primordial relationship of oneself with the world or with the cosmos, to understand and frame questions around what or who has the power to divide, and the spatialities of otherness. Most of this intellectual framing has historical roots in Enlightenment thinking, where the philosophical production of knowledge was crucially constitutive of the production of new rationales and powers to divide humans. The writing and essays by Kant, Hume, and Hegel drew up realms of “reason” and “civilization” as synonymous with “white” Europe, and savagery and unreason as located outside Europe among non-white people (Eze 1997: 5). The remnants of this spatial schema of knowledge often lurk just beneath the surface of theoretical treatments of borders, in particular. As a historical period, the Enlightenment produced a scientific and philosophical vocabulary that built and continues to undergird larger sets of analytical social, political, scientific, and philosophical categories of the world (Eze 1997: 7). The knowledge of social space reproduces and expounds on these processes and categories of production (Lefebvre 1974: 36). The Western “self” in the philosophical and political study of borders has to be understood as a central aporia in undertaking new studies that take up primordial questions of boundaries.

[T]he experience of the Other, or the *problem of the “I” of others and of human beings we perceive as foreign to us*, has almost always posed virtually insurmountable difficulties to the Western philosophical and political tradition. Whether dealing with Africa or with other non-European worlds, this tradition long denied the existence of any ‘self’ but its own. (Mbembe 2001: 2, emphasis in original)

Even the later philosophical attempts by Heidegger and others that have tried to resolve this problem have “ended in pluralist idealism that leaves the foundations of the Western solipsism intact” (Mbembe 2001: 18–19). This privileged understanding of self has to be founded instead on a set of absolute and eternal beliefs (de Beauvoir 1953). In

order to think about walls and what they might mean, I have looked for words and approaches that unpack and get to the heart of the power configurations at stake in these spatial formations.

Monumentality

For this work, it is useful to think about national border walls as monuments in the Lefebvreian sense. Monumental space offers each member of society an image of membership in a collective mirror (Lefebvre 1974: 220). The monument effects a “consensus” about power and wisdom generally, rendering it concrete, and the repression that is required to enact this consensus is transformed into exaltation (220). The collapsing of repression and violence into a material homage makes a semiology of the symbolic dialectics of knowledge of this space difficult to envisage (220). Many of the discussions about specific walls, and also the early comparative global accounts of contemporary border walls, emphasize the symbolism or meaning of walls in regard to nation-state sovereignty and enacting the lines of alienage of the transnational “Other.” New walls are described as mapping threats or fears about terrorism onto existing civilizational binaries, reanimating or “newly” invigorating old, exclusionary imaginaries and behavior toward populations on the “other” side of hardening borders (Jones 2012). And while monuments embody symbols, even archaic and incomprehensible ones, they are not merely objects or an aggregation of diverse objects, but rather they act as strong points or anchors in webs and textures of social space, capturing the layers and levels of perception, representation, and spatial practice across time (Lefebvre 1974: 222–224). This is why “border zones” and “borderscapes” exist in a wide array of spatial configurations outside of the border itself, but studies of these spaces frequently refer back to the actual boundary line or fence. These structures

transcend death and have an atemporal quality, where appearance and reality converge. However, this convergence is incomplete and not lasting, and this underlying contradiction undermines the structure itself. Thinking of border walls as a kind of monument, a site of memory, and a space where a will toward power is enacted, and as a space that is determined by what may or may not take place there, makes this the kind of space where there is a continual back and forth between private speech of ordinary conversation and the public speech of discourses (Lefebvre 1974: 224).

This perspective is useful because it does not reduce walls to a symbolic or discursive realm. Instead it allows for us to access the multiplicity of ways that a wall is a social process, a nation, a tool, a form of control, a memory, a symbol, and even a material object. For example, shortly after World War I, the French and British military surveyors placed deep cairns to mark the border between their respective colonial mandates in Lebanon and Palestine. Today these old colonial markers visibly capture the shifts in time and space. The markers no longer distribute the horizons of territory, even though they recall operative truths of geopolitical entities and realities like Palestine. These markers serve as “geopolitical yard sticks” because they also vertically reveal the differential stains of missing soils, the physical trace of the land theft during the late 1990s, when the Israeli government removed fertile topsoil from an occupied “Security Zone” of Southern Lebanon and transferred the fertile soil to Israeli settlements (Nyers 2012).

As the following chapters will explore, not all barriers are acknowledged, nor does a barrier always go on to become a deeply symbolic marker in and of itself, even when the national boundary line is strongly contested. Some barriers are most symbolic in the temporal moment, when people and politicians protest the physical act of its construction. Looking at walls as part of a monumental space opens up ways to

understand how consensus is coercively enacted across time and space. So even though a wall can be overgrown with weeds and does not functionally exclude or divide anyone, it is still possible to access the ways in which memories and the will toward power is enacted, extended, and embodied, mutating in other spaces, locations, and practices far away from the wall.

“Legibility” of Statecraft in the History of Human Mobility

In many ways the history of walls is a key part of the history of human mobility, because anything that prevents human movement has a bodily effect. Netz wrote, “The history of the prevention of motion is therefore a history of force upon bodies: a history of violence and pain” (2004: xi–xii). Historically, the functions of walling and fencing have been multifarious, but always connected and intrinsic to power relations and social organization. As such, the lens for looking at walling must first build from what Mann calls the “infrastructure” of power — how geographical and social spaces are conquered and controlled by power organizations (1986: 9). Because walls are the oldest human-made structures on earth, the scope of the discussion here is limited to a survey of key moments where practices of walling and fencing as a formation of power developed, specifically in relationship to the emergence of the nation-state.

With a few exceptions, most walls from the first century BC up to the eleventh century AD were used exclusively for defensive military maneuvering. The earliest kinds of recorded walling projects were defensive architecture at the edges of conflict, rooted in projects of empire building like the Great Wall of China and the walls of the Roman Empire. In this context walls literally marked the limits of imperial power and served as a cost-effective defensive tactic, due to the prohibitive expense involved in maintaining and administering human infantry and supply chains. A major function of

these early barriers was to delineate and maintain the outermost limits of control over land. Some walls were built by the invading empires, while others were built to keep the invaders out. The length of the walls, the construction materials, and the features of ancient walling projects varied greatly. However, all of the walling projects required massive amounts of labor, much of it forced labor by soldiers, convicts, and peasants over long periods of time. Empire often expressed its power in relationship to walls, not only through expanding claims with new trenches or building walls to protect existing claims from invaders, but also through respecting boundaries as a demonstration of the excess of its might. By respecting boundaries, an imperial power could operatively expand the range of its force without passing beyond the limits of law, allowing a continuance of prior titles and boundaries (Heller-Roazen 2009: 57). Roman jurists developed comprehensive legal codes that defined the relationship between objects and the subjects who could claim them (59). City walls in this legal framework fell in the category of “sanctified things” (*res sanctae*), objects incapable of being appropriated by a single person. To violate “sanctified things” was to incur an exceptional punishment (60). In the founding myth of Rome, the twins Romulus and Remus could not agree on which hill to build the city. Romulus began to dig a trench or build the city wall of Rome. When Remus belittled the new wall and jumped over it, Romulus condemned him to death, saying: “So perish henceforth all who cross my walls” (Wiseman 1995: 10). Most versions of this story turn Remus’s death into an exemplary tale, where even a family member’s life will be sacrificed for the safety of the city (Wiseman 1995: 125). This representation of the wall as sanctified, even above the blood bonds of fraternal solidarity, is a mythological foreshadowing of the disciplinary and brutal powers of walls. The advent of the European city-state in the Middle Ages offered a different resource and representation of city walls as spaces of refuge and community.

Medieval city walls, while defensive in many respects, were also an infrastructure of community-based protection and peace that were intrinsic to early versions of citizenship, premised on increasing human mobility, changes born in the shadow of the wooden palisades put up around free cities (Mumford 1940). Banishment outside the walls' protection was the form of punishment for social deviancy, which put the one who had been banished outside of the community, the law, and security (Chamayou 2012: 14). This social and legal dispossession proscribed the outlaw from any form of hospitality or solidarity, making the banished one of the walking dead, free to be killed and cut off from all human help (14). As the absolutist state began its decline, the modern state began to take shape in the fourteenth century, and the role of the wall and the free city was in transition. Technologies like gunpowder, better roads, and more mobile armies signaled the end of the free city (Mumford 1940; Giddens 1985). In the English context, this movement was particularly significant.

The Enclosure Movement

England employed boundary making by hedges and fencing as “cultural practices of power” to create rights of ownership and possession in its colonial holdings (Seed 1995: 15). Seed traces the English preoccupation with boundary making back to some of the earliest English records of sales and gifts of land from AD 600 (15): “By the early Middle Ages the cultural importance of boundaries was well established, widely understood, and utilized in acquiring property” (19). The English conquerors of Ireland set the most important medieval precedent in racial segregation through walling along with the infamous Statutes of Kilkenny of 1366, which prohibited English contact with Irish people (Nightingale 2012: 30). In the early 1400s, farmers were ordered to plow 70 miles of earthworks, what came to be known as the Pale or stake around the English-

speaking hinterland of Dublin, to keep out the “wild Irish” (31). English merchants built divided port towns in Ireland, and in the 1500s and 1600s, the English monarchs encouraged Protestants to take over and displace Catholic Irish from the more fertile lands, ordering settlers to wall in Irish towns in places like Derry and Belfast, while prohibiting Irish from living in other cities on the island (30).

Fencing and walling took on new kinds of meaning during the Enclosure Movement, where wood was the basis of material life (Linebaugh 2008: 33–34). Human mobility was enshrined as a persistent liberty in early republican laws like the Charter of the Forest and the Magna Carta, which granted key common rights: anti-enclosure, travel, neighborhood, subsistence, and reparations. However, the growth of state power and its ability to make war arose directly from the state’s power to afforest and enclose (Linebaugh 2008: 33–45). The shift toward administrative power gave way to new forms of internal appropriations within a territory that constituted early versions of state authority that were divorced from spiritual right to the collective rights of community first outlined in republican laws (Rogers 2011: 186). Some of the early roots of the Lockean liberal metanarrative of citizenship are located in this historical moment — where civil society was starting to transform into an existence in a zero-sum dualism with the state, where the space of civil society would be both the location of property exchange and of individual freedom (Somers 2008: 29). Almost all enclosure required some kind of fence or hedge, and spatial access acquired a new importance and significance (Blomley 2007: 4–5). Although maps and surveys outlined new acts of enclosure, they often did not bear legal weight because often these claims were actually illegal. So Whitethorn or hedging hawthorn (*Crataegus monogyna*) — a plant name that literally derives from the Old English word *haga*, which meant hedge or enclosure — was used to create living maps of these boundaries (Blomley 2007: 4–6). These hardy

plants, which could be planted in single or double rows with a ditch running along either side, were to prevent human or animal access to newly privatized lands, and the visual order of hedging also signaled a new social and mobility order premised in private property (8). Husbandry and surveying manuals of the time capture and trace the functional and ideological shifts in hedging practices in England. Manuals described how to create hedges that were more difficult to break or suggested that the ideal hedge height should be grown to nine feet to prevent human incursions (6–10). They also included poems and descriptions in the pages that captured the paranoia of the newly landed class, which now had a strong interest in protecting their new property holdings from predations by the poor, the indigent, and their subtenants. This poetry and literature espoused a new proto-capitalist “rhetoric of improvement, productivity, ingenuity and profit” (6). The very word “improvement” had a shifting signification during this period. In the thirteenth century, it had the literal definition: “To make profit to oneself of (e.g. land), by increasing the value of rent. Esp. Said of the lord of a manor enclosing or appropriating to his own advantage the common land” (quoted in McRae 1996: 136). By the sixteenth and seventeenth centuries, this legal term meant: “To turn *land* into profit; to inclose and cultivate (waste land); hence to make land more valuable or better by such means” (136). Agrarian improvement consolidated these changing significations, encouraging landlords and tenants to understand land ownership inside a discourse that facilitated economic individualism and competition (195).

The same people who were displaced by the hedges were often forced to dig the ditches and plant them. There were many organized protests, and commoners would destroy ditches and level hedges, sometimes engaging in ritualistic digging up of fences and then burying them (Blomley 2007; Manning 1988; McRae 1996). The Midlands Revolt of 1607 happened in several towns. In Northamptonshire, a crowd of 1,000

people, including women and children, systematically destroyed the hedges of Thomas Tresham and up to 50 of the protestors were killed (Blomley 2007: 14; Manning 1988). In Leicestershire, 5,000 people assembled to tear down the hedges built by London merchant John Quarles (Blomley 2007: 14). The rules and punishments for destroying a hedge could be severe, even though people were increasingly reliant on the illicit gathering of wood for fuel from the very hedges that displaced them (Blomley 2007: 11). In Ingatestone, Essex, hedge levelers “were to be whipped until they ‘bleed well’, while receivers of stolen wood were confined to the stocks all Sunday” (Blomley 2007: 11). If three or more people trespassed near the hedge, making threatening gestures or speeches in the context of destroying a hedge, their actions would be considered a riot. And if more than 40 people were present, their actions would be classified as treason (Manning 1988; Blomley 2007: 14). The physical violence of the thorny hedges alone was not enough and still required additional marshal and penal force. The revolutionary power and political organizing of the landless traveled far, and only draconian measures of control could corral the people fighting the illegal and provisional appropriation of common land. Expropriation and terror is a key component in exerting control over people who are in a world without (or with only limited) work, private property, and many times, without law. In systems like walling that don’t respect people or animals that occupy a space, there is an inherent martial connotation that “terror sets boundaries” (Linebaugh and Rediker 2000: 35). Early versions of European statecraft during this period relied heavily on the rationalization, organization, and standardization of everyday life. However, the early mechanisms of state control, representation, and bureaucracy struggled to maintain pace with state growth (Scott 1998; Mann 1993: 5).

Compartments of Colonialism

When the need for economic growth outgrew the bounds of the nation-state, imperial conquest ensued. Colonization and domination through taking the land and through the extraction of riches and resources introduced the ideological effects of capitalism by breaking and transforming non-capitalist modes of production (Young 2001: 24). In the colonial context, Europeans had to deploy practices and mechanisms to assert imperial claims of control over the land and the people who lived there and to build bio-economies using the coerced labor of prisoners and slaves. Appropriation required hierarchies of habitation and new policing practices, and fencing and walling was used more and more to control and contain systems of subjugation. The English practice of erecting a physical barrier extended the cultural connotation of separating the wild from the cultivated land, a configuration that mapped these differences onto people in a racialized schema of “savage” and “civilized” (Seed 1995: 25). The emerging collective articulation of white pan-European superiority over “inhuman” colored bodies in Africa, Asia, and the Americas, which relied on this “savage”/ “civilized” binary, had physical, moral, and aesthetic dimensions. Mary Louise Pratt describes how these constructions of distinction were crucial to the creation of a “European planetary consciousness” — a change in European elites’ understanding of themselves in relationship to the rest of the globe (1992: 15).

Colonial cities often employed urban walls to segregate Europeans from local populations as a political act of control to defend their economic interests (Nightingale 2012: 55). These were traveling practices and material geographies that circulated between the Americas, European metropolitan administrative centers, and holdings in Africa and Asia (Godlewska and Smith 1994). Following his arrival in the Philippines, the Spanish conquistador Don Miguel López de Legazpi assaulted Manila and its

inhabitants in 1570 and immediately erected walls on the burning ashes of the city (Nightingale 2012: 57–58). Spanish organization of the Philippines mirrored that of New Spain, which included separate native districts. Franciscan priests forced rural Filipinos into fenced locations called *cabaceros*, comparable to the colonial missions in the Americas (57–58). The Spanish colonial administration of Manila invested in building a massive walling infrastructure called the Intramuros, which marked out the Spanish settlement. After the walls were built, all of the Chinese merchants were expelled beyond the walls, and strict laws were enacted so that any non-household-servant Chinese, Filipino, or Japanese person found within the boundaries of the Intramuros after dark would be put to death (Nightingale 2012: 58).

Often these experiments occurred in the context of early corporate colonial management practices. For example, in Madras — present-day Chennai, South India — British governor Thomas Pitt ordered surveyors to create the “White Town” and the “Black Town” in the 1660s. The “White Town” was heavily walled. East India Company officials drew from the “politics of color” coming out of the company’s holdings in the Americas as a basis to segregate a commercial port city in its colonial holdings in Asia (Nightingale 2012: 49). The administrators from London even tried to impose a “wall tax” to have “Black Town” fence itself in. However, local residents refused, and eventually Pitt forced the local Indian merchants to pay for the “Black Town” wall (67). It was in the colonial context that racial segregation was first used as a concept in the urban segregation of British imperial rule of Hong Kong and Bombay (Mumbai) and then evolved to be a more standard practice globally (3). The English Enclosure Movement had given fencing a political and economic significance. Not only was fencing often mandated by English authorities in their colonial holdings — especially in the Americas — but it took on a connotation of “improvement,” a

connotation that is still in practice through present-day U.S. housing and tax assessments that legally deem a fence as an improvement to a property (Seed 1995: 25). These historic cultural connotations of English walling and boundary making are embedded in the relics of imperial projects on nearly every continent, from the Great Hedge of India to the border cairns that French and British military surveyors placed deep in the ground to mark the border between their respective colonial mandates in Lebanon and Palestine.

The English were also the first to develop an organized preventive police force in the context of walling initiatives — the precursor to the contemporary border patrol. In 1798, a security initiative was deployed at the Port of London to protect the West India Company's goods from "enormous pillage and plunder" estimated at £300,000 per annum, which was carried out by "water thieves" and "mud-larks," gangs of men who would lay in the mud of low tide and steal onto ships in the port by night (Radzinowicz 1956: 353, 376). Police were deployed in tandem with walling construction around the port in July 1799. The wall specifications required that: "The docks were to be surrounded by a strong wall no less than thirty feet high. Immediately to be a ditch twelve feet wide, filled with water to a depth of not less than six feet. No house was to be built within a hundred yards of the wall" (Radzinowicz 1956: 376). Security of the goods and vessels required intimidation and a state of fear. Dr. Patrick Colquhoun, a merchant and magistrate who got his start in the colonial convict trade and who proposed the first Thames police force, described the need for police in these terms:

Something is wanting in addition to the mere letter of the Law, which shall operate more effectually to the relief and security of Society. ... [A]s in Military Warfare an enemy is intimidated by the power, strength, and superior position of the opposing army, so in the arrangements which are formed for the conquest of

Delinquency, are impressions excited in proportion to which it exhibits wherever danger is to be apprehended. (Radzinowicz 1956: 376)

The specifications for this “rampart of the sea” called for the use of military tactics in populated civilian areas in order to create a climate of fear and intimidation in concert with the distancing aesthetics of a wall. In this scenario, the larger-than-life structure is physically unapproachable and legally uninhabitable, evoking a magnified configuration of civilian spatial control and spectacle. By the eighteenth and nineteenth centuries, conceptions about walling were changing inside the shifting geopolitics of continental Europe. These ideological developments informed new understandings of world citizenship, borders, and difference. At every point in the evolution of the modern state, war and violence hastened massive transformations in the governance and management of people, and this was particularly true in the context of enclosure technologies like fencing (Giddens 1985).

Because walls spatially blocked access to natural resources like pastures and water, they also became de facto genocidal policies, but ones that ensured revenues and lucrative profit margins for early colonial companies. When the Dutch arrived at the Cape of Good Hope to set up a port of call, a waypoint for the United East India Company on its route to the Spice Islands, Jan van Riebeeck built an almond hedge around the Dutch settlement to keep out the indigenous Khoikhoi people (Nightingale 2012: 53). He recorded in his diary that the Khoikhoi requested to be allowed to dig the roots and harvest the bitter almonds that grew in the wild: “‘This likewise’, it says, ‘could not be granted them for they would have too many opportunities of doing harm to the colonists and furthermore we shall need the almonds ourselves this year to plant the proposed protective hedge or defensive barrier. These reasons were of course not mentioned to them’” (Hewison 1989: 2). In the early to mid-1800s, the British East

India Company started consolidating the scattered customs posts in India into a single line, one that changed routes many times as the British acquired more of India. But by the mid-1800s, it took the form of a giant customs hedge that was made of cactus, living thorn bushes, dead thorn brush, and even a small wall in places (Moxham 2001: 66). The customs line, much of which was hedged, stretched 2,504 miles from the foothills of the Himalayas to Orissa to sustain the collection of tax on salt coming into British India and to deter smugglers who would have jeopardized the British monopoly on salt manufacturing (Moxham 2001: 70). On the northern part of the line, noncommissioned officers would supervise guards, who apprehended salt smugglers that crossed the line. Sentries were stationed each quarter of a mile, and they would have to sweep the ground bare along the area under their vigilance at the beginning of their shift and be held responsible for any footprints found when they went off duty (68). As the line was solidified, people living alongside it had to make long detours to gateways situated every four miles to visit friends and family or their pastures that fell on the other side of the line (68). At its zenith in 1872, some 14,188 workers built the hedge and guarded the line, generating millions of pounds in revenue (113). In the end, it was the British consolidation of a total monopoly on all salt production in India that finally made the hedge irrelevant by 1879 (72–74). It was only when the British began to administer India in the late eighteenth century to collect taxes that the population was deprived of salt. The imposition of the major salt tax, along with the barriers to collect revenue, exacerbated death tolls during major droughts, resulting in the deaths of millions of people. Prior to British rule, salt distribution had never been a problem (143).

Colonial governance was a quasi-corporate form of governance that never distinguished between civil and military powers (Gilroy 2010b: 19; Hussain 2003). It was a semi-private form of public rule backed by imperial military might. The

corporate-government administration also blurred police and military functions, which pioneered new technologies and practices of surveillance to effectively control and police the native labor force. New technologies in fencing expanded and changed how the martial force of walls could be deployed, and one of the most significant developments was the invention and mass commercial use of barbed wire in 1874. It would become an integral technology for the disciplinary powers of the young nation-state — including the prison, the reservation, and later, the camp — carceral technologies of enclosure and pain that were originally designed for animals but applied to humans (Netz 2004).

Prisons: The Wall as Punishment

While the Magna Carta and Habeas Corpus Act prohibited the British government from imposing exile, it was not illegal to be exiled “voluntarily,” and many English convicts would “choose” to go as indentured servants to the Americas to avoid the death penalty (Christianson 1998: 21). As much as a quarter of all British immigrants living in colonial America in the 1700s were convicts; and the transportation of criminals to penal colonies did not stop in Britain until 1867 (Christianson 1998: 25; Young 2001: 22). Some of the first private prisons were in British shipyards, which would hold prisoners in cramped quarters called “press-rooms,” with little or no food, sometimes for months, until their departure to British penal colonies (Christianson 1998: 18). During the day the prisoners would be forced to do hard labor, before being locked up again in the ships at night. Jails and cemeteries were the first public structures built in new colonial land holdings, starting with Jamestown, Virginia, where Native Americans were the first people incarcerated in what would become the United States (Christianson 1998: 59). In the beginning, jails were simple wooden structures, but as

they became more secure and permanent, wood was replaced with reinforced walls made of stone and brick, and the buildings were fitted with iron (60). Often, jails were quite small and sometimes merely a cage. By the 1720s, every city in the American colonies had at least one detention structure, and many had several; and there were more jails than public schools or hospitals (60–61). Colonial governors would also set up new penal codes that would create hierarchies and distinctions of liberties for different categories of people: freedmen, women, children, foreigners, and servants (41). Denying human liberty was an individualized penal policy, deployed in measure with the crime, and meant to cut across class lines. However, it operated as a mechanism of class domination (Davis 2003: 69). In this colonial period, as long as a servant remained under contract, the person was considered moveable property and could be transferred from one place to another; jails were a key institution that simultaneously enforced the laws of bondage and the master's rights and power over other men, women, and children (Christianson 1998: 43). With the growing use of African slave labor, these hierarchies became even more important to organize and maintain.

Prisons, dungeons, and human confinement were not new forms of punishment, but the institutionalization of prisons as a kind of penal system started in force in the eighteenth and nineteenth centuries. The shift from torture and forms of capital punishment was hailed as a more “merciful” and humane option. However, from the beginning this was set up with racialized ideological moorings. One of the major treatises on the subject, authored by the wealthy Italian merchant Cesare Bonesana di Beccaria (1764), reserved “severe” forms of punishments only for the people “hardly yet emerged from barbarity,” as “strong impressions are required,” but for “men softened by their intercourse in society, the severity of punishments should be

diminished.” It was a penal reform outlook that served the interests of judges and colonial companies in need of cheap, indentured labor. This shift moved punishment from the spectral realm to a hidden part of the penal process, where “procedures of domination” operated as a depersonalized form of social control for the state to bureaucratically manage certain bodies across time and space (Foucault 1991: 231; Gilmore 2007: 11). The first penitentiary was built in Millbank, London, in 1816 with the panopticon design by Jeremy Bentham to create an environment of total surveillance of the incarcerated, where the guard could see any convict but the convict was unable to know the direction of the guard’s gaze. “Penitentiary” is a word that reflects the place of penance for an offense against society, “the physical and spiritual purging of proclivities to challenge rules and regulations which command total obedience” (Davis 2003: 69).

The incarceration of people in cages was central to expanding ideas of democracy, systems of individual rights, and ideas of freedom (Gilmore 2007: 11). During the rapid growth of cities and industrial production in the twentieth century, prisons developed increasingly as a form of extractive economy in an effort to control and manage people’s mobility and render their work inside systems and locations of capital production (11). Prison is a closed system that has neither an exterior nor an opening, forming an unceasing discipline around the organizational principle of isolation from the external world and also from other prisoners (Foucault 1991: 236). In this system, the wall itself is the punishment. It is a vertical organization of space where the wall blocks the outside and the horizon, and communication is organized in a vertical system of hierarchy. Foucault describes how the prison wall at Cherry Hill, Pennsylvania, was characterized as punishment in relationship to labor: “the walls are the punishment of the crime; the cell confronts the convict with himself; and he is

forced to listen to his conscience,” and in this schema, work becomes a kind of consolation (1991: 239). One seventeenth-century writer described how the material realities of walls prevented the wardens from having to exert force, and as a consequence their authority was accepted: “Walls are terrible, but man [the warden] is Good” (quoted in Foucault 1991: 239).

Reservation Lines and Barbed Wire as Democracy

One of the first border walls in the United States was put up during the colonial era by the peg-legged Dutch governor, Peter Stuyvesant, who built a protective wall along the northern border of New Amsterdam (New York City) to keep out Native Americans. This historical reference has been maintained; it is one of the most well-known lines of global capital, Wall Street (Nightingale 2012: 49). In the French and British colonies in New England, separate districts for Indians were established called “missions” and “praying towns,” respectively (Nightingale 2012: 51). One of the early and most significant lines that facilitated the appropriation of indigenous lands in the United States was established in the British Proclamation Act of 1763, which drew a demarcation line from present-day Canada to Florida, prohibiting colonial westward expansion and settlement in an effort to rein in the costly expenditures that had arisen from defending Britain’s colonial holdings during the ongoing French and Indian Wars of the late 1600s. This limitation was intended to prevent the administrative costs of further wars with indigenous nations and to advance the mercantilist agenda of maintaining the lucrative fur-trading industry and colonial dependency on British manufacturing (Banner 2005: 91–94). This line was issued as a provisional claim, unlike the rest of the proclamation — the ban on land grants beyond the line was issued by the British Crown, “for the present, and until Our further Pleasure be known” (93).

However, many of the colonial elites, including George Washington, Thomas Jefferson, James Madison, and others, possessed considerable speculative interests in holdings beyond the line (Churchill 1992: 38). These prospective land interests were a precipitating factor in the U.S. Revolutionary War, because the only way that colonial elites could convert their tentative claims into profit was by settling and developing the land. Frequently, colonial rebels were convinced to join the fight against the British Crown with promises of western land grants (Churchill 1992: 38). Speculators acquired a lot of land west of the boundary line illegally, precisely because the temporary quality of the proclamation offered the promise that claims would be legalized in the future (Banner 2005: 93). However, the actual boundary line was not enacted, and settler encroachment onto indigenous lands continued. The Proclamation Act of 1763 had another important implication: it moved the acquisition of indigenous lands from the private sphere of contracts and concentrated the power to purchase land exclusively in the hands of the government, a power of treaty-making to take indigenous lands that has been a power exclusive to the U.S. federal government ever since (104–105). This form of second-class land ownership rendered indigenous peoples with less rights to their lands than colonial settlers. Effectively, the Proclamation Act of 1763 marked the beginning of the erosion of the political base for recognizing indigenous property rights (108).

The earliest treaties in the United States defined tracts of land reserved for Native Americans inside the realms of Anglo-European settlement. It was a system developed at the peak of federal land acquisition, as the U.S. government moved eastern Native Americans to lands ceded by western tribes (Banner 2005: 230). In the mid-1840s, the land possessed by Native American tribes effectively formed a solid block from Minnesota to Texas, preventing white settlers from moving westward (230). Luke

Lea, the commissioner of Indian Affairs, described the solution to this obstacle in acquiring more land this way: “When civilization and barbarism are brought in such relation that they cannot exist together it is right that the superiority of the former should be asserted and the latter compelled to give way” (231). It took Anglo-Americans 250 years to take over the eastern half of the United States, but it took less than 40 years for them to claim the entire western half (235).

Reservations were justified as the humanitarian lesser of evils for several reasons. Some said that Native Americans would be exterminated entirely if they stayed in the way of white settler expansion, and that reservations offered more permanent land tenure, even though forced removals took place time and time again. Another major justification was that Native Americans would learn the practices of Anglo-settler “civilization” (Banner 2005: 232–233). The U.S. government did not even keep up with the pretence of obtaining land lawfully, as massive waves of Anglo-American population rapidly took over places like California (239). Native American survivors of U.S. Army actions were forcibly marched into reservations at gunpoint and against their will. Even though the reservations were in theory to keep Anglo settlers off Native American lands, U.S. Army trackers would chase, capture, and frequently kill Native Americans who left reservations, effectively making reservations an open-air jail. Banner writes, “A reservation was a line on paper. It was no barrier to the appropriation of Indians’ resources” (2005: 242). White settlers diverted water from reservations and took minerals from under the ground, frequently robbing, killing, raping, and pillaging Native American property with impunity (242).

The prohibitive costs of wooden fencing in the newly appropriated lands posed a major obstacle to successfully occupying these claims. In 1871, the U.S. Department of Agriculture estimated that the combined total cost of fences in the United States was

equivalent to the entire national debt, and that the annual repair costs for fences exceeded all federal, state, and local tax revenues (Basalla 1988: 51). The political economy of fencing in the United States was at the heart of the state-building project. It was the invention and wide-scale use of barbed wire, “the Devil’s rope,” that would become one of the most important instruments of spatial control and appropriation of indigenous lands, cutting off Native American traditional hunting grounds. This fencing strategy was central to the U.S. pacification on the plains (Krell 2002: 38). Barbed wire did not replace wood; instead, it allowed for even more areas to be fenced in that probably would not have been otherwise (Netz 2004: 29). The deforestation of the northern United States built the spatial appropriations of the West (29). An early major manufacturer of barbed wire, Washburn & Moen Manufacturing, published a description of the utility of its product in 1880, capturing the racialized ideological convergence of security, capitalism, and improvement, saying:

Every man who builds a fence, does so, primarily, for his own greater enjoyment in his own lands, and the sense of better security in their exclusive possession enables him to protect his own improvements. In no part of the world, where the people have risen above the condition of the wandering savage, does the benefit of fencing fail to be understood and appreciated so soon as the inhabitants begin improvement and cultivation of the land and the establishment of home life. (Krell 2002: 11–12)

A major part of this appropriation also required closing the open range with barbed-wire fencing, which happened intensively over a span of about five years, resulting in popular protests in Texas in 1883–1884. The fence-cutting wars, as they were known, were an organized movement among the Texas cattlemen, a class of holders who did not want to lease or buy land. They grazed stock on the open range in the middle of a severe draught, often cutting fencing that blocked access to water, streams, ponds, and watering holes for their livestock. In the spring of 1884, fence cutting in Texas was

declared a felony punishable by up to five years in prison (Gard 2010). Thousands of cattle died along the drift fences in the harsh winters of 1885 and 1886, huddled together against long stretches of fencing, and the physical and economic violence of the barbed wire was remembered in popular poems, songs, and even a novel as “creeping like a steel centipede across the prairies” (Krell 2002: 34–40; Moore Davis 1997: 123). Fence cutters were called socialists and communists of Europe, and their conflict with the government was represented as the clash between the ideologies of labor and capital (Krell 2002: 43). After 1886, outbreaks of fence cutting would still occur, most frequently during droughts. And the Texas Rangers would be sent in to deal with fence cutters (Gard 2010).

The United States also used barbed-wire entanglement defensively during the Spanish-American War, and it quickly became the most efficient obstacle during warfare. During the First World War, the use of barbed-wire fencing fortification was unprecedented. Barbed-wire trenches stretched for nearly 1,300 miles across Europe, deploying fencing so deep that a single square mile of trenches would contain 900 miles of wire (Krell 2002: 55–58). In the lines of trench warfare, barbed wire and fencing took on another cultural meaning. They became the only source of protection in the fields of food production, but also the political fields of war. In 1958, the U.S. Steel Corporation published a sixteen-page comic book called *New Frontiers*, an illustrated history of barbed wire featuring an Anglo cowboy father and son happily narrating the history of Westward expansion: “Barbed wire is a first line defender of democracy. In the last war it was used on military posts — battlefields — research plants and on farms which produced our nation’s food” (Krell 2002: 44). It would be in the context of World War II that the absolute and totalizing power of barbed-wire fencing would be transformed.

The Ghetto: The Wall as a Conditioning Mechanism

Before the death camps of the Third Reich, there were the walls of the ghetto. The word “ghetto” was first used in Venice, Italy, in 1516 to designate the mandated Jewish quarter of the city near San Girolamo, enclosed at night by two gates. Nightingale (2012) describes how the Jews had to pass through a tunnel so low they had to bow down to the Christian city as they entered through the gate. The local Jews were required to finance the Venetian patrol boats that monitored their movements. Once outside, Jews had to wear a yellow badge, and later a yellow hat, to visually distinguish their presence outside the ghetto (36). Nightingale writes, “Sacropolitical districts, city walls, merchants’ quarters and scapegoat ghettos all contained elements of class segregation” (30). The early ghettos in medieval Europe were organized so as to politically control the mobility of capital. Because moneylending was an activity prohibited by the Catholic Church, Jewish merchants played a critical role in growing economic systems.

Ghettos were also bio-political programs. Jews were frequently at the center of public hygiene campaigns, a trope that has historically accompanied any kind of coercive human camp for noncombatants since the first barbed-wire concentration camps of the Boer Wars (Stoler 2000). Using barbed wire and blockhouses, which were originally set up to protect the railroad as a defensive measure, the British military set up 3,700 miles of wire, which became an offensive net to capture Boer fighters (Krell 2002: 49). The ghetto walls became socially understood as preventative *cordon sanitaire*, even as the very cramped quarters produced unhealthy and unsafe living conditions for the enclosed inhabitants. The coercive spatial control over Jewish communities in the twentieth century and the ghettos across Europe were the

institutional precursors to the *lagers* and death camps. The Third Reich's Jewish ghettos were first physically defined by walls, which were later topped with barbed wire. They served as effective conditioning mechanisms of mistreatment, segregation, humiliation, forced migration, and habitus, and destroyed family bonds and community ties (Levi 1986: 77). A Jewish ghetto was set up in an old industrial part of town in Lodz, Poland, in February 1940, and by May of that year the police were ordered to shoot Jews who came close to the fence (Netz 2004: 201). Primo Levi described the power of the walls of the ghetto in this way: "Willingly or not we come to terms with power, forgetting that we are all in the ghetto, that the ghetto is walled in, that outside the ghetto reign the lords of death, and that close by the train is waiting" (1986: 69). In Poland, where Jews were scattered in the countryside, ghettos were ordered to be constructed in urban centers next to railway stations. This, according to Netz, suggested a plan for future evacuation and facilitated mass movements of Jews to concentration camps, which were also situated along railways (2004: 201). The simultaneous condition of hypermobility with mass incarceration of people was a crucial pairing.

The Camp: The Totalizing Violence of the Wall

The ghetto was the precursor to the concentration camp — one of the most totalizing forms of violence of walling practices. Some of the earliest camps were the Soviet gulags established during the early 1900s, which started out as provisional measures, temporary self-supporting camps to house and liquidate prisons; however, they rapidly became a new form of penal system. Early on, officials had proposed transforming camps into northern colonization settlements and commuting prisoner sentences. However, they soon discovered that mobile camps could serve as a form of economic development, and they rolled out a construction-site-based labor camp with thousands

of workers deployed to build a canal between the White Sea and the Baltic Sea in 1930 (Khlevniuk 2004: 23–24). Temporary, open-air, prisoner-of-war camps during World War I became a standard practice. Captured prisoners would be put inside a temporary pen, a structure made of posts and strung up with barbed wire. However, the German military made this provisional structure a permanent edifice in the death camps (Netz 2004: 205). The Nazi regime set up its first concentration camp near Dachau in March 1933 (197).

Like the prison, the first rudimentary step in securing power was to sever the camp's contact and relationship to the outside world (Sofsky 1997: 47). The concentration camps were typically surrounded by a barbed-wire, electrified fence with guardhouses every 250 feet, and the whole scape was illuminated by floodlights (Netz 2004: 209). Absolute power also required an internal structuring of space, which operatively did three things: it organized human contact by dividing the social and functional areas; it created zones of surveillance; and it created enhanced visibility (Sofsky 1997: 47). The material fence itself also served as a modality of enacting violence. There were several feet of prohibited zone immediately next to the camp's external fence. In the early camps, this was marked by a low, barbed-wire barrier, but later it was left as a symbolically defined area, which effectively intensified the spatial function of this "death zone," where anyone entering the area was shot (Netz 2004: 214). Because of the tight passages and spatial zoning of the camp, it was an unavoidable lethal space for prisoners. Guards would order a prisoner to cross into the prohibited zone and shoot him or her, and some prisoners would commit suicide by running toward the electrified fence, an act described in Auschwitz-Birkenau slang as "embracing the wire" (Netz 2004: 214; Krell 2002: 78).

The work camp was demarcated by the external border fence set up around the camp, but its operative effectiveness was precisely because it destroyed any kind of primordial boundary of interior “us” and exterior enemy “them” of the captors and victims inside. Primo Levi described the way “the enemy was all around, but also inside, and the ‘we’ lost its limits, the contenders were not two, one could not discern a single frontier but rather many confused, perhaps innumerable frontiers, which stretched between each of us” (1986: 37–38). He describes the initiation into the space as a kind of “concentric aggression” where people are sealed off and isolated from each other and forms of solidarity, and become collaborators with the ideological and terror practices of the camp. This collapse of boundaries of victim and perpetrator into a “gray zone” binds actors together “by the wish to preserve and consolidate established privilege vis-à-vis those without privilege” (43). The more power was restricted, the more proxies were needed to manage power.

The camps were also carefully internally bordered with barbed wire, separating each section of the camp from one another (Netz 2004; Sofsky 1997). The barbed-wire fencing was set up in lattice formations to create sub-camps, limiting the horizons of life to a few yards between one barbed-wire fence and another. The only passage between camps was a barbed-wire tunnel. The Sobibór camp architecture, which was used in the Treblinka death camp and became the standard architectural protocol for Nazi camp building, created tiny sub-camps that were 400 by 600 yards in size (Netz 2004: 210). Netz notes that in Auschwitz, the barbed-wire fence towered over the landscape. It stretched 13 feet high so that the scopic horizon of the prisoner was so limited that even the sky was fenced in (210). The operating logic behind this compact “concentration” of Jewish bodies in German space was an organizational goal to limit the physical landmass and space that Jewish presence occupied to a minimum. The

German spatial policy of *Lebensraum* did not even allow for a reservation system, and Nazi military leader Hermann Göring lamented the fact that Germany did not possess an island where all Jews could be exiled. When the Third Reich defeated France, there was even a plan to deport all European Jews to the French colonial holding of Madagascar, so as to evacuate all Jewish presence (Netz 2004: 204). The walling practices of the ghetto and the camp were fueled by geopolitical ideologies of race and borders.

The Border as an “Organ”

The geopolitical ideology in Weimar-era Germany understood geography as connected to cultural and political developments in the aftermath of World War I (Murphy 1997: 4–5). In this geopolitical ideology, borders occupied a critical role. German scientist and journalist Friedrich Ratzel conceptualized the state as an “indigenous organism” that the land or soil (*Boden*) called forth (Murphy 1997: 9). This idea of the “organic” state — made up of the state, land, and people — gained popular currency in German geopolitical thinking of the time. The neo-Darwinian concept of growing states equated a healthy state with expansion and growth, and a shrinking state with national decay. Swedish scientist and journalist Rudolf Kjellén expanded on the idea by saying that “amputated” states could recover lost lands in other areas via colonial expansion (Murphy 1997: 11). Ideologically, space — *Raum*, a supranatural force elemental in human affairs that framed, composed, and created the state — was deeply connected to struggle (26–29). In Ratzel’s naturalistic construction of the state, a border was a critical feature, the point at which the state’s struggle for existence was most tangibly visible. He described a border or frontier as the “skin of the state,” an “organ” that acted in concert with the state but maintained a separate organic identity (Murphy 1997: 10, 30).

Murphy writes, “The nature of the border and its correspondence to the changes in topography, language, or culture could determine the character of the relationship between the states separated by the border” (10). State size became linked to cultural development, and borders reflected the spatial conditions of the state. Karl Haushofer, who studied borders, wrote that geographical borders could constitute national borders, but often “the mediating effects of race, culture and politics, and will negated the importance of ‘natural’ physical barriers” (Murphy 1997: 31). Culture quickly became the mediator between geography and politics. Ratzel described it this way: “As the area of states grows with cultural advancement, so peoples at lower stages of cultural development tend to be organized into petty states. And in fact, the lower we descend in the level of culture the smaller the states become, and the dimensions of the state represent one of the measures of cultural development. No primitive people (*Naturvolk*) has ever created a great state” (Murphy 1997: 11). Murphy’s engagement of this genealogy of Weimar Germany’s geopolitical frameworks alerts us to the dangers in any sort of “naturalistic” or “organic” concept of state borders, terminologies that can still surface in contemporary discussions of borders as “natural” economic zones.

None of the modern scholars who have dusted off geopolitics and given it a glossy new coat of varnish accept the “organic” concept of the state without qualification, a crucial and healthy departure from the Weimar variant of geopolitics. Despite its updated trappings, however, contemporary geopolitical discourse at times falls into patterns reminiscent of earlier geopolitical thinking. The argument that the borders of states in postcolonial Africa are arbitrary, and thus, bound to be sources of instability and conflict, for example, rests on the subtext that they do not conform to an ethnically or geographically determined “natural” (even “organic”) border pattern. This approach to understanding borders is similar to that of the early twentieth-century geopoliticians. (Murphy 1997: 251)

The conclusion of this archeology sets up an entry to thinking about the ways the wall becomes the border. In the contemporary case studies that follow, I will take up both the construction and destruction of the Berlin Wall in great detail.

The Wall as the Border

Today, walling is a symbol that permeates everyday life and is intelligible in a visceral way that people see, feel, and understand inside a kind of ontology of walling that ranges from a neighborhood fence to a national border wall. The early 1990s gave rise to the proliferation of gated communities in North America and Europe in what Blakely and Snyder (1999) called the growing “fortress mentality,” where fencing, gated communities, and private security guards are part of a landscape of exclusionary land-use policies that privilege developers and suburbs. These developments and other planning tools are used at a local level to restrict access to different kinds of urban, public spaces (2). This socio-spatial community building represents a longing for an “ideal community” — a foundational mythology that underpins the construction of an “imagined community” (Blakely and Snyder 1999: 2; Low 2003; Anderson 1983). This longing intersects with national wall-building initiatives. For example, popular political support to build the U.S. border fence and militarize the southern border has intersected with private-citizen-initiated fencing projects and intensified policing measures, including the practice of “citizen arrests” of noncitizens (Nevins 2010; Andreas 2000). At its zenith, the Minuteman Project raised funds to help border ranchers build extensions of the U.S. border fence through their private properties. Additionally, the state of Arizona has collected private and corporate donations through a government-run website in an effort to close the gaps in the federally funded national fence. This has given way to the normative framework that started in Israel and the United States,

which conceives of *a wall as the border*. This framework alters the “cognitive, aesthetic and moral ‘spacings’” of the heterogeneous borderlands in a way that makes the map of the nation more like an archipelago than a line, physically delimiting who belongs and who does not in a material way (Bauman 1993: 145–158). Sorkin describes the Israeli wall in this way: “The wall ossifies a social physics that holds that the two national bodies cannot share the same space at the same time” and “pervades almost every interaction between Palestinians and Israelis, expressed in discriminatory property regulations, in restrictions on marriage between Palestinians in Israel and those in the territories, in the semipermeable membrane of withheld employment, in floating bubbles of armed and dangerous sovereignty, and in the permanent mobility of all of these boundaries” (Sorkin 2005: vii). As Eyal Weizman’s (2007) expert architectural examination shows, walls can be elastic tools that respond to changing para-political needs in securing land and people in different modalities. I repeat one of the specific examples he references because it precisely captures the intersection between the “fortress mentality” of a neighborhood and a border fence.

Alfei Menashe is a suburban, Israeli-settlement town of 5,000 residents east of Tel Aviv. Early on in the construction and mapping of the Israeli wall in the West Bank, Alfei Menashe became the first settlement to petition to be included inside the future construction when the original plans had it fall outside of the wall (Weizman 2007: 167). Settlement lobby groups and settlement councils started to apply political pressure to have their communities fall within the “safer” bounds of the “Israeli” side, to not be “abandoned” to the Palestinian side of the wall (167). Ironically, the head of the local council did not ideologically support the wall, because he believed it would limit Zionist expansion. But he successfully convinced prime minister Ariel Sharon to have the wall’s path redrawn to protect his constituents (167–168). Settlements in the early

2000s were boosted by the construction of the wall: “With the *de facto* annexation of the West Bank lands lying between the Wall and the pre-[19]67 border, real-estate developers could now promise the luxury and security of gated communities to wealthy Israelis, as the local Palestinian inhabitants were barricaded out of sight” (Algazi 2006: 30). This separation is accompanied by the new Israeli highway network around these walls, which is “a powerful allegory for continuity and progression, a historical teleology and vision of the future *projected into the landscape itself*” (Gregory 2004: 101, emphasis in the original).

When Palestinians call the Israeli separation barrier the apartheid wall, it politically invokes the racialized violence and institutionalized oppression of South Africa as a way of locating the government-sanctioned violence and colonization of Palestinian land inside larger global struggles. In the wall and fence politics of apartheid and post-apartheid South Africa, skin was the signifier that located someone in space — it was what granted or denied social and political access and work inside an inhabited hierarchy (Bremner 2005: 131). In the mid-1980s, one of the first fortress enclaves, a well-off and walled-in gated community with 24-hour surveillance and armed private security guards, was built in the suburbs of Johannesburg. By 2003, there were 1,127 gated communities in the city, a patchwork of militarized enclaves, and this trend has continued to increase (132). Characterized as a “necessary evil,” the wall opens up a process that Bremner (2005) calls “semigration,” which allows the white and wealthy to separate themselves from civic society and privatize public community and policing. In this context, walls are a portable instrument of control, one that expands to meet the growing and shifting populations, and also blocks and redirects flows of public access.

Conclusion

This broad survey of the state practice of walling and fencing underscores some of the changing ways that walls and fencing have been used historically as a coercive form of power. Walls and fences are a technology of deprivation, which works by creating a line for extractive power and an economy of proximity — when a body or product enters within the vicinity of the line, it acquires value. To enact these economic effects, a wall historically required either the threat of death or a violent, even martial force, a stance that echoes the sacrosanct political powers of the mythological walls of old. The early forms of state power arose directly in proportion with the expropriation of the material basis of life — wood — and they deployed this material to enclose common land and limit the life chances of the excluded classes. These practices not only were operative of growing landed-class powers, but also fueled the emergence and economic model of multinational corporations. This site-specific form of rule was rhetorically extended, not only to ideological understandings of the nation-state and its borders, but also to ideas of individual human freedom and capital punishment. The deep ideological roots of racial segregation were grounded in early walling and fencing projects that were crucial to conquest, transatlantic slavery, and colonial land acquisitions. Remnants of these shifting significations of walling are embedded in how we understand the intensive proliferation of national border walls today. Walls did not suddenly change in 1989, but rather we can begin to see the ideological continuations. It is not that state borders are only just now being intensively externalized in the contemporary global migration patterns that we often consider a key characteristic of globalization. The powerful narrative of globalization is a form of meaning making that rationalizes fence-nationalism inside a vertical organization of the earth.

Chapter 3: The New *Nomos* of the Earth

Where do we stand today? The earlier balance, based on the separation of land and sea, has been destroyed. Development of modern technology has robbed the sea of its elemental character. A new, third dimension — airspace — has become the force-field of human power and activity. Today many believe that the whole world, our planet, is now only a landing field or an airport, a storehouse of raw materials, and a mother ship for travel in outer space. That certainly is fantastic. But it demonstrates the power with which the question of a new *nomos* of the earth is being posed.

— Carl Schmitt (2003: 354)

A meridian decides the truth or at least the years of possession.

— Pascal, quoted by Carl Schmitt (2003: 95)

When German theorist Carl Schmitt wrote these words in the aftermath of the end of the Nazi regime, airpower and airwaves had just opened up, giving way to new global economic and political meridians of power. His early work on the spatial transformations of state power offers a strategic place to consider walls at the intersection of security, war, sovereignty, and the nation-state inside a shifting planetary spatial order — specifically, because he theorizes *nomos* as the underlying or originary act of rendering the spatial ordering of power visible, explicitly via fencing. This chapter traces the spatial power formations of *nomos* that Schmitt (2003) identified, carefully engaging the historical and theoretical implications that these spatialities open up in conversation with a broader canon of anti-imperialist and postcolonial literature to situate a different political economy of borders in order to pose questions about the significance of contemporary national border barrier building in the case studies that follow.

There has been a recent return to Schmitt's work as a place for understanding enmity in the shifting sovereign-scapes of exception and the political construction of

enmity between the “us” and “them” (Legg 2011). Schmitt’s ideas took shape at a time when the shifting liberal high politics of war and peace existed inside a chronically precarious new world order of modernity, and the contours of his work help us to understand more precisely the troubles of our own times (Balakrishnan 2000). This chapter looks at the changing configurations of both the right of possession and the dispossession of humans in relationship to the creation of state borders. It summarizes how race was the central factor of the asymmetrical organization of modernity, and it traces the convergence of the material and the moral in creating and inventing new forms of state-based sovereignty to expand acquisition claims, challenging the underlying presumption in border studies that the limits of sovereignty, law, and territory are coterminous with the state’s border (Vaughan-Williams 2011: 288). These spatial shifts in global lines of possession also accompanied a spatial shift in war making, where zones of freedom were configured as conflict zones, dramatically altering the very ideas of war and peace and ultimately reconfiguring the figure, and rights, of the human inside these political orders. This chapter takes up Schmitt’s writings from the 1950s — as much a “nostalgic elegy” to the waning realm of European public law as a blueprint documenting its coercive operations — which look at the ways that walls have conceptually marked out spatial order power and dominion on earth (Hussain 2011: 244). I engage this archive as a sounding board for thinking about the rapid proliferation of border walls in our contemporary moment, using it to find inroads into blurred realms of commerce, immigration, security, and war at the border so that I can more carefully distinguish some of the moral, political, and ideological stakes in the questions that I want to raise in understanding the changing rights of the human.

Asymmetrical Organization of Modernity

Nomos — the spatial orientation and ordering of political and social human life that is made visible — is simultaneously contained in appropriated space and flows from it (Schmitt 2003). *Nomos* can best be described as a wall “because, like a wall, it too, is based on sacred orientations,” and because all subsequent law derives its power from the “inner measure of an original, constitutive act of spatial ordering” (2003: 71, 78). *Nomos* is a trifold action that simultaneously seizes, divides, and tends (or cultivates). Schmitt retheorized empire in his writings: first as *Reich*, then as *Grossraum* (great space), and finally as *nomos*, conceptual turns that corresponded to the rise and fall of the German Third Reich (Hell 2009; Draghichi 1997). In the aftermath of World War II, Schmitt’s writing shifted from an analysis of decisionist theological politics to describing a “*politics of empire* that feeds on the remnants of eschatological history” (Hell 2009: 311, emphasis in original). He described international relations in a series of “spatial revolutions” — concepts of space made possible by unprecedented advances in technology (Draghichi 1997: x). Schmitt wrote, “The beginning of every great era coincides with an extensive territorial appropriation. Every important change in the image of Earth is inseparable from a political transformation, and so, from a new repartition of the planet, a new territorial appropriation” (Schmitt 1997: 38). The first “space revolution” on a planetary scale was the discovery of the Americas.

Más Allá de la Línea (Beyond the Line)

The amity lines were superficial, geographical lines dividing the surface area of the earth, delineating the limits of the spheres of conflict with contractual parties seeking to appropriate land (Schmitt 2003: 94). These agreements of just war centered on a common point of agreement, the *freedom* of the space beyond the line — the free seas,

and also the free lands for appropriation, which Locke would later refer to as *vacuum domicilium*, the improver's doctrine of vacant land to be settled and cultivated (Gilroy 2010a: 57). The amity lines specified a concrete location for the Hobbesian no-man's-land of the "State of Nature" — the specific space where Europe ended and the "New World" began. The space "beyond the line" signified a place outside the law where the lack of the legal limits of war meant that only the law of the stronger applied (Schmitt 2003: 93–94). These boundaries, first formulated in the Treaty of Tordesillas as the *rayas* (lines), were authorized by Rome — *res publica Christiana* and the center of the medieval world — and later in the secret treaty agreement of the Anglo-French amity lines of 1559. This configuration would evolve into the larger European Christendom as the center, the "location of Modernity" (Dussel 2002) — where emergent planetary consciousness was adjudicated (Schmitt 2003: 87).

The inception of the new lines of the Atlantic circuit of commerce, which would be the foundation of Western economy and dominance, had at its foundation an imaginary that formalized purity of blood in relationship to the rights of the people. This constituted the first articulations of race-thinking, a system formalized in the Spanish *limpieza de sangre*, the "purity of blood" principle, a racial more than a religious means of identifying and excluding Jewish converts who did not meet the requirements for the changing conceptions of being Spanish (Fredrickson 2002: 41). In fifteenth- and sixteenth-century Spain, the expulsion of the Moors demarcated the exterior frontiers and the pogroms of the Jews, the inner borders of the emerging commercial system. The *converso* "opened up the borderland, the place in which neither the exterior nor the interior frontiers apply, although they were the necessary conditions for borderlands. The *converso* will never be at peace with himself or herself, nor will he or she be trustworthy from the point of view of the state. The *converso* was

not so much a hybrid as it was a place of fear and passing, of lying and terror” (Mignolo 2000: 27–29). This historical place is important to mark because it is one of the first junctures where terrorism, racism, and borders converge inside the early formations of capitalism.

This creation of an emergent ethnic and racialized difference in the consolidating dynastic states of Spain, England, and France with more definite borders, predominant languages, increasing urbanization, and commercialization threatened local autonomy and brought people of diverse culture and appearance into conflict (Fredrickson 2002: 25). Certificates of pure blood were required for admittance of *conversos* into both secular and ecclesial organizations, precursors of the certificates of whiteness that were purchased by Spanish families with mixed indigenous ancestry who wanted to situate themselves in a higher color *castas*⁸ (Fredrickson 2002: 33–34). This racialization and internalization of borders is a formulation that underpinned the organization of imperial conquest and who could participate in such conquest. Only those of Christian ranks could be missionaries and conquistadores. Early Spanish accounts characterized the indigenous “Other” first as an object in the surrounding landscape and later, increasingly, as a subject, equal to the “I” but different from it (Todorov 1999). It was just war, not discovery, that formed the basis of the moral-legal right to conquest, and it was the organizing principle in Francisco de Vitoria’s defense of Spanish acts in relationship to the Treaty of Tordesillas to uphold Spanish rights to free trade, evangelization, and the protection of innocent natives from themselves.

The Spanish rulers recognized the papal missionary mandate that served as the legal foundation of the *conquista*, and the papal bulls relieved the Spanish monarchs from paying tithes on the gold and silver taken from the indigenous Americans (Schmitt

⁸ *castas*: a hierarchical caste system in Spanish, and also Portuguese, colonial societies that ordered all political, economic, and social life based on the racial classification of people.

2003: 111). The emergent humanism out of the Salamanca School proscribed the enemy as indigenous people, premised in a categorical synthesis of treatment of slaves and exiles as both the dominated and proscribed inside the conquest of the “New” World (Chamayou 2012: 75–76). These shifting conceptions of humanity and inhumanity segue between the religious intolerance of the Middle Ages and the secular naturalistic racism of the Enlightenment (Arendt 1968: 160). Might was changed into conquest, and conquest acted as a kind of unique judgment on the natural qualities and human privileges of men and nations (Arendt 1968).

The Freedom of the Seas

The global order of interregional power was geographically an Asiatic-Afro-Mediterranean order, and the center of commercial connections was located in Persia and directed by the Muslim world from the seventh century AD (Dussel 2013). Until this point, Western Europe had existed at the extreme western perimeter of the planetary order of commercial and military power (Dussel 2013). After the failed Crusades and attempts at expanding into Russia, the only open door for Europe into the center of the existing power system was via the Atlantic Ocean (Dussel 2013: 29). Portugal, already unified in the eleventh century, was the first European nation to transform the *Reconquista* against Muslims into the early process of Atlantic mercantile expansion (29). In this emergent and rising Eurocentric horizon of Modernity, the seas remained juridically outside any state-based spatial order of the “New World,” and the oceans were opened up to European interests during the height of the age of the sail from 1500–1850 (Rediker 2014). The sea was neither state nor colonial territory precisely because it was a space that could not be physically occupied, so in this sense the seas were free, free from the fetters of European legal understandings of state spatial

sovereignty (Schmitt 2003: 172; Schmitt 1997: 46–47). Geographical borders and notions of proximity were irrelevant on the high seas, which were open to all states for trade, fishing, and free pursuit of maritime wars and prize law (Schmitt 2003: 172; Schmitt 1997: 46). The merchants moving commodities across long distances built up the world market, and the ships carrying settlers, traders, and empire builders to Africa, Asia, and the Americas would totally transform the global political and economic order in what Schmitt (1997) described as “the predatory capitalism of the golden age” (Rediker 2014: 1). Until this moment, law and peace were only oriented to land (Schmitt 2003: 175). Rediker wrote, “The armed European deep-sea sailing ship was the means by which a vast oceanic commons was made safe for private property. It projected European imperial sovereignty onto the seas around the world” (2014: 5). Schmitt depicted England as the center and the link between the different orders of land and sea, the “guardian of the other side of the *jus publicum Europaeum*, the sovereign balance of land and sea” (2003: 173). Schmitt understood these two spatial orders as competing for world domination until almost the end of the nineteenth century, where “tensions between Russia and England were given the popular image of a scuffle between a bear and a whale,” terrestrial fauna versus mythical fish (1997: 6). The “elemental drift” from land to the rising sea power of the English Leviathan was premised in an understanding of the free seas, which meant that all the world’s oceans were open to all as a gigantic, limitless theater of war (Schmitt 2003: 172). The British Empire built up its realm with the sailing ship, the machine of globalization, which combined the functional features of the factory and the prison (Linebaugh and Rediker 2000: 328). The consolidation of Atlantic capitalism happened through the creation of a “maritime state, a financial and nautical system designed to acquire and operate Atlantic markets” (328). This was a mobile order of worldwide transportation that was built by

the landless, the expropriated, and the poor. Often, unwaged convicts, slaves, and people from the workhouse were forced to produce the unpaid labor of this capitalism, leaving the land and migrating from country to town, region to region, and across oceans (332). The origins of this mobile order were premised in the coercive seizure of women, children, and men through capture, enclosure, and imprisonment and maintained through operative regimes of terror (332). The ship was the instrument of capital accumulation on the seas, but also the setting for resistance, where the traditions of maritime radical solidarity became a vehicle for revolutionary ideas and politics, geographically expanding class struggles and challenging the emergent world order of capital (144–145).

As Linebaugh and Rediker crucially point out, this order of labor was extremely difficult to control and manage, because its true power lay in the fact that it was a multitudinous, mixed-race, and people-based power built through cooperative and collective labor, a planetary proletariat in its origins, motions, and consciousness (2000: 332–333). The “motley crews” and pirates were pioneers of a different kind of freedom of the sea, a non-state-based freedom at a historical moment when consolidating conceptions of the nation-state were increasingly linked to ethnic and national definitions based on land-based understandings of place making. In this context, the open oceans were considered as a kind of non-place, or a utopia, a concept that is discursively double-sided. On one hand, the utopic opening can be extended to underscore the liberatory potential of autonomous seafaring communities, their political orders, imaginative networks, and futures that existed beyond the reach of the nation-state. On the other hand, viewing the sea as a non-place can problematically substitute the real lived place of the sea for the imaginary one, vacating the historical, lived, material location of human work and life there and merely rendering the space and

people working there as “wild,” a view that was historically conducive to appropriation (Rediker 2014: 3). These two very different forms of “freedom” of the seas existed simultaneously. The first freedom was the liberty from legal constraints to seize and appropriate, and the later, a collective response to the aggressive actions cultivating the new *nomos* order. The *nomos* of the seas marked a change in warfare, both strategically and tactically. Land warfare had been a state-to-state affair where armies and bodies would directly confront each other in the open and civilians were not directly involved in the fighting, according to rules of war (Schmitt 1997: 47). In naval warfare the enemy was the trade and economy of an enemy state — rendering every inhabitant of the enemy nation, and even neutral countries with economic links to enemy states, as foes (47). Aqueous predatory capitalism had no borders, and the “newly” discovered lands provided new territory and human capital to size and claim, and new markets to cultivate.

The Presupposing Violence of Coloniality

The early configurations of nation-state sovereignty actually *required* an extra-territorial formation of power based in the act of appropriation to create differential frameworks for certain spaces in order to create global free-trade systems, a political framework that Schmitt (2003) theorized early on from inside the inner machinations and intellectual capital of the Nazi totalitarian regime. Imperialism grew out of the national limitations of capital, as the ruling class in Europe turned to a politics of expansion by using racism as its major ideological weapon (Arendt 1968: 160). Race-thinking marked the formations of the new body politic of the nation and brought into sharp relief the limits of European “humanism” (161). Provisional sovereignty was established through new latitudes of presupposing violence, which was legitimized

inside a one-sided rationality and spatiality where the nation-state created and enforced new forms of capital extraction through special-interest security zones around the world. Coloniality was the essential element, or glue, in integrating a global interstate system because it not only created a hierarchy and ordering, but also set rules for the interactions between states (Quijano and Wallerstein 1992; Mbembe 2001). Founding violence underpinned colonial rationality to the right of conquest and all the prerogatives flowing from that right (Mbembe 2001: 25). This presupposing violence was institutional in helping to create the very space over which it exercised its power, and what is unique about this spatially is that it had a *one-sidedness*, based in a supreme right that was simultaneously the supreme denial of right. The authorizing rationality of colonial sovereignty was maintained, spread, and performed through numerous banal acts that constituted the central cultural imaginary the state shared with society in a formation of sovereignty that collapsed authority and morality into one system of organization (Mbembe 2001: 25). To unmask this key moment in making “Modernity” — a Eurocentric view of Europe, and now the United States, as the *center* of Western civilization having internal characteristics that allow it to supersede, through its rationality, all other cultures — it is necessary to reveal the fallacy of the myth of “reason” by showing its other side (Dussel 2013). Violence was carried out, and at the same time it was denied, and it is the innocent victims of the civilizing project who are capable of revealing the false innocence of “Modernity” in its conquest of the “Other” (Dussel 2013).

In this originary context, borderlines were negotiable and fluid, and they were drawn by metropolises only in relationship to claims made by other metropolitan empires (Quijano and Wallerstein 1992). The race for colonies was concerned with the symbolic appropriation of and treaties with local indigenous peoples (Seed 1995). Europeans had

to deploy practices and mechanisms to assert imperial claims of control over the land and the people who lived there. Ceremonies of possession, especially fence building, were cultural practices of power that embodied sixteenth- and seventeenth-century Europeans' belief in their right to rule and enact imperial authority (Seed 1995). These treaties and fences, especially in the English context, "had great practical value as a preparatory or contributory method for the recognized legal title of effective occupation" (Schmitt 2003: 215). In the nineteenth century, Schmitt wrote, "interstate international law, discoveries, explorations, and symbolic forms of appropriation had the practical significance as initial steps toward occupation, as inchoate title" as to give the explorer sufficient time to effectively occupy the appropriated land (2003: 215). Any challengers who arrived later would have to dispute this initial title and occupation (2003: 215). Provisional claims making was a way of creating territorial forms of recognition even when these were contested formations. In the context of the United States, the Protestant British distanced themselves from the Catholic Doctrine of Discovery by invoking the "Norman Yoke," saying that land rights lay in the owners' willingness and ability to "develop" their territory in accordance with the Genesisical doctrine of man subduing nature (Churchill 1992: 37). This invocation was politically strategic, not only because it bestowed on English colonial settlers the right to dispossess indigenous people of their lands not put to "proper" use, but also because it allowed the British Crown to contest discovery rights of other European powers who didn't "cultivate" the wilderness they claimed (Churchill 1992: 37). The right of possession has continued to be "the most frequently asserted and doggedly fortified right in world history," even though this entitlement has historically been disembodied from humanity itself (Moyn 2010: 17).

Early race-thinking and racism cut across all national borders from the very beginning, even as it simultaneously constituted national borders (Arendt 1968: 161). The originality of the colonial context, which Fanon identified, is that of an economic reality of inequality — where the substructure is also a superstructure of the racialization of wealth and resources and creates a dividing line where frontiers take the form of military barracks and police stations (2001: 29). The nation-state's new latitudes of violence outside national territory are what organized space. Fanon (2001) described the spatiality of the colonial world as divided into compartments, and he said that it is the examination of the system of compartments that can reveal the lines of force that the system implies. It was this ordering and its geographical layout that also marked the lines on which decolonized society would be reorganized (2001: 29). Inside the capitalist system the exploited party must be separated from those in power over him or her inside a moralized schema of violence and bureaucracy: "The first thing which the native learns is to stay in his place, not to go beyond certain limits" (2001: 40). In these compartments it is the physicality of the freedom to move that becomes a source of power to people oppressed in these systems (2001: 40). Anzaldúa describes this formation in a similar way in explaining the "intimate terrorism of life in the borderlands" and how the internalization of oppressive formations is immobilizing:

The ability to respond is what is meant by responsibility, yet our cultures take away our ability to act — shackle us in the name of protection. Blocked, immobilized we can't move forward, can't move backwards. That writhing serpent movement, the very movement of life, swifter than lightening, frozen. (2007: 42–43)

This understanding of the convergence of the material and the moral, and the role that mobility plays in this schema — not a mobility limited to crossing boundaries, but rather a mobility in relationship to the "ability to respond" and to act in relationship to

these socio-cultural formations of economic systems — is crucial. It is the other side, the embodied side, of the monumentality in spatial formations of power and capital. This is why Fanon identified the political act of decolonization as the creation of a spatiality where the whole material and moral universe is broken up (2001: 34).

The inter-

European muddle of laws, agreements, and thousands of treaties made by private and colonial societies made legal and commercial recognitions inside colonial spaces problematic to realize the full extractive potential. To move beyond the inherent limits of an economic hierarchy based in a European Universalism that only acknowledged the sovereignty of other European nations and the United States as the political progeny of European hegemony, a series of legal and judicial changes had to take place in order to open up a global or planetary framework of appropriation, commerce, and trade. This was the context of the novel proclamation of a new form of U.S. sovereignty, the Monroe Doctrine, a spatial reconfiguration of the Americas that juridically constituted a special-interest commercial zone as a security zone (Schmitt 2003: 281). And one of the first consequences of the export of power was to disembody the state's instruments of violence and to promote the police and the military as national representatives upholding ruling-class capitalist interests in colonial territories, effectively allowing violence and the laws of capitalism to create unprecedented social realities for the political organization of power (Arendt 1968: 16–17). Schmitt (2003) locates the legal architecture of this shift as happening at the 1884–1885 Congo Conference in Berlin — attended by Germany, Austria-Hungary, Belgium, Denmark, Spain, the United States, France, Great Britain, Italy, the Netherlands, Luxemburg, Portugal, Russia, Sweden, Norway, and the Ottoman Empire — the culmination of a giant race for legal rights, titles, and occupation in central Africa, and also for the meting out of islands in the

Pacific (Schmitt 2003: 216; Young 2001: 31). The conference formulated the rules of a European land appropriation in a way that dissolved the old legal frameworks that spatially considered colonizer spaces distinctly from colonized spaces (Hochschild 2006). This conference was dominated by a belief in a free-trade global economy, an idea that lay not only in overcoming the state's political borders but also as a precondition for member states to have a minimum constitutional order that consisted of the freedom of the state public sphere from the private sphere, above all from the non-state spheres of property, trade, and economy (Schmitt 2003: 235). Free-trade global commerce anchored the territorial divisions that divided sovereign states. State borders were not actually territorial lines, but rather the lines delimiting the spheres of human participation and labor (Schmitt 2003: 236). Fanon, writing in the late 1950s and early 1960s, captured exactly how this dynamic worked by drawing on the same example as Schmitt: "A Berlin Conference was able to tear Africa into shreds and divide her up between three or four imperial flags. At the moment, the important thing is not whether such-and-such a region in Africa is under French or Belgian sovereignty, but rather that the economic zones are respected" (Fanon 2001: 51). Tending the borders of these economic zones is the culmination of *nomos*, the cultivating, pastoral power implied in its formation. Poet Aimé Césaire described the spatial representation of the wreckage and waste of the European colonial enterprise as a void surrounding Europe — a void that is the "prelude to Disaster and the forerunner of Catastrophe," one that was created by overthrowing "the ramparts behind which European civilization could have developed freely" but can now only lead to ruin and perishment (2000: 74–75). Césaire (2000) draws on a reference to the walls around medieval free cities, which formed the basis of community-based protection and refuge.⁹ At the root of European foreclosure

⁹ See pp. 50–51.

of itself is precisely its destruction of these early ideals. There is no proscription defined by the wall, but the proscription is everywhere. Ultimately, this act of tearing down the wall for colonial expansion not only perpetuated violence, but also condemned Europe to its own self-destruction.

Decolonization, National Borders, and Planetary “Raceology”

Eventually, by the mid-1800s, state-centered legal positivism was no longer sufficient to provide the conceptual tools and institutions capable of organizing the complex and confusing matrix of intra-state sovereignty and supra-state free economy (Schmitt 2003: 236). The changing economic organization of the colonial project shifted. The old colonialism could not form the basis of contemporary global economic exchanges, and white people would have to do business with people of color globally to maintain U.S. economic imperialism (hooks 2000: 92). Decolonization rendered colonized spaces as legible inside the legal framework of inter-state commerce, which up until this point had still been confined to the ideo-political norm of a European Universalism, as opposed to a global free-trade system. Overt military violence was collapsed inside capitalism. It is the “detached complicity between capitalism and the violent forces which blaze up in colonial territory” (Fanon 2001: 51). It is worth quoting Fanon’s description of this process at length:

In the early days of colonization, a single column could occupy immense stretches of country: the Congo, Nigeria, the Ivory Coast and so on. Today, however, the colonized countries’ struggle crops up in a completely new international situation. Capitalism, in its early days, saw in the colonies a source of raw materials which, once turned into manufactured goods, could be distributed on the European market. After a phase of accumulation of capital, capitalism has today come to modify its conception of the profit-earning capacity of a commercial enterprise. The colonies have become a market. The colonial population is a customer who is ready to buy goods. Consequently, if the garrison has to be perpetually reinforced, if buying and selling slackens off,

that is to say if manufactured and finished goods can no longer be exported, there is clear proof that the solution of military force must be set aside. A blind domination founded on slavery is not economically speaking worth while for the bourgeoisie of the mother country. The monopolistic group within this bourgeoisie does not support a government whose policy is solely that of the sword. What the factory-owners and finance magnates of the mother country expect from their government is not that it should decimate the colonial peoples, but that it should safeguard with the help of economic conventions their own “legitimate interests.” (2001: 51)

This safeguarding is paradoxically referred to as securing peace or democracy — maintaining law and order without constant physical force — but rather in a way that tied the people to the land, to international markets, and to new nationalities. National independence did not undo coloniality; it merely transformed its appearance in the world. Ethnicity became the new marker of the boundaries that served to locate human rank and identity within the state — categories that never existed before this point in history, and which served inside different local contexts as the social borders that corresponded to the division of labor and labor control (Quijano and Wallerstein 1992). After the abolishment of slavery in the Americas, and later the end of colonial rule, conscious and systematic racism took root as a way of culturally shoring up economic hierarchies inside early transnational economies. Increasingly, the informal constraints of ethnicity were insufficient to maintain workplace and social hierarchies, particularly in the case of the United States (Quijano and Wallerstein 1992).

Nationality and citizenship emerged as legal frameworks in the wake of a growing free-trade global economy, shifts that included early ideas of rights, including the human freedom of movement. However, the freedom of movement held up and enshrined in this new system was never intended for everyone. In the nineteenth century, the United States created some of the first modern legislation to enact formal segregation and to force Native Americans into reservations (Quijano and Wallerstein 1992). The American West and Southwest were violently appropriated through

genocide and displacement of Native Americans, and the conquest of the wilderness was a means of consolidating formations of national identity, democracy, and an expanding economy, projects that all drew on the authorizing mythologies of the originary colonial “regeneration through violence” in the creation of the United States as a settler-state (Slotkin 1998: 10; Slotkin 1973). At this time there were also local movements for racial segregation in urban centers in Europe and the United States, interconnected and often enacted through smaller-scale governance (Nightingale 2012: 5). Functional segregation was joined to hierarchy (Scott 1998: 111).

Prior to the Universal Declaration of Human Rights in 1945, the idea of rights situated a politics of citizenship in the West at the expense of a politics of suffering abroad inside competing spaces of citizenship (Arendt 1968; Moyn 2010: 12–13). Western “humanism” was too fragmentary and did not extend to millions living under colonial subjugation, and it was above all “sordidly racist” (Du Bois 1984; Césaire 2000). Subaltern groups chose not to organize around the broken promises of liberal, individual rights located in frameworks guaranteed by nation-state sovereignty, but instead, anti-colonialist movements organized around collective liberation and self-determination, visions that did not necessarily imply a need for sovereign autonomy, largely because this sovereignty was not true, but malleable in service of economic interests and the market (Senghor 1964). It was the global scope of racism that connected anti-racist and anti-colonial struggle across borderlines, even while Western priority maintained the nation-state as the forum for rights (Moyn 2010: 95).

The Universal Declaration dramatically recast rights, not as foundational to the nation-state, but instead as entitlements that might contradict the nation-state from above it and outside of it (Moyn 2010: 13). Rights talk emerged as a precarious kind of cosmopolitanism that collapsed moral ideals inside global economic realities as some of

the first ideas of a world without borders, and as an internationalist imagination that has historically abetted the proliferation and competition of different states and nations more than it has helped imagine a world without moral borders (14). Property protections remained the most prominent and significant rights claim in both theory and law from this period onwards, and often social movements searching for new terms of inclusion were forced to set themselves against these persisting sets of rights embedded with property instead of proposing new ones (35). In *Discourse on Colonialism*, Aimé Césaire (2000) invokes the terminology of provisional sovereignty-claiming procedures to depict the U.S. postwar outlook. U.S. leaders unfurled the banner of anti-colonialism by declaring that the future of the world belonged to them, as “economic forces unmistakably put the future leadership of the race in their hands. ... Which means that American high finance considers that the time has come to raid every colony in the world” (Césaire 2000: 76). This early blurring of the site of civil society and the market as one and the same is a precursor of neoliberal citizenship where free markets are considered as the singular precondition for individual rights and social justice (Somers 2008: 29–30).

After World War II, when U.S. hegemony reached new planetary heights, formal segregation was becoming more and more ideologically untenable, but it was the rise of U.S. economic supremacy that permitted and required widespread illegal migration from non-European countries to the United States, which gave way to the “Third World Within.” This immigration reality was rationalized inside a subtler form of labor organization in the United States that collapsed racism inside a meritocracy of individualized worth that privileges and values those who have historically been at the top of the hierarchical organization of the world all along (Quijano and Wallerstein 1992). For example, desegregation in the United States was a way of weakening the

collective radicalization of black people by creating a privileged class of black people with access to the existing social structure to keep the ruling power class in the United States intact (hooks 2000: 92).

So when we talk about contemporary borders, we have to understand them as an important tool of labor control, which is part of a racist system of boundary making in the service of inter-state free-trade networks. The contemporary configurations of border walls, and more broadly the larger context of policing, securitization, and surveillance practices on borders, need to be understood not as new dramatic changes, but inside the historicized ligatures of sovereignty, security, and territorial boundaries as spatial and political co-constitutive formations that are operative of global economy and founded in violence and just war. As we think about the legal framework embodied by and generated from national border walls, we can understand them as acts of appropriation that are operative of larger processes of labor controls that have profound consequences for the freedom of movement, in the larger sense I have previously described. In the more contemporary context of the globalization of neoliberal capital, Hardt and Negri situate the “endless paths” of autonomous movement as the circulation that allows the multitude to designate new spaces; “Empire can only isolate, divide and segregate,” and as such, the general right for the multitude to control its own movement represents the “ultimate demand for global citizenship” (2000: 399–400). A political response requires an adequate consciousness of the “central repressive operations” of Empire and “recognizing and engaging the imperial initiatives and not allowing them to continually re-establish order; it is a matter of crossing and breaking down the limits and segmentations that are imposed on the new collective labor power” (399).

Aerial *Nomos* and Vertical Ordering of Power

The first *nomos* of the earth was the Treaty of Tordesillas, where land and sea were partitioned in a way that eventually gave rise to an “elemental drift” from land to sea. This partition privileged the naval power of the British Empire, a leviathan whose powers were later altered by the mechanization of the Industrial Revolution (Schmitt 1997). Finally, Schmitt referenced the rise of a third order of power in the “political bestiary,” the griffin, the great bird that represents the power of the skies (Mendieta 2011: 265). In writing *Nomos*, Schmitt had also considered the figure of the phoenix or the dragon as the animal to represent this emergent elemental and geophysical order (Mendieta 2011: 265). He concluded his analysis by suggesting that the invention of the airplane and the opening of the skies represented the next *nomos* of the earth, a fiery order. He penned these conclusions as he and the populous of Berlin huddled in bomb shelters listening, as he wrote in a letter to Ernst Jünger, to “the furious roar of behemoth as it greets the great bird Ziz” (Schmitt 1997: 57; and Schmitt quoted in Mendieta 2011: 265). This apocalyptic vision of global supremacy being negotiated from the sky has some points of conceptual relevance for today, especially with the rise of U.S. unmanned warfare and air strikes. This is the juncture where my work begins to theoretically and empirically explore the aerial *nomos* and the ways in which we might consider how national border walls are functional tools inside a vertical spatial regime of digital presence, aerial surveillance, and airpower. The evolution of the aerial configuration of state power has occurred rapidly. It has been one hundred years since the first aerial bomb was dropped, and in the last decade, the use of drones, surveillance cameras, satellite imaging, and aerial missile defense systems have proliferated, not only as tools of warfare and national defense but also as tools to surveil citizens (Lindqvist 2001; Shock and Awe Conference 2011; Singer 2009). The newest frontiers

are in the sky, and the surveillance of these vertical and aerial sovereign spaces still references terrestrial and maritime boundaries, although these sovereign borders are still quite porous and up for grabs in many juridical and economic respects. Radio signals, one of the earliest aerial technologies, had to be regulated to stop artificially at borders. While the regulatory apparatus for satellites, cameras, drones, and sensors along the permeable borders of the skies is still in flux, the human mobility inside this sphere is the most highly regulated and economically exclusive.

The “coloniality of power” pioneered reconfigurations of planetary labor and mobility regimes via walls that were constitutive of a new form of sovereignty that did not have precedent, but was first formed through the symbolic and later, effective, occupation (Quijano 2007; Schmitt 2003). The reason this isn’t talked about in the “new” context of this latest round of border walls and globalization is because it is not situated inside the progressive linear history that we are conditioned to speak from. The walling formations that Carl Schmitt’s discussion of *nomos* outlines are present and recognizable in new case studies of border walls. First, inchoate sovereignty is necessary for laying a provisional claim to sovereignty over a specific territory and operative of land and labor. This sovereignty is enacted through symbolic forms of appropriation, but generates legal power extra-legally through the physical violence of occupation. These power formations are crucial in creating a differential spatial framework that is operative of extractive economies premised on racialized and differential spatialities of human participation. Often these configurations are constitutive of and accompany new forms of war making. All of these features are present in the contemporary cases studies presented in the following chapters. At a core level we have to understand border walls in relationship to the organization of labor and free-trade economies, which is manifested in the changing ideology of landscape that

requires a spatial revolution that renders borders as a differential space where extra-legal formations can be enforced. Historically, the freedom of movement as a human right emerged in this context, which was always a differential framework where some people are considered within those rights and others are considered outside of those rights. The in-between space is productive of fear, terror, and passing — features that are normally talked about as newly produced or manifested in the context of the latest human migrations by both land and sea. This zone of indistinction is the hallmark of *nomos* that sits just outside the purview of Schmitt's focus on the emergence of a centralized system of sovereign states bound together by a mutual recognition of equality. Agamben (1995) traces this space of simultaneous inclusion and exclusion back even further. He identifies the originary political act not as the social contract, but as banishment. To ban someone is to allow anyone to inflict harm upon the banished, or the proscribed person is to be considered as already dead (Agamben 1995: 105). The historic figure of the werewolf as a hybrid, part animal part human, who dwelt in both the forest and the city but belonged to neither, was ultimately condemned to a category of indistinction between the passage of animal and man, *physis* (nature) and *nomos*, excluded and included (105). "Sovereign violence is in truth founded not on a pact but on the exclusive inclusion of bare life in the state," Agamben writes, and it is the ban that holds the poles of bare life and sovereign power together (107–109). There is an ambiguity between historical understandings of exile as punishment and exile as refuge, or a freedom from punishment, which is rooted in the sovereign ban. This tension was present in the changing social and political role of medieval walls, as mentioned earlier. It also manifests in the discursive flexibility of "freedom" that surfaces in different moments in Schmitt's accounting of *nomos*, a term that is important to flag up because it resurfaces again and again in the contemporary geographies of walls that follow. The

ban can simultaneously be both the emblem of sovereignty and the representation of expulsion from society (110–111). However, the relationship of the person who is simultaneously included and excluded remains forever outside the possibility of equality. This is a foreclosure that renders figures like the undocumented migrant just human enough to be the architects laboring to build the new realms of economic freedom, but still subhuman and racialized so as to be excluded from political protection.

This broad historical survey of the changing spatial formations of state borders via Schmitt's conceptual epochs of *nomos* reflects on how new economies, labor, and spheres of human participation were organized along axes of racial difference and crafted through shifting conceptualizations of war and peace. Often the legitimacy of these orders relied on organizing moral claims through new spatio-legal hierarchies of walls and divisions that organized human submission through provisional sovereignty claims and occupation. I have carefully detailed these larger historical shifts in such a way as to set the stage for my engagement with contemporary discussions of border walls, revisiting the subtle and emergent shifts in these concepts of banishment, just war, and security and looking at what it is that opens up in thinking about our understanding of the socio-moral location of the human.

Chapter 4: Inchoate Sovereignty and the Symbolism of the Wall

The wall, which for the Costa Ricans is merely a small section of wall, one kilometer long and two meters high, has been nicknamed by the [border] business community in Peñas Blancas, as the “wall of infamy,” a symbolic way of saying that Nicaraguans shouldn’t enter neighboring territory because they only cross over to commit crimes.

— “END en el muro de la ignominia,” in Nicaraguan newspaper *El Nuevo Diario* (Mairena Martínez 2001)

The wall fell the 9th of November 1989. Little by little it was taken apart. ... After 1990 many fragments were sent to different parts of the world as symbols so that no wall like this would never be repeated.

— José Joaquín Chaverri, Costa Rican Ambassador to Germany, on the occasion of the twenty-fifth anniversary of the fall of the Berlin Wall (Mata Blanco 2014)

When the Costa Rican government began construction of a one-kilometer cinder-block wall along the major, terrestrial border crossing with Nicaragua, it was billed as simply a minor upgrade to a badly decaying immigration post, which was described in news reports as an “indignity” and “a national embarrassment” (Guerén Catepillán 2001). The president of Costa Rica vehemently denied reports that qualified the structure as a national border wall, and instead he described it as merely a small and much-needed update. “This is simply a wall to protect the customs headquarter,” he said. “Be careful not to be misguided by wrong information. What difference does a wall that isn’t even one-kilometer long make along a 320-kilometer border? It doesn’t do anything” (Guerén Catepillán 2001). And indeed, his statements came true. Even in the year after it was built, the tiny wall did not stop some 1,000 Nicaraguans from daily crossing over the national border into Costa Rica without authorization (Hernández 2002). Today, the wall is overgrown with vines and weeds and is almost completely forgotten inside larger conversations about border security and migration, one decade after it was built.

Instead, the construction of the Costa Rican border wall marked out the beginnings of an escalating and ongoing border conflict, where the rural northern Costa Rican borderlands have been reconfigured not only by new levels of policing and surveillance but also by efforts to open up and expand new border markets. This chapter traces the history of the world's smallest national border wall in Costa Rica, and also that of one of the most well-known border walls in the world, the Berlin Wall, comparing and examining the ways in which a border wall serves as a provisional marker and sovereignty claim, which are often brokered by presupposing violence in the form of policing and surveillance methods that are later formalized inside legal policies. These two different geographies are connected not only by the practices and material infrastructure of walling itself, but also ideologically inside the Cold War "culture talk."

The descriptive inventory of contemporary walling projects, even in the case of the world's smallest one, is bound up in relationship to the Berlin Wall in a way that simultaneously engages a multiplicity of temporal, spatial, and material matters inside a *way of thinking* about the social space (Lefebvre 1974) of border barriers, embedded in popular and academic accounts of this proliferating infrastructure (Jones 2012; Di Cintio 2012; Rice-Oxley 2013). The depictions of the global phenomenon place this varied architecture, which includes structures ranging from chain-link fences to four-meter steel posts and cement walls, in direct relationship to the symbolic epitome of both the militarized, ideological division at the heart of liberal Western rationality, and also the most dramatic human and capitalist triumph over walls in history. The Berlin Wall haunts these new border projects and the way we understand them, know them, and talk about them. The circumstances surrounding its abrupt overnight construction, the ideologies at stake on the different sides of the structure, its long and violent 28-year

duration, and its dramatic popular destruction in 1989 are bound up as a singular referent that continues to echo each time a new boundary is built and protested.

The standard account of contemporary walling usually goes something like this: the fall of the Berlin Wall marked the beginning of the “borderless” age of globalization; but we have discovered that instead of more barriers coming down, walls are going up faster than at any other time in recent history (Jones 2012: 5–6). Revisiting the Berlin Wall as a temporal and visible marker of the changes occurring in the late 1980s and early 1990s opens up ways to explore how its terminology and symbolism persist as an important reference point inside the changing configurations of the ideologies of global capitalism and U.S. hegemony. This chapter invokes the political and cultural repertoire that the Berlin Wall opens up¹⁰ in the media coverage of the Costa Rican border wall — a small but representative cross section of the global archives of the kinds of commentaries that surface every time a new border wall is announced. The Berlin Wall is a dialogical cypher that connects the “culture talk” of the Cold War to contemporary discourses of terrorism. A careful analysis of the Berlin Wall helps to unveil the ways in which the physical practices and violence of walling have been transformed into a best practice of governance. This telling underscores the importance of aerial configurations of power and capital and its circuitry, and it gives insight into the changing spatial measurements of freedom, even along the only remaining 1.3-kilometer strip of the Berlin Wall itself.

Think Tanks and Sky Bridges

In the aftermath of World War II, there was a global reorganization and realignment of wealth and territory. The Marshall Plan allowed U.S. interests to organize and dictate

¹⁰ Raymond Williams’s insightful treatment of the *Country and the City* (1973) helped me formulate the approach for thinking about the Berlin Wall undertaken in this chapter — to unpack highly visible markers of larger social and political changes inside the archives of literature.

the new global economy inside the experimental mixed occupation of Germany, and in particular Berlin. These temporary zones of governance that were developed under the banner of securing world peace were configured exclusively in the service of military garrisons, not the everyday necessities of civilian living. The Marshall Plan was instrumental in taking down trade barriers to U.S. industry expansion into Europe inside the rebuilding of European markets and industry. One of the principal architects of the Marshall Plan was the American think tank the Brookings Institution. The first president of the institute was a University of Chicago professor schooled in war debt, Harold Moulton, who at the request of Senator Arthur H. Vandenberg (R-MI), chairman of the Senate Foreign Relations Committee, devoted the entire staff at the institute to the task of preparing a comprehensive set of recommendations to the U.S. Congress (Brookings Institution 2015a). Leo Paslovsky, a Brookings Institute scholar and U.S. State Department bureaucrat who would later draft the charter of the United Nations, led the team in developing their recommendations, which “declared that the ‘magnitude and special character’ of Europe’s desperate need for help ‘require the creation of a new and separate American agency’ headed by a Cabinet-level official with direct access to President Truman,” organized with an elite, pro-business approach to international affairs (Brookings Institution 2015a; Eisenberg 1996: 16). The Marshall Plan was situated inside this larger “world peace” building project — the Universal Declaration of Human Rights and the creation of the United Nations. It was an institutional predecessor of sorts to the U.S. Department of Homeland Security — an extra-judicial government agency created inside “exceptional” circumstances that reports directly to the U.S. president. The political, human rights project that was born of this historical conjecture “draws on the image of a place that is not yet called into being,” full of aspirational hopes. It “promises to penetrate the impregnability of state borders, slowly

replacing them with the authority of international law” (Moyn 2010: 1). In reality, the U.S. approach to partitioning Germany was driven by the conviction that a free-market, economic framework would promote integration and sustain U.S. prosperity. Instead, this move escalated a competing bloc rivalry, where military strength and the threat of nuclear weapons, not the United Nations, became the major mediators of Great Power relations (Eisenberg 1996: 13). When the Soviets began the blockade of Berlin to prevent the U.S.-led partition, U.S. president Truman characterized Soviet actions as a cold-blooded land grab, even though the United States had forsaken agreements in Yalta and Potsdam, pushing forward in creating a West German state against the reservations of many Europeans (Eisenberg 1996: 491). The imagery of the U.S. propaganda posters for the Marshall Plan captures the ideological inversion that reconfigured the U.S. military and economic efforts for partition as a pair of red, white, and blue wire cutters. The United States was cutting through the barbed wire to liberate Europe for a new global prosperity regime (George C. Marshall Foundation 2015a). This stance is similar to the patriotic and forward-marching “anti-terror” charter of today. The “liberations” of Iraq and Afghanistan take the form of planetary counterinsurgency, opening new markets with “disaster capitalism” where it is primarily civilians who bear the costs and wreckage of U.S.-built structures of economic order (Klein 2008). Since the 1940s the Brookings Institution has also gone on to play key roles in influencing U.S. deregulation policies, tax reform, and welfare reform (Brookings Institution 2015b). The institution also advises around issues of homeland security, and particularly border security in the aftermath of September 11, 2001 (Daalder and Destler 2002). Ultimately, it was the idea of the airlift that allowed U.S. policy makers to solve intractable problems in the East-West confrontation around the partition of Germany by framing them inside the media-friendly, “humanitarian”

gesture of feeding the city of Berlin in an “unbeatable display of U.S. generosity,” even though the very act had been precipitated by unilateral U.S. actions, jeopardizing not only the economy of Berlin but of the entire eastern zone (Eisenberg 1996: 414–490).

Before there was ever a wall in Berlin, there was a thoroughfare in the sky. The same British and U.S. air forces that had just flattened the city of Berlin would be commissioned to lead a two-year airlift to sustain it in the face of the Soviet blockade. Berlin was an island in the center of this configuration — a quadrant of power lines drawn by the victors that lay 130 kilometers into the Soviet Sector, set up by the postwar Berlin Agreement. It was a city that served as both the capital of Germany, but also the “capital of the free world” — the micro-stage where the macro rearrangements of planetary power played out. It was a place where the future was being planned, built, and imagined, central to post–World War II discourses of urbanism, modernism, and postmodernism (Broadbent and Hake 2010: 2). When British foreign secretary Ernest Bevin raised the question of Atlantic security with U.S. secretary of state George Marshall on November 22, 1947, he advocated that the West needed a “positive plan for an association of the Western democracies” — a “spiritual federation of the West” that was “not a formal alliance but an understanding backed by power, money and resolute action” (quoted in Harrington 2012: 41). The United States demanded the end to the Soviet blockade on the basis of Western access rights, citing the hardships the blockade inflicted on Berlin citizens, and began the airlift as an interim solution. In a June 13, 1948, cable to Washington, D.C., American general Lucius D. Clay said, “We can maintain our own people in Berlin indefinitely, but not the German people if rail transport is severed” (Collier 1978: 56). His British counterpart Sir Brian Robertson proposed an alternative plan to supply Berlin’s basic needs by air (55). The first small British contingent of eight planes flew out from Waterbeach, near Cambridge, on June

25, 1948. On June 26, “Operation Counterpunch” began to supply 17 days’ worth of supplies of grains and flour, 32 days’ worth of supplies of grains and cereal, 48 days’ worth of fats, 25 days’ worth of meat and fish, 42 days’ worth of potatoes, and 26 days’ worth of milk and skimmed milk (64). The airlift was initially envisioned as a temporary, provisional, and ad hoc effort to supply Berlin’s daily food need of 13,500 tons. It was a test of the limits and possibilities of airpower logistics, led with insights from General “Willy the Whip” Tuner, garnered from his experiences in the first-ever airlift actions by the U.S. Air Force during World War II, moving cargo across the Himalayas from India to China in theater operations there (Harrington 2012; Collier 1978). The operational knowledge that formed the strategic basis of the Berlin airlift operation came from the tried and true lessons of airpower that were previously tested out on colonial subjects inside European colonial holdings. Many of the U.S. and British commanders involved had earned their credentials on different colonial campaign fronts, from Aden to Morocco. The success of the Berlin Airlift rewrote the limits of airpower in the annals of history and also in logistics manuals.

Containment and quarantine framed the shift from *détente*. The language of enclosure that has prevailed as a way to describe the configurations of rights to occupation — and the U.S. supreme right to grant and defend these rights — was always depicted as unilateral and spiritualized configurations of Western might as right. In 1961, during a meeting in Vienna, U.S. president Kennedy told Soviet premier Nikita Khrushchev that any violation of rights of access and any encroachment on West Berlin would be considered a breach of U.S. rights and interests (Hilton 2001: 13). Upon President Kennedy’s return from Vienna, he made this public address:

Our most serious discussions dealt with Germany and Berlin. I made it clear to Mr. Khrushchev that the security of Western Europe, and with it our own

security, is intimately interlinked with our presence in and our rights of access to Berlin, that these rights are based on a legal foundation and not on sufferance, and that we are determined to maintain these rights at all cost and thus to stand by our comments to the people of West Berlin and to guarantee their right to determine their own future.

A month later, Khrushchev would propose to make the Berlin border into a state border. The Berlin Wall would be built in opposition to American economic hegemony, a power first secured with partitions on the ground, enforced and enacted from the skies, and carving out a powerful foothold inside the Soviet bloc.

Building a Wall in Pajamas

This section examines the construction of the Berlin Wall, reflecting on the instrumentalization of policing and the disciplinary operandi that transform and simplify inchoate claims into legible fields of political action. The first step in building the Berlin Wall was the discrete increase in East German police forces along the border. In secret, the Soviet leadership and the East Germans pored over city maps, planning how to shut down public transportation stops and utilities and how to barricade houses with windows and doors on the Berlin border. It took less than a month to coordinate and finalize the plans for Operation Rose. At the secret “X hour + 30 minutes” early Sunday morning on August 13, 1961, East German factory militia, people’s police, and border guards, some of whom were still in pajama shirts and slippers, began rolling out spools of barbed wire and setting up roadblocks. Some of the first images captured by the press showed rows of men standing behind tangled strands of barbed wire laid out on the sidewalk. There was an order not to fire, to prevent an authorized or “legitimate” U.S. and Allied response, and to maintain action on the border wall exclusively on the East German side, to avoid violating the Allied Powers’ pact division quadrants. There was no American contingency plan for this event. In the early moments of construction,

the wall's existence was tenuous and provisional. One West Berliner separated from his fiancée in East Berlin recalled, "I was struck by an amazing stillness. Nowhere did I see signs of a city in crisis, with the exception of a knot of westerners at the sector border, shouting for the removal of the barbed wire. Governing Mayor Willy Brandt quickly dissuaded them of such folly" (Colitt 2011). The largest mass of protesters, some 3,000 strong, gathered on the Western side of the wall between 11:20 a.m. and 11:40 a.m. only to be removed by Western police wielding truncheons against them (Hilton 2001: 91). Had people mobilized collectively on a larger scale on either side of the early beginnings of the wall, it could have been easily torn down. Often when a barrier goes up, there is a pervasive sense of uncertainty, not only about the newly regulated space, often enforced by armed military or police, but also about its permanence. A wall can only be effective if it is accompanied by a pervasive sense of fear and insecurity. Provisional claiming is a cornerstone for the futurities of enclosure and a legal legitimacy for further actions and reconfigurations of the space that follow.

The next act that was implemented in the process of wall building was to begin recording the instances of people trying to cross the improvised border barrier. By 8:00 a.m., several miles of wire had been laid down. By 8:15 a.m., the East German bureaucracy had begun to systematically record escapes. For example, one report recorded the following: At 7:00 p.m., a "hooligan driver" burst through the wire "in a Trabant, colour white-red, number plate could not be seen and the number of people in it could not be seen" (Hilton 2001: 87). At 10:45 p.m., it was recorded that a man had swum across the Teltow Canal (91). At the end of the day, 66 escapes and one capture had been noted officially on the East German log sheets (93). The number of refugees in West Berlin dropped to a mere 150 people registered, compared to the 2,662 registered the day before the wall was implemented (93). This bureaucratic detail is

important, because it marks the moment when both the general public and the individual are policed inside the larger apparatus of the wall, making the provisional nature of the wire permanent with the creation of a written record. The act of cataloging is a function of the administrative ordering of the apparatus, in service of the state's simplifications around the body politic (Scott 1998). Often the collection of documentary facts is used to create aggregates, in service of a standardized narrative — not simply describing and mapping, but shaping a people and landscape that will fit the state's techniques of observation (Scott 1998: 80). These records also reveal the escalating degrees of violence along the wall. The first instance of the new shoot-to-kill policy along the border wall was recorded when a couple swimming in the Teltow Canal were captured at 5:50 p.m. on August 15, 1961, just two days after the barbed wire first started to go up (Hilton 2001: 109).

The Berlin Wall, like most border walls, was not singular, but rather was reinforced and rebuilt several times with increasingly restrictive and violent formations of policing. Houses along the demarcation line of the border wall were systematically vacated and then destroyed (Museum Haus am Checkpoint Charlie 2013). Permits to cross the border became a political commodity when they were first issued at Christmastime in 1963. The wall had several generations, each one more and more reinforced and difficult to cross. The inner sides of both walls were painted white to make it easier to recognize a fleeing person (Berlin Wall Memorial 2015). A few years after the wall was erected, billboards and moving-letter displays of political slogans went up on both sides targeting the neighboring sector of Berlin, and were displayed until 1972. Initially, giant stands with loudspeakers blaring slogans were also put up, but because they were so disruptive to daily life on both sides, they were taken down (Museum Haus am Checkpoint Charlie 2013). In the 1970s the metal fence was

expanded. East Germans laid out a mat of metal spikes, nicknamed by Americans as “Stalin’s lawn,” next to a building on the border, and even created an underwater fence so that people fleeing through canals and waterways would often be seriously injured. By 1965 all of the waterways in West Berlin were doubly or even triply reinforced every 10 meters. (Museum Haus am Checkpoint Charlie 2013). Nearly 1,000 German shepherds were deployed along 259 dog-run surveillance paths along the 70-kilometer ring around West Berlin (Museum Haus am Checkpoint Charlie 2013). In 1964, lines of lamps illuminated the death strip, and electrified fences that would trigger alarms were installed, so that at night soldiers could watch from more than 500 watchtowers for escapees. In 1967, a new watchtower was deployed on the border with “self-triggering” guns installed at three different levels. The guns would automatically go off, inflicting what people described as “crippling” and “gratuitous” suffering (Museum Haus am Checkpoint Charlie 2013). More than 60,000 of these devices existed along the border and were not removed until 1984 (Museum Haus am Checkpoint Charlie 2013). In the early 1960s, close to 12,000 political prisoners were held in East Germany, also known as the German Democratic Republic (GDR). After long negotiations, the GDR began to secretly to sell prisoners to West Germany, which turned into a standing practice (Hertle 2011: 99). The price for each prisoner was assessed on an individual basis in the beginning, but was later changed to an average price of 40,000 deutsche marks per prisoner, and then raised by the late 1980s to 95,847 deutsche marks (Hertle 2011: 99). In the end, this was not paid in cash, but in the form of goods and supplies. Ransomed prisoners were sworn to secrecy, and both sides maintained this system of political ransoming human traffic into the 1980s.

The focal points in the repertoire of memories and memorializing of the Berlin Wall primarily center on the violence of the wall. The harsh policing practices, the more

than 5,000 escape attempts, and the 136 deaths along the wall orient the narratives recorded in museums and books (Hertle 2011). The wall symbolized political repression, social conflicts, and personal suffering (Leuenberger 2006: 26). In the wall we see “modes of engagement that defined the East-West relationships during the Cold War, beginning with the forms of looking, watching, and framing the Other that provided ample opportunity for projections as well as strategies of imitation and demarcation” (Broadbent and Hake 2010: 1). “Viewed sociologically, however,” Leuenberger writes, “we can see that the wall as a material object was *used* evocatively and metaphorically to characterize a range of elusive and disparate experiences. It became a rhetorically powerful sense-making device that rendered these experiences comprehensible” (2006: 26). East German psychiatrist Dietfried Müller-Hegemann even discussed a novel psychological disease called “the wall disorder.” He took notes on the pathologies of his East German patients suffering from a variety of physical and psychiatric conditions from the detrimental social and psychological consequences of living encircled by a wall. In his book titled *The Berlin Wall Disease* (1973) Müller-Hegemann pointed out the profound dissociative distance that East Germans experienced because they were not even allowed to call the border a “wall,” even though the wall’s physical presence was a major defining social horizon of life (Leuenberger 2006: 23). Even after the fall of the wall in 1989, German psychologists continued to speak about “the wall in the mind” (23). This terminology has been extended in the ongoing media coverage of Eastern European economies as a way to describe economic inequalities (Bradatan 2011; Dempsey 2011). The immediate congruencies of these apparatuses and tools of border enforcement in Berlin with new contemporary border security infrastructure, in particular along the U.S border fence, are unmistakable, and will be explored in more detail in the following chapters.

A Footstep to Freedom

The entrapment and enclosure of West Berliners was understood in relationship to the space on the other side of the wall. The distance between the two sectors was ultimately measured by a footstep — that stepping onto West Berlin was to become “free,” not unlike the ongoing U.S. policy for Cubans.¹¹ The large exodus of East Germans into West Berlin was often described as “voting with your feet.” This state-based measurement of a “footstep to freedom” serves as an entrée for thinking about the spatialities of movement in contemporary wallsapes. Often, people climbing new fences do not step into a free zone, but rather into a space that is more congruous with the dead zone, where 18-year-old Peter Fletcher agonized, bleeding to death for 50 minutes after being gunned down by East German border guards as he tried to cross the Berlin Wall, and no one from either side intervened to help save him. Or they step into the “living dead” zone, where a person who steps without authorization onto a nation’s soil is one traffic stop away from incarceration in a detention center or from deportation. The necropolitical configuration of borderlands today can be catalogued in embodied ways: the razor-wire gashes, the broken femurs and hips, the rubber-bullet wounds, and the refrigerators full of dead bodies (Mbembe 2003; Cué 2013; Reynolds 2012; McKinley 2010). As routes are securitized, crossers are increasingly pushed into shadow economies of human trafficking. On the Spanish border fence with Melilla, there are instances of men clinging to poles for hours, as police forces in Morocco and Spain try to bring them down with rocks, threats, and rubber bullets (Pleasance 2014). There is no longer freedom on the other side, but more often a legal patchwork of mechanisms that increasingly criminalize the act of “being undocumented” and enforce

¹¹ The U.S. government reestablished diplomatic ties with Cuba as the final revisions of this document were being prepared (BBC News 2015a).

and entrap people through racial profiling in policing and surveillance. Racial requirements have historically been at the center of this “footstep” measurement and employed in different forms of bureaucratic enforcement. Adolf Hitler observed this measurement first in U.S. policy and praised the U.S. Immigration Act of 1924, writing:

Compared to old Europe, which had lost an infinite amount of its best blood through war and emigration, the American nation appears as a young and racially select people. The American union itself, motivated by the theories of its own racial researchers, [has] established specific criteria for immigration ... making an immigrant's ability to set foot on American soil dependent on specific racial requirements on the one hand as well as a certain level of physical health of the individual himself. (Dorado Romo 2005: 240)

The Nazi use of Zyklon-B in the death camps in Germany was actually inspired by the U.S. Public Health Service “delousing station” in El Paso, Texas, where Mexican visitors to the United States were stripped completely naked and fumigated with Zyklon-B or other noxious chemicals like sodium cyanide, sulfuric acid, or kerosene before they could set foot onto U.S. soil. These facilities were detailed in a German study, and the practice of fumigating Mexican *bracero* workers along other parts of the U.S.-Mexico border continued until the late 1950s (Dorado Romo 2005: 237–240). Looking at the spatial functions and continuities of the physical, managerial, and racial violence of border walls gives us a point of entry in thinking about walls after the 1989 fall of the Berlin Wall.

The End of Walls

The city wall that trapped and enclosed East Germans for decades also marked the limits in the Marshall Plan's shifting *nomos* of global power. When the Berlin Wall finally came tumbling down, so did the last standing physical wall to U.S. hegemony. The images of people with pickaxes and hammers, chipping away at cinder blocks, have

a strong footing in the mediascapes of our memories. How did the rationality of violence that the Berlin Wall represented get transformed, after its collapse, into a best practice of securocratic governance? Perhaps we can begin to locate some of these changes inside shifting terrains of the market and civic participation, when the abolishment of the gold standard freed the representation of money from any material basis and increasingly integrated it inside the realms of private property, the state, and class relations. The resurgent terminology of “civil society” in the late 1980s and early 1990s became a way of talking about citizenship. “Civil society” became not only the site of civic opposition to communism and the welfare state in the West, but also the singular requisite for individual rights and social justice, fully aligned with the market (Somers 2008). One of the early signposts of the changing planetary geography of market “freedom” couched in civilizational binaries was U.S. president Kennedy’s 1963 speech in West Berlin when he said, “Today in the world of freedom the proudest boast is ‘*Ich bin ein Berliner*’ [‘I am a Berliner’]. All free men, wherever they may live, are citizens of Berlin. And therefore, as a free man, I take pride in the words ‘*Ich bin ein Berliner*.’” This dialectical world of “free” and “unfree” would get a reboot in the “war on terror,” where reiterations of this geography would continue to redraw the lines of planetary *nomos*. Former U.S. president George W. Bush’s post–September 11, 2001, commentary was littered with these same allusions of a kind of totalizing “freedom.” “This is not, however, just America’s fight. And what is at stake is not just America’s freedom. This is the world’s fight. This is civilization’s fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom,” he said during an address to the U.S. Congress in the days immediately after the fall of the World Trade Center towers in New York.

The fall of the Berlin Wall marked many things. It marked the end of the Cold War and socialism, and with it marked the triumph of Western power and capitalism, and opened a new chapter in American hegemony. The fall of the World Trade Center towers and September 11, 2001, became shorthand as a kind of bookend to that era — an American-centric terminology that collapsed the March 11, 2004, Madrid bombing and the July 7, 2005, bombings in London the day after it successfully won its Olympic bid into a singular reference — which has become the defining temporal maker for our present moment. During this period the term “culture” emerged as a politicized way of talking and understanding these changes that was usually divorced from the social and specific realities of particular countries, but instead couched inside larger references to global political events like the fall of the Berlin Wall and the fall of the World Trade Center towers in 2001 (Mamdani 2004: 17). This “culture talk” was built up in Samuel Huntington’s (1993) famous civilizationalist argument that the Cold War “iron curtain of ideology” would be replaced with the “velvet curtain of culture,” which was drawn across the “bloody borders of Islam” (Mamdani 2004: 21). Walls and curtains are the words that continue to be used to describe the contemporary geographies of terrorism and difference. The anti-walling discourse that has been bandied about in presidential speeches¹² every November since the fall of the Berlin Wall features prominently in the

¹² “It is an honor to extend my congratulations to the people of Germany and the people of Europe on this twentieth anniversary of the fall of the Berlin wall. ... November 9, 1989, will always be remembered and cherished in the United States. Like so many Americans I will never forget the images of people tearing down the wall. There could be no clearer rebuke of tyranny. There could be no stronger affirmation of freedom. This anniversary is a reminder that human destiny will be what we make of it. For Germans the wall was a painful barrier between family and friends. And for so many across Eastern Europe it was one symbol of the system that denied people the freedoms that should be the right of every human being. And yet, even in the face of tyranny people insisted that the world could change. In those countries that got trapped on the other side of an Iron Curtain, they had the courage and resolve to hold fast to the belief in a better future. In America we stood for decades with our friends in Europe on both sides of the Iron Curtain, through the support to rebuild what had been destroyed by war, and our soldiers who kept watch to prevent another, through the enduring bonds forged across an ocean and above all though a commitment to common values. In our Declaration of Independence it reads that all men are created equal and that they have the right to life, liberty, and the pursuit of happiness. In Germany’s constitution it reads that human dignity shall be inviolable. Even as we celebrate these values, even as we mark this day, we know the work of freedom is never finished. In a Berlin under siege, President

neoliberal narrative of globalization, even as dozens of new border barriers are cropping up around the globe. This isn't a contradiction, but rather it reveals that the limits of modernity's anti-walling discourse, which began in 1989, do not extend to include the newest wave of walling projects. In other words, contemporary border walls and fences are fully couched inside U.S. planetary interests, and as such, they are located beyond the reach of the platitudes of a borderless world for commerce.

Even the very monument meant to symbolize the end of all walls has been partially taken down by the power of global capital. On a snowy morning under the cover of darkness and the protection of 250 police officers, construction workers began to take down several segments of the last standing, 1.3-kilometer stretch of the Berlin Wall to make way for luxury high-rise apartments in early March 2013 (*Guardian* 2013; Birnbaum 2013). This short strip of wall, popularly known as the East Side Gallery, is covered with murals by artists from all over the world that capture the significance, history, and meaning of the division of Berlin and project alternative visions of a more convivial world without walls. The stretch of cinder block and the preserved empty dead zone behind it became the most famous instance of de-bordering in the postmodern world, an antipode for future walling and divisions. Despite protests and conflict over the residential plan, a moneyed developer with police protection was able to remove parts of this European memorial to the freedom of human movement.¹³ The remaining slabs and pieces of this memorial are displayed as artwork scattered

Kennedy said, 'Freedom is indivisible, and when one man is enslaved all are not free.' ... Today there are still those who live within walls of tyranny, human beings who are denied the very human rights that we celebrate today. And that is why today is for them as much as it is for us. It is for those who believe, even in the face of cynicism and doubt and oppression that walls can truly come down. Let us never forget November 9, 1989, nor the sacrifices that made it possible. Let us sustain the friendship across the Atlantic that must never be broken, and together let us keep the light of freedom burning bright for all who live in the darkness of tyranny and believe in hope of a brighter day." — U.S. president Barack Obama's online remarks on Nov. 9, 2009 (the U.S. border fence was still under construction when this statement was made).

¹³ This short anecdote about the removal of sections of the East Side Gallery was previously published online in *Antipode* (Mena 2013).

throughout the world: inside a Las Vegas casino bathroom, at the village of Schengen, Luxemburg, the place where borderless Europe was signed into being, and even in the Vatican Gardens (You 2014). Only three pieces ended up in Latin America. One slab of this monument ended up in the gardens outside the Ministry of Foreign Affairs of Costa Rica, a country that would go on to build the world's smallest contemporary national border wall (Mata Blanco 2014).

The Beginnings of the World's Smallest National Border Wall

The Costa Rican national border wall with Nicaragua is an interesting case to consider because it is situated in the heartlands of the U.S. sphere of influence and also on the boundaries of Cold War global alliances, which radically reconfigured Costa Rica's northern borderlands with Nicaragua. This section is organized around three quotes from the media coverage of the construction of the Costa Rican border wall in 2001 that referenced the Berlin Wall in relationship to the Costa Rican border walling efforts. This kind of commentary is fairly standard inside global media coverage of different contemporary walls, and these quotes help to orient and locate the enduring politics of walling, not only in relationship to Berlin, but also in relationship to modernity — showing the provisional and changing sovereignty claims that a border wall stakes in relationship to aerial and terrestrial mobility corridors.

“To Replicate the Extinct Berlin Wall”

[The Costa Rican border wall] is a negation of the spirit of Central American integration, and anyone could scale the wall and jump to the other side, because they will not be able replicate the extinct Berlin Wall with barbed wire and guard posts because the border between the two countries is too long.

— Adolfo Calero Portocarrero, president of the Foreign Commission for the National Assembly (Barberena 2001)

The news of Costa Rica's wall-building project on its border with Nicaragua drew concerns at regional levels from the Central American Parliament, which was meeting for the 10th Conference of Political Parties during the early phases of the construction. "This problem must be resolved ... with objectivity and from a 'Central Americanist' and unity-focused perspective," said the former president of El Salvador and deputy in the Central American Parliament, Armando Calderón Sol, in a press conference (Muñoz 2001). The president of the Foreign Commission for the National Assembly, Adolfo Calero Portocarrero, questioned the Costa Rican authorities' intentions to erect a wall at the border with Nicaragua, "because it is not going to stop the migration of Nicaraguans toward that nation." Portocarrero also announced that he would send a delegation from the Nicaraguan Institute of Territorial Studies (Instituto Nicaragüense de Estudios Territoriales) on a technical mission with its Costa Rican counterpart agency (Instituto Geográfico Nacional de Costa Rica) to make sure that the wall's construction fell within territorial limits of Costa Rica (Barberena 2001; Guerén 2001). Víctor Hugo Tinoco, another member of the commission, said that the wall reflected a limited perspective and vision of the future: "It is like saying the Costa Ricans, us over here, we are special and we don't have anything to do with the rest of Central Americans and we don't want to be contaminated by these others" (Barberena 2001). The president of the parliament, Hugo Guiraud, suggested an exploratory meeting to "promote a conversation so that barriers don't thrive between brother countries that will have an eternally shared border. As Central Americans, we are geographically, politically, and historically one group" (Ruiz López 2001). This commentary situates the Costa Rican wall first in relationship to Central America — a reference that denotes different *nomoi* simultaneously: the

formation of the Federal Republic of Central America after its independence from Spain in 1821 and the unification of Central Americans in successfully fighting U.S. imperialists. It also refers to more recent moments like the Central American Integration System (Sistema de Integración Centroamericana), an economic and political organization formed in 1991 as an outgrowth of the Organization of Central American States backed by the United Nations, and later the Central America Free Trade Agreement. Next, it references the Costa Rican project in relationship to the Berlin Wall — a framing that situates Costa Rican actions in relationship with the West in a particular way and also inside the larger global post–Cold War narratives.

Emblems of Modernity

The decree for the emblem representing the newly formed Federal Republic of Central America — which included what is present-day Guatemala, Honduras, El Salvador, Nicaragua, and Costa Rica — after its independence from Spain in 1821 directed that the unified coat of arms for all of the states was to be signified by an equilateral triangle protecting the land base of five volcanoes. The landmass was bathed on both sides by the two oceans and covered by a rainbow. In the center, Liberty's red hat radiated light, and the words "Federal Republic of Central America" ("Provincias Unidas del Centro de América") were inscribed around the image. Granados (1985) indicates that the geopolitical significance of this image represents a dual vision of Central America, as both a bridge and an isthmus. In one vision, it is a continuous land bridge, creating a contact zone between North America and South America. However, the moment that European conquistadores arrived, the role of Central America was redefined in terms of how it would come to be used as a center for communication between economic and political centers linked no longer by land, but by sea (Granados 1985: 59). This emblem

marks a hybrid historical moment of both the pre-Columbian and the colonial, and it captures in visual form the transition from a terrestrial order of power to a maritime one (59).

Almost two hundred years later, various riffs of this pan–Central American emblem are still represented on most of the different Central American flags. However, the Nicaraguan flag bears an almost identical resemblance to the original flag of the Federal Republic of Central America. The blue horizontal stripes represent the two oceans and the white stripe represents peace. The original and intact emblem is located in the center of the white stripe with a modified description that says Republic of Nicaragua (República de Nicaragua) in an arc above, and Central America (América Central) in an arc below. Costa Rica’s flag, inspired by the French Tricolor, hints at a vertical ordering of power. Schoolchildren are taught that the blue represents clear skies — the growth and development opportunities in Costa Rica. White symbolizes the peace that Costa Ricans live in. Red represents the blood of the Costa Rican peoples’ sacrifices and the vibrancy of the land (López and Vásquez 2004). Indeed, the allusion of the sky in growth and development activities has played out in reality. Since the 1990s, tourism has grown to become one of the country’s major industries, representing more than 5 percent of the GDP, or US\$2.2 billion (World Travel and Tourism Council 2014). In 1999, tourism surpassed coffee and bananas combined as a foreign-exchange earner. Total annual visitors have surged from a quarter of a million in the late 1990s to more than two million annually. Nearly 70 percent of all visitors arrive by air, and 90 percent of North American and European tourists arrive by air (Instituto Costarricense de Turismo 2014). Costa Rica is the only country in Central America that has not become a signer of the Central America–4 agreement, which is often referred to as the Central American Schengen agreement because it allows for free movement of Central

Americans between the four signer countries: Nicaragua, El Salvador, Guatemala, and Honduras. The passports of all of the four signer countries resemble each other, drawing from the historical reference to the Federal Republic of Central America. Even as the shifting importance of the skies is reshaping the Costa Rican landscape, its primary political point of reference to Nicaragua is still on the San Juan River.

Nationalistic visions in both Costa Rica and Nicaragua often interpret conflicts around territory in the context of a “zero sum game,” what the neighboring country gains, the other loses (Matul 2011: 148). This vision has played out historically in both the annexation of the state of Guanacaste from Nicaragua in 1824 and in many instances of conflict and controversy along the San Juan River. The presence of British, U.S., and even French interests in the possibility of constructing an inter-oceanic channel by using the San Juan River is indispensable to understanding the dynamics of dispute as the mode through which all major agreements along the border have been reached (Sandoval García 2012: 179). Foreign presidents and dictators made economic and political speculations by manipulating the myth of the inter-oceanic canal. Since the nineteenth century, the myth of the inter-oceanic canal became synonymous with “modernity,” “civilization,” and “progress” (Mojica-Mendieta 2010: 74). The canal project in the river contributed to a Nicaraguan national imaginary tied up in the idea of a collective history, naturally assigned and divinely destined to cumulate in the construction of the inter-oceanic canal (75). The idea that Nicaragua was called to become a “cosmopolitan nation” appeared constantly in newspapers and official documents in the nineteenth century: “The canal symbolized the route on which ‘Progress’ would make its triumphant entrance, on the shoulders of European and North American immigrants who would bring their superior capital and culture” (75). The canal hasn’t materialized because there has always been an external factor impeding it,

be it North American interventionism or Costa Rican egoism (Cortés Ramos 2011: 179). Costa Rica was always on the periphery of this potentiality on both its national borders. The construction of the Atlantic Railroad and the Panama Canal diminished Costa Rican strategic interest substantially in the possibility of a canal. To this day Nicaragua doesn't have a major Atlantic port, although the new Chinese private construction of a canal that is slated to start soon could significantly change all this (Watts 2015). All major products destined for Atlantic markets must move through Puerto Limón in Costa Rica, or Honduras. In contrast, the San Juan River is a distant border issue in the actual social imaginary of most Costa Ricans. Its principal importance is rooted in the fact that it has been a source of conflict with Nicaragua. Whenever a disagreement comes up, the famous words of former Costa Rican president Ricardo Jiménez are repeated, "Costa Rica has three seasons: dry season, rainy season, and fight season with Nicaragua" (Rodríguez 1998). However, that was not historically the case in the borderlands. Until the 1970s, the Costa Rican and Nicaraguan borderlands communities were much more physically isolated from their respective national capitals and deeply integrated. Almost all of the inhabitants in the Costa Rican border region are part of families with mixed nationalities (Granados, Brenes, and Cubero 2005: 102). Until the 1960s, the Costa Rican border provinces had more social and economic connections with Nicaragua than with the rest of Costa Rica. It wasn't until the Sandinista Revolution in Nicaragua in 1979 that the Costa Rican government made an effort to socially and politically integrate the northern border provinces with the rest of the country by building new road systems, which contributed to the establishment of populations in the Northern Zone and demographic growth in the Costa Rican northern borderlands (Granados, Brenes, and Cubero 2005: 96). Generally, the relative physical isolation of Central American borderlands have allowed for the

conservation of abundant natural resources that have been disappearing in the rest of the national territory. There is a body of literature that has come out of Central America on the ecology of trans-border river basins, including the San Juan River basin.¹⁴ It references these ecologically rich border spaces as unique locations for cooperative conservation, a place where a kind of trans-border commitment to cooperation grows from arrangements that reach far beyond the limits of national sovereignty (Cortés Ramos 2011: 194). Up until fairly recently, this has largely been the case in the context of the Costa Rica–Nicaragua borderlands. Outside of a few major arteries, most main roads in the area are rocky dirt lanes that quickly turn to mud during the rains, and many of the smaller paths are maintained almost exclusively for the movement of giant harvest trucks. However, changing demographic pressures and patterns of land development through the intensive land use of corporate agriculture is reconfiguring the contact zones between states, putting the environment at risk (Mojica-Mendieta 2010: 82).

Traditionally, individual Costa Rican farmers, small producers, and cooperatives in the northern Huetar zone¹⁵ along the Nicaraguan border produced coffee, sugar cane, bananas, grains, and tubers for local and national markets. In the early 1980s, there was a national push for growers to move away from traditional subsistence agriculture and traditional crops like corn, beans, and tubers. These crops were replaced with new ones destined for international markets. This tendency toward “productive reconversion” — a term that describes the shift from traditional crops and subsistence agriculture to

¹⁴ Frequently, the U.S.-Mexico trans-border river basin of the Río Bravo, as it is called in Mexico, or the Río Grande, as it is called in the United States, is also included as an example in this body of literature, even though it is outside of the unit of regional analysis. This kind of ecological approach to thinking about trans-border river basins is an important point of convergence in discussions of the political ecologies of borderlands, especially now in relationship to border walls.

¹⁵ The Northern Zone referred to here is the Zona Norte, which principally corresponds to the administrative planning region Huetar Norte: the province of Alajuela, the cantons of San Carlos, Los Chiles, and Guatusos, the Sarapiquí district in the canton of Alajuela, the Río Cuarto district in the Grecia canton, the San Isidro de Peñas Blancas district in the San Ramón canton, the Upala canton, and, in the province of Heredia, the canton of Sarapiquí (Granados, Brenes, and Cubero 2005: 95).

large-scale agriculture of different crops for export markets — in Central American border markets, and especially in the case of Costa Rica, created huge economic growth but devastated traditional labor production. Productive reconversion also resulted in lasting economic, social, and political consequences for the local and regional borderlands community (Granados, Brenes, and Cubero 2005: 94–97).¹⁶ The agro-industrial, mono-crop model shifted crop production. Now the region primarily produces oranges, pineapple, and yucca (Granados, Brenes, and Cubero 2005: 98). This production model necessitates intensive human labor for harvests. Most of these crops are picked by hand, with a limited window for picking. If crops are picked even a day or two late, they will not be acceptable as international export quality. As a result, new binational-border agro-processing networks have emerged (Granados, Brenes, and Cubero 2005). This economic model has generated new forms of transnational regionalism, which reorganizes social and cultural capital along different terms of inclusion and exclusion. Today, the Costa Rican agro-export industry alone seasonally absorbs around 60,000 Nicaraguan migrant workers for harvests (Rocha Gómez 2006: 73). Some studies suggest that Nicaraguans perform as much as 75 percent of Costa Rica's agricultural labor (73). However, Costa Rica is one of only three countries in Latin America that have not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Instituto de Investigaciones Sociales et al. 2012).

The changes in Nicaraguan migration to Costa Rica have dynamically altered the Nicaraguan economy. Nicaragua receives more in familial remittances than in private capital flows or official development assistance. Familial remittances to

¹⁶ According to Granados, Brenes, and Cubero (2005), this began with Structural Adjustment Programs (Programas de Ajuste Estructural, or PAE) and strategies like “Agricultura de Cambio” during Costa Rican president Luis Alberto Monge’s administration (1982–1986) and cumulated in the free-trade agreements that continue today.

Nicaragua have grown from US\$320 million in 2000 to more than US\$1 billion in 2012 (Banco Central de Nicaragua 2013). One of the major reasons for the intense growth in remittances to Nicaragua is that more money is being sent back from Costa Rica. These migrations are precipitated by changes in big agriculture, economic restructuring, and also by natural disasters. A Nicaraguan government survey undertaken by the Instituto Nacional de Estadísticas y Censos in 2001, the same year that Costa Rica built its tiny border wall, showed that 75 percent of the total number of Nicaraguan emigrants had migrated during the 1990s, and of them, 53 percent had emigrated during the four years immediately prior to 2001 en route to two major destinations: Costa Rica and the United States (Rocha Gómez 2006). Three years earlier, Hurricane Mitch had touched down in Honduras, and the tropical storms wreaked havoc on Nicaragua. The official death toll in Nicaragua was 3,045 people, and more than one million people were affected by torrential rains, flooding, and mudslides that buried entire villages near the Casita Volcano. Hurricane damage was worse than the 1972 Managua earthquake and totaled some US\$1.3 billion (Olson et al. 2001; National Climatic Data Center 2009). Mitch wiped out 70 percent of roadways and transportation infrastructure and left one-fifth of the nation effectively homeless (Olson et al. 2001). José Luis Rocha Gómez, a leading Nicaraguan migration scholar and researcher, describes that in methodologically understanding Nicaraguan mobility, it is “difficult to isolate the hurricane as a variable from others present that year including increased unemployment, despair, etc.” (2006: 20). During a presidential summit held in El Salvador the month after the hurricane, the Costa Rican government announced that it would grant a general amnesty for all irregular Central American migrants already present in Costa Rica before November 9, 1998, which would allow Nicaraguans the possibility of obtaining a renewable one-year permanent residency status in an effort to confront the economic

and social consequences of the hurricane (*La Gaceta* 2003; Organización Internacional para las Migraciones 2001). There was a lapse of several months between the announcement of the amnesty and the initial processing of applicants the next year. This policy, called the “exceptional migration policy” resulted in 140,000 mostly adult Nicaraguans being regularized to live and work in Costa Rica. There were several historical precedents for amnesties in 1983, 1990, and 1994; however, this particular instance was the largest, and almost entirely Nicaraguan, amnesty with specific enough regulations for people to actually successfully be able to regularize their status.

Increasingly in the 1990s, the imaginary around the river border had less to do with canals, commerce, and the importance of the actual river, and more to do with foreign relations with Nicaragua, marked by immigration, mutual distrust, and xenophobia (Cortés Ramos 2011: 187; Sandoval García 2012). Costa Rican national identity is built on a characterization of the nation as a middle-class, white, peaceful, and stable electoral democracy. It relies on this historic characterization as the “Switzerland of Central America” and a national sense of uniqueness and exceptionalism by characterizing the nation-state as different from its Central American neighbors. This identity is articulated in opposition to racialized and class-based representations of Nicaraguans as poor, dark, violent, and communist (Sandoval García 2004; Alvarenga 1997). Nicaragua is constructed as both an external threat and an internal one. Between 1984 and 2000, Nicaraguans represented in the Costa Rican census shifted from 1.9 percent to almost 6 percent of the total national population (Rocha Gómez 2006: 74). According to the most recent census data, Nicaraguans make up nearly eight percent of the total population, and 76.68 percent of all foreign-born residents in Costa Rica are Nicaraguan (Instituto Nacional de Estadística y Censos 2010). These figures are probably actually higher, because they don’t take into account

the estimated tens of thousands of undocumented migrant Nicaraguan workers who move in and out of the country to harvest crops, work in construction jobs, and work as domestics. Most of these workers cross into Costa Rica at the terrestrial border checkpoint in Peñas Blancas into the state of Guanacaste, one of the country's wealthiest provinces, which Costa Rica annexed from Nicaragua in 1824, a fact that has never been forgotten in Nicaraguan popular social memory. This is the location where the world's smallest border wall went up.

In the spring of 2001 an investigative reporter at *La Nación*, the national newspaper of record in Costa Rica, published a detailed report called "The Embarrassing Border" in which Costa Rican officials described the experience of border crossers at Peñas Blancas as "undignified and inhuman" (Guerén Catepillán 2001). The checkpoint facilities, which hadn't been updated since the 1960s, were falling apart and unsanitary. Lines of tractor-trailers stretched for kilometers, and processing times with Costa Rican migration officials took hours and often involved bribes or irregular payments to get through. Only three processing windows were open for the average daily crossing of some 4,000 people (Guerén Catepillán 2001). Later that summer, Costa Rica spent US\$1.8 million to build a 970-meter-long and two-meter-high cinder-block border wall directly on the state border with Nicaragua in the vicinity of the major border checkpoint (Guerén 2001). The wall is situated directly on the international boundary line and runs west from the Pan-American Interstate Highway. The wall divides Nicaraguan pastures with horses from swampy Costa Rican forest, which serves as an informal dirt parking lot just behind the official truck-cleaning station. On the east side of the highway, a chain-link fence and a large river with caimans separates a sparsely inhabited space.

The saga surrounding the border wall's construction included a series of back-and-forth political posturing and different statements from both countries' presidents and other high-level officials in the national newspapers. These statements weren't always consistent, and the Costa Rican government's justification of the functional purposes and need for the wall changed at different moments during the wall's evolution. There was also a semantic fight to call the wall a "wall" (*muro*) versus a piece of a wall to hide something (*tapia*). The Costa Rican press consistently called the border wall the latter (*tapia*) or a "wall" in quotes, whereas, the Nicaraguan press consistently referred to it as a wall (*muro*) in the coverage of its construction. Statements attributed to Costa Rican officials about the wall's purpose varied widely. The Nicaraguan media quoted the customs director at Peñas Blancas as saying that for the Costa Ricans, the wall was a *tapia* and not a *muro*, and that the main reason behind its construction was primarily to have a psychological impact on "alien friends," because these foreigners, who are mostly Nicaraguan, only come to steal trailer lights and license plates, and that by pure coincidence, these vandals cross mostly in the area where the Costa Rican authorities had started to build the border wall (Mairena Martínez 2001). At other moments the official Costa Rican version maintained that the wall was simply a renovation of the outdated customs facilities and nothing more. An opinion column published in early July 2001 in Costa Rica's largest newspaper, *La Nación*, titled "The Wall of Lies," sought to portray the escalating viewpoints about the wall's purpose as a Nicaraguan political fiction.

When there is tension, people should be on guard to avoid getting dragged down by fictions created on purpose to divert domestic attention. *La Noticia*, the newspaper of Managua that was created ad hoc by the Alemán Government, created a tempest in a teapot when it reported that Costa Rica was building a "wall" [*muro*] to stop the Nicaraguan immigration. It is easy to understand the intent of the story, the calculated use of the word "wall" [*muro*] (which

immediately refers to the ignominious Berlin) is used to speculate about its purpose. In addition, the article was full of inaccuracies. For anyone with eyes, it is obvious that a wall [*tapia*] (or whatever you want to call it) of 970 meters (not three kilometers, like the tabloid said) is a small thing on a 312 km border. Not even the Great Wall of China could prevent the incursions of rivals to its empire. Thankfully there are bi-national initiatives, driven by non-governmental groups and the United Nations Development Program (UNDP), aimed at promoting cooperation and cross-border development. Journalists and media should be on guard against those who raise walls of intolerance, hatred and lies, which are often born in newsrooms. (Murillo 2001)

By the end of the month, Costa Rican president Miguel Ángel Rodríguez visited the national borderline and did photo ops with the Costa Rican national press, observing the pastures where the wall construction was beginning to take place. He defended the structure: “This is simply a wall to protect the customs headquarter,” he said. “Be careful not to be misguided by wrong information. What difference does a wall that isn’t even one kilometer long make along a 320-kilometer border? It doesn’t do anything” (Guerén 2001). The president’s visit to the space was the first part of his two-day tour of the providence of Guanacaste to mark the celebration of the 177th anniversary of its annexation of the Partido of Nicoya from Nicaragua (Guerén 2001). A Costa Rican president would not formally visit this border post again until 12 years later, when the border immigration facilities at the border finally received a US\$1.3 million update to the border buildings to satisfy U.S. pressures to comply with requirements in the Central America Free Trade Agreement accords (González Sandoval 2008). On the eve of the celebration of the day that Nicaragua lost its territory to Costa Rica, Costa Rican president Laura Chinchilla inaugurated the updated border installations, saying that finally “they are not an embarrassment anymore.” Not one Nicaraguan politician or border official attended the event (*La Prensa* 2012; Murillo 2012). “Here is justice. This [renovation] commemorates the efforts to settle disputes through the diplomacy of law and to guard the border,” said the Costa Rican minister of

security on the occasion, without directly mentioning the ongoing border conflicts with Nicaragua about the San Juan River (Canal 15 2012).

“No Wall Can Stand the Test of Time”

We are not going to take reciprocal measures because no wall can endure and stand the test of time.

— Arnoldo Alemán, Nicaraguan president (Ruiz López 2001)

Political and racial tensions on Costa Rica’s northern border with Nicaragua have remained in constant tension in the social and political “discourse of limits” in both countries. Sandoval García (2004; 2011; 2012) describes this as both the discourse of limits in socio-political terms, and also of limits within a racialized framework of difference and identity maintained and produced through sensibilities of whiteness and the superiority of Costa Rican nationhood. Now, looking back at this statement in retrospect, it rings rather true in some ways. The Costa Rican border wall never became a symbolic site of power. It is overgrown with weeds, marking the zone where police won’t tread. It hasn’t stood the test of time, but rather it has functional extensions in other places where the new spatialities or *nomos* of the fence play out.

“La Trocha”: The Highway that Leads to Nowhere

A few months after Nicaragua dredged the San Juan River and stationed military personnel on Isla Portillos-Calero in October 2010, Costa Rica’s president Laura Chinchilla Miranda declared a state of emergency, invoking a state of exception in the borderlands. Citing the Ley Nacional de Emergencias y Prevención del Riesgo, a national law that largely corresponds to presidential responsibilities for protecting citizenry while mitigating natural disasters, the presidential decree stated that the

Nicaraguan “military invasion and occupation” of Costa Rican territory was a “violation of the terrestrial, aerial, and maritime spaces of Costa Rica” affecting not only its national sovereignty, but also generating serious environmental damage by destroying delicate zones of recognized national wetlands (*La Gaceta* 2011). The minister of foreign affairs described it as a “precautionary measure against the Nicaraguan politics toward Costa Rica” (Murillo 2013). This legal waiver was a key in authorizing the new defensive measures to tighten border security along the Nicaraguan border in the form of a border highway that had been under construction since December 2010. By mid-2011 the government’s construction of a border highway in very close proximity and parallel to the San Juan River, the sovereign borderline with Nicaragua, was well underway. The contested, 160-kilometer highway, commonly referred to as “La Trocha” (the trail), was built by clearing large tracts of rainforest, wetlands, pastures, and rivers and shoring up more than half of the entire northern national border.

The Costa Rican presidential decree was declared in the interest of protecting the environment from the Nicaraguan military’s alleged damages by dredging of the San Juan River and of protecting Costa Rican national sovereignty by authorizing this new line of defensive road building. The decree declared a state of exception that freed the Costa Rican government from its environmental responsibilities in the name of security and expediency (*La Gaceta* 2011). The Costa Rican border highway construction was executed without any environmental impact studies, forest inventories, or assigning a responsible overseeing body for environmental concerns (Rivera and Oviedo 2012). A year and a half after the initial construction started, a study conducted by the Costa Rican Ministry of the Environment found already that wetlands and old-growth forests over a third of the border were being adversely affected and that sediment was accumulating in an estuary of the Sarapiquí River and el Caño La Tigra

(Gobierno de Costa Rica 2012). While there were discussions of hiring outside consultants to advise on environmental impact and mitigation for the highway, the Ministry of the Environment opted not to incur additional costs, and instead made mitigation recommendations after the fact (Rivera and Oviedo 2012; Salas Murillo 2012).

An environmental report generated by Nicaraguan environmental and advocacy organizations expressed deep concerns substantiated by scientific studies that the Costa Rican construction of the border highway could have significant impacts on what many consider one of the most diverse biological corridors in Central America and one of the principal nodes of connectivity of the Mesoamerican biological corridor. It found that the construction of the border trench already was implicated in environmental damages to soils, water quality, and forests. At least 100 linear kilometers of trenching were constructed through highly sensitive and fragile ecologies, including 10 different nationally and internationally protected areas in both Nicaragua and Costa Rica (El Grupo Ad Hoc de Observación Ambiental 2012). Finally, the study concluded that there are other long-term potential impacts to consider, including: the increasing population pressures on natural resources on the riverbanks and sensitive ecologies, the interests of petroleum and mining companies, and the increasing fragmentation of biological corridors that will only increase as the border highway and access roads provide increasing accessibility to an area that has been historically isolated (El Grupo Ad Hoc de Observación Ambiental 2012).

In February 2012, the president of Costa Rica traveled to Los Chiles to inaugurate La Trocha. “How does Costa Rica defend its national interests and sovereignty? With the same bravery and determination of our ancestors who were led by Juan Rafael Porras, who knew in that moment that only by taking up a rifle could

they defend our sovereignty, and they marched on called by history,” she stated (Ávalos 2012). She announced the decision to officially name the new highway “Ruta 1856 Juan Rafael Mora Porras” after the Costa Rican hero who helped stop the North American filibusters led by Southern slaveholder William Walker. Mora Porras later became president of Costa Rica and signed the border treaty Jérez-Cañas with Nicaragua, settling the countries’ current borders in 1858. Chinchilla’s presidential discourse rewrote history by calling Nicaraguans the “new filibusters” in the context of the celebration of the National War of 1856, because this was the precise moment when Central Americans united to expel the American filibusters who were trying to enslave them. After the defeat of Walker and his men, Costa Rica attempted to take control of the San Juan River and part of Lake Nicaragua, a fact that is usually forgotten in the official Costa Rican historical narrative (Cortés Ramos 2011: 191).

Several months after the inauguration of Ruta 1856, it came to light that the government agency responsible for the project construction had no design or engineering plans. A private company hired to take over supervision of the project found 900 machines plowing and grading on the border, without any plans, and found that workers had received instructions to clear a path along the river margin (Oviedo 2012). The project was initiated without any professional oversight or project manager responsible for planning. An independent investigation by the Laboratorio Nacional de Materiales y Modelos Estructurales, a laboratory at the national university, found no set standard for the type of road being built, no topographical studies completed to determine the best route, unplanned movement of cut and fill dirt along the route, and many instances of missing or badly executed side and transversal drains along the road (Laboratorio Nacional de Materiales y Modelos Estructurales 2012). Already, some communities living along the road have had their homes flooded as a result of the

construction. One town was left without any road access when one of the ill-constructed bridges built as part of the highway collapsed. Villagers had to walk miles to get food or public transport (Hernández 2013).

The construction of the highway has been plagued by corruption. By early 2013, the Costa Rican government had spent more than US\$45 million on the project, but the dirt road remained largely impassable and almost entirely unusable. The government estimated that an additional US\$81.5 million would be necessary to finish the border highway and the total per-kilometer cost would be US\$510,000 (Loaiza 2013a). Many of the bridges needed by communities to make use of the road have still not been built after years of presidential promises to build them. Sections of cleared paths end abruptly at large chasms in the road and places where the rains have washed away the road and drainage. None of the road has been paved. It has become popularly known as “the road that leads to nowhere” (Mata 2013). Prosecutors have accused 42 people of criminal theft, embezzlement of public funds, and mismanagement related to the management and construction of the border highway (Solano 2015). Previously, the president had promised the road would be paved and completed by 2014. Now the completion of the road is still in limbo. The Costa Rican president penned a Sunday opinion column in the national newspaper defending the construction of the highway, calling it “a symbol of peaceful resistance to extreme threats, an act of affirmation of national sovereignty in its territory, and a strategic public work for the deployment of our police officers and emergency bodies in case that someday we have to respond again to defend the country” (Chinchilla 2013). The president also appealed to every citizen to help participate in protecting Costa Rican sovereignty: “This is not an effort that belongs solely to the government or to a president, but instead, requires the participation of all Costa Ricans. Therefore, we should value, with objectivity and a

sense of historicity, the true destiny that drives the building of Ruta 1856: protecting the sovereignty of Costa Rica” (Chinchilla 2013). In the borderlands, however, these kinds of national appeals continue to be problematic and not so black-and-white for the region’s binational, mixed community, because there are deeper and more recent histories of conviviality and partnership.

“Depressing and Deplorable Sign”: New Lines of Legal Closure and Increased Policing Powers

[It is a] “pretty depressing and deplorable” sign, saying that a wall, in this century, “even if it is built on the other side of the border, does not send a message of integration.”

— Ruiz López (2001), quoting Nicaraguan defense minister José Adán Guerra

This statement locates Costa Rican intentions and actions as being on the wrong side of “modernity” and in violation of the progressive narrative that started post–November 1989. However, this Nicaraguan attempt to locate Costa Rican actions as backwards and pre-modern — a position that was more frequently applied by Costa Rica and the United States to Nicaragua after the Sandinista Revolution — is unsuccessful because it harbors an underlying recognition of the new wall’s sovereign legitimacy and signification. This tacit acknowledgement of the legality of the new wall, and its potentialities for violence and division, captures the gap described earlier between the anti-walling discourse and the reality of new border walls going up. Integration, parity, and equality of Nicaraguans are taken off the table with this new walling formation, and this statement hints at the future lines of legitimate legal closure of the border.

Before the sun comes up, as the first buses pull into central San José, there is already a growing line of people snaking around the Nicaraguan embassy. By noon, a

large crowd of people will be standing under the beating sun waiting for consular services, often to procure the necessary documents to maintain their family's residency. It is 4:00 a.m., and on the other side of town, there is another line where dozens of people sit or lay on the pavement with their backs against the wall around the central police offices in San José. The Costa Rican police will only fingerprint the first 75 people in line that day. Those who arrived early enough to reserve their space will have to wait some six hours before they will be processed, one of the requisite steps to applying for legal residency in Costa Rica. These long lines of people in the capital city are the parallel embodiment to the border wall, the new lines that derive from the first act of spatial ordering. The border is closed, and updated migration policies make these new human lines only accessible to those who can afford to pay the new higher fees.

During the last decade, Costa Rica has enacted unprecedented, sweeping immigration reforms and legal closure making it increasingly hard for migrants living without proper documentation in Costa Rica to regularize their status. The Costa Rican national law on immigration has been revised three times since 2006, cumulating in the latest revision, which was passed in 2010 (Ley General de Migración y Extranjería No. 8764). The law is emblematic of a reductive view of immigration as primarily a "public safety" or "national safety" issue. It has effectively defined a new regulatory framework and formed a new legislative and institutional basis for the criminalization of irregular migration and the networks that facilitate it (Cortés Ramos 2006; Kron 2010: 48). Cortés Ramos writes, "The logic of 'national security' is the guiding thread in this law, which strengthens the coercive mechanisms used against the migrant population and increases the migration authorities' discretionary powers in its name" (2006). And in spite of the well-documented and intensive participation and efforts by religious, public, and not-for-profit organizations and labor unions in public forums to challenge and

remove prejudicial underpinnings of the proposed legislation, not a single one of the observations they offered in the hearings was incorporated into the final text of the law (Cortés Ramos 2006). The latest version of law, which went into effect in March 2010, dramatically increased the costs and fines associated with applying for regularization and for migrants who overstay their visas, placed more of the juridical processes regulating migration procedures into the hands of immigration police, and also effectively changed the definition of the border in service of amplified policing powers to remove unauthorized people.

The cost for one migrant to solicit residency for the first time under the new system costs more than US\$373, a figure that does not include additional travel costs associated with going home to Nicaragua to get the required documentation, which includes police background checks in the country of origin, birth certificates, wedding certificates, and national passports, and can raise this figure closer to US\$800 (Instituto de Investigaciones Sociales et al. 2012). These costs are prohibitive for many of the Nicaraguan migrants and families living and working in Costa Rica without the proper identification. The average undocumented Nicaraguan migrant fieldworker in Costa Rica makes about US\$115 a month, and in Nicaragua that same worker would only earn about US\$25 per month. The application process, described by *La Nación* as the “Nicaraguan Calvary,” is lengthy and requires at a minimum 14 different documents (Loaiza 2013b). This bureaucratic process is made even more difficult by the fact that many Nicaraguans are also severely under-documented in Nicaragua, and many do not even have a birth certificate, much less a Nicaraguan passport (pers. comm. with Gómez Guillén, 6 Nov. 2012). Migrant rights organizations have described the political apathy of the Nicaraguan government toward the needs of the migrant population living abroad as another challenge and obstacle, which means many Nicaraguan migrants live

in a legal limbo as disenfranchised from civic participation in both Nicaragua and Costa Rica (Rocha Gómez 2010). It is difficult for Nicaraguans to solicit copies of their birth certificate from outside of Nicaragua, which means that for a Nicaraguan citizen to get a passport, they usually have to travel to Managua. This step often takes several days of waiting in lines at different offices, including the understaffed and backlogged central registry that issues all national identity cards and doubles as the registry for all birth certificates. The costs for national identity documents like passports in Nicaragua are also high. Although the Costa Rican immigration law included a concession (*leyes transitorias*) to facilitate foreigners with expired visas or irregular entry status to be able to regularize their immigration status, the information with instructions on how to do this was not diffused very well. The timeframe to do this was also short and limited. Meanwhile, the backlog and lines at the Nicaraguan embassy were extremely long. The high costs involved made the option of seeking status regularization beyond the realm of possibility for many of the undocumented agricultural, domestic, and construction workers from Nicaragua, many of whom send remittances to Nicaragua to support their families.

Under the new law, if foreigners are caught with expired visas, a fine of US\$100 is levied for each overstayed month. Also, if foreign residents are caught with a residency card that has been expired for more than three months, they risk losing their immigration status completely. During the 2013 Easter Holy Week, the first major holiday after the penalty policies went into effect, the border traffic of Nicaraguans traveling home for the holiday plummeted. Costa Rican customs officials reported border crossings had dropped to less than half of the 30,000 crossings that had occurred during the same time the previous year (Quintero 2013). Also, in 2014, not long before Christmas, the new Costa Rican government's regulations went into full effect,

requiring all people leaving Costa Rican soil to pay an additional US\$5 exit fee — allowing banks, bus companies, and travel agencies to collect the exit tax on behalf of the tax authority of the government of Costa Rica. Under the new law, a person without the tribute receipt is not allowed to leave Costa Rica. It is customary at Christmas and Easter time for tens of thousands of Nicaraguans living and working in Costa Rica return home, often by bus, to celebrate holidays with their families in Nicaragua. On the first Christmas this exit tax was enacted, the government generated an estimated half a million U.S. dollars in revenue (Rodríguez 2013). These policies functionally make the border a container or cell and have a chilling effect on the rich tradition of maintaining transnational family ties. The future and longer-term consequences of these new policies, which will result in more deportations and “rejections” of Nicaraguan migrants living in Costa Rica, will also have lasting consequences that are yet to be fully realized for the new generations of Costa Rican citizen-children born to Nicaraguan parents living in Costa Rica, a binational and bicultural generation that Rocha Gómez (2010) calls Ticaragüenses.

Another key change in the law is how it expanded the definition of the border to be a 50-kilometer-wide zone along the actual national border, in which police can pick up and “reject” people entering, a migratory action of repatriation that is distinct from deportation in Costa Rica. This provision has the most impact on migrant seasonal agricultural workers, who frequently enter without the proper documentation and are often exploited by large agro-businesses. One Nicaraguan political scientist working in Costa Rica described the significance of the change in this way:

This change means that people picked up by migration authorities in this strip who are undocumented or in an irregular situation will be turned away rather than deported, which will prevent them from demanding labor rights, such as payment for work done. It's no coincidence that this strip covers a large part of

the region where sugar cane, oranges, pineapple, banana, cassava, and other agro-export products requiring a large amount of seasonal migrant labor are cultivated. Migrant workers, mostly from rural areas, typically enter Costa Rica without official documents, and the new law will create an employers' paradise by legalizing the super-exploitation of migrants — which already occurs but is not legally sanctioned. (Cortés Ramos 2006)

A common practice is for Costa Rican border police to deport Nicaraguans at a different border checkpoint than the one closest to where the person was originally picked up.

For example, Nicaraguans that are picked up near Los Chiles are transferred to the Peñas Blancas checkpoint, from which they are deported to Rivas, Nicaragua. To travel from Rivas to San Carlos — the Nicaraguan sister city to Los Chiles, Costa Rica — requires more than 10 hours of travel by boat. The deportees often have no money or direct means of getting home, and they can be stranded for days in a region they have never been to before (pers. comm. with Gómez Guillén, 6 Nov. 2012).

In 2011, a coalition of immigrant rights advocates, religious organizations, labor unions, and agricultural and domestic workers filed a legal appeal saying that sections of the new law were unconstitutional and violated the human rights of migrants in Costa Rica. They particularly contested a provision that gave immigration police new powers to detain foreigners for indefinite periods. Previously, a judicial order was required to detain anyone for more than a 24-hour period. This new norm, the coalition stated, opened the door for racial profiling of people based on the color of their skin, their accent, and other cultural or physical characteristics. Also, under the new law, the administrative detention of foreigners, which should last no longer than 30 calendar days before the person must be deported, can be extended in “special circumstances” at the sole discretion of the director general of immigration without any explicit or detailed reasons for his or her decision. The law does not outline what kind of situations or criteria are used in the decision to extend administrative detention, making unlimited

the director general's purview to detain foreigners held for indefinite periods, putting migrant rights to due process at risk (Cortés Ramos 2006). It also allows for immigration police to take a foreigner's passport and documents away. The coalition's appeal was ultimately denied by the Costa Rican constitutional court, which affirmed expansive scope and powers conferred on the National Office of Migration and Foreigners to execute these new provisions (Delgado 2013).

We can locate the world's tiniest border wall and the small archive contesting its construction, insignificant as it may seem now, as marking out a particular moment inside the longer chain of provisional claims making that has occurred in the Costa Rican borderlands since then. In many ways, the one-kilometer wall served to demarcate the beginning of the larger social, economic, and political project of opening up the Costa Rican northern borderlands for future economic development through marshaling the Nicaraguan labor force that is central to building and maintaining this order. The whole new set of subsequent lines drawn by the sovereignty of the state: the lines of people outside of embassies and police stations, the lines on paper that spell out stricter migration laws and penalties, and the dirt line of "La Trocha" carved out of the forests and wetlands, are operationalized through more intensive forms of preventative policing and human management that still rely on older ideas of the racialized "Nicaraguan" other. The "culture talk" that underpins the symbolism of the wall gives a moral-spatial location from where the state can launch political actions.

Chapter 5: Absurdity of the Wall

You show me a 50-foot wall, and I'll show you a 51-foot ladder at the border.
That's the way the border works.

— U.S. Homeland Security director Janet Napolitano in remarks about the congressional discussions that eventually led to the passage of the U.S. Secure Fence Act in 2006 (Associated Press 2005)

The first thing that we demand of a wall is that it shall stand up. If it stands up, it is a good wall, and the question of what purpose it serves is separable from that. And yet, even the best wall in the world deserves to be pulled down if it surrounds a concentration camp.

— George Orwell (1944)

A fence has divided Imperial Beach on the San Diego–Tijuana border since the early 1990s; however, previous fencing has been unable to withstand the tidal battering of salty sea waves that corrode and break steel posts. In 2006, U.S. Marine divers tried again to erect a fence in the ocean, this time made of train rails pounded in by a pile driver, but these efforts eventually failed too (Robbins 2006). More recently, a private contractor was hired to rebuild the fence again; however, the fence was felled and was rebuilt. Now the US\$14,000-a-foot fence stands in the Pacific Ocean, a 300-foot-long crooked testament to the absurdity of the wall built into the powerful ocean to stop border-crossing swimmers (Guidi 2011; Marosi 2011; Perasso 2011). One of the most expensive stretches of border fencing lies in the shallows of the San Diego beach, in the same city where the U.S. Coast Guard “sub hunters” division is based to interdict “narco-sub” that can carry between 100 and 200 tons of cocaine into the United States (Kushner 2009; Holguin 2010). The functional futility of this ocean stretch of walling is not lost on local residents. This extension of the U.S. border fence is part of Border Field State Park, also known as Friendship Park, which used to be one of the few places

along the international boundary line where people living on either side could meet face-to-face. It became a location where families separated by restrictive U.S. immigration policies could share an encounter with members on the other side to hug, hold hands, and spend time together. One couple that was separated by deportation even got married through the fence (EFE 2014). In the beginning there was no border marker; it was just a line (*la linea*). This line was enforced as the border (*el bordo*). Later it was marked by a wire (*el alambre*). In 1971 when First Lady Pat Nixon went to inaugurate the surrounding 800 acres as California's Border Field State Park, she instructed her security detail to cut the barbed wire affixed to the monument so she could enter into Mexico to greet the crowd, saying, "I hope there won't be a fence here too much longer" (Friendship Park 2015). In the 1990s, the park was closed off by a chain-link fence (*el cerco*). By the end of the century, for most residents of the region, the border had become a wall (*el muro*) (Friendship Park 2015). Today, the park occupies a 130-foot-wide space between border fences controlled by the federal government, but instead of holding hands through the chain-link fence, people can barely touch through the dense steel-wire mesh (Binkowski 2012). On the Mexican side there is open, 24-hour-a-day access every day, but on the U.S. side the border patrol only allows people to visit on weekends from 10:00 a.m. to 2:00 p.m. under supervision from immigration agents (Friendship Park 2015). A group called the Friends of Friendship Park has continued to petition to keep the park open and hosts and promotes binational border events, including poetry, yoga, bilingual cross-border ecumenical services, and even Christmas *posadas*.¹⁷ Community members on the San Diego side planted a garden, and a gardener in Tijuana would water the plants (Binkowski 2012).

¹⁷ *posadas*: Christmas caroling.

These symbolic gestures challenge the constantly changing and arbitrary sovereignty claims of the U.S. government.

A border wall always sits squarely on the builder-country's side of the boundary line, never legally a violation of territorial sovereignty of the neighboring country. On average, the per capita GDP of a wall-building country is between two and four times that of the neighboring country that is being fenced out (Wittenberg 2009; Jones 2011). The characterization of this uneven building field often stops along a civilizational global-wealth axis to explain why countries build walls. This chapter asks how security spending on border walls might be understood spatially in relationship to the political economies of life. To do this I look at the *one-sidedness* of a wall, a spatial formation of power and rationality that is premised in both supreme right and simultaneously the supreme denial of right, a formation that is maintained and spread through the performance of numerous ordinary acts (Mbembe 2001: 25). This power formation frequently manifests as absurdity, the bizarre incarnations and practices that maintain this spatial order of sociality. It is the depth of the contradiction that is so volatile and so explosive. These absurdities appear seemingly as contradictions of the spectacular and powerful sovereign assertions made with the construction of a national border wall and play out in the trivial everyday interactions with it. This chapter examines some of the absurdities that played out in the initial construction and the ongoing existence of the U.S. border fence with Mexico. There is a deep political and cultural investiture in maintaining the appearance of the law to uphold the authority of this distorted power, especially in the midst of the fiscal and physical failure of the wall itself. Authority is collapsed with morality to transform a tenuous claim of violence into a righteous prerogative, one that supersedes all other concerns, and this is not merely a symbolic order, but rather it is generative of other asymmetrical realms. Charity is a derivative

field of one-sided action to manage and organize the human relationships and interactions, stripping away possibilities for real political responses. These asymmetrical realms lay bare the real dialectic between the living body and the social world.

The Appearance of the Law

The newly minted federal agency of the U.S. Department of Homeland Security had two years to build 670 congressionally mandated miles of border fencing after the passage of the Secure Fence Act in October 2006. Starting in September 2005, the secretary of homeland security, Michael Chertoff, made a series of five legal waivers to build the border fence. The first waived eight laws for a 14-mile stretch of border fencing in San Diego (Neeley 2011: 141). Next he issued a waiver of seven laws for the construction of 37 miles of fencing along the Barry Goldwater military range in southern Arizona in January 2007. After legal challenges by the Sierra Club, later that same year he waived 21 laws for almost five miles of fencing through the San Pedro Riparian National Conservation Area in southeastern Arizona. Then in April 2008, Chertoff issued a massive multi-state waiver for 36 federal and state laws across some 470 miles in states all along the U.S. border. On the same day, he also registered an additional waiver for a 22-mile project in Hidalgo County in Texas. Each instance of the waivers was legally challenged — with the exception of the waiver for border fencing on the Goldwater military base; however, all of these efforts failed, and none have been successfully appealed, because the nature of the waiver removes any jurisdiction of federal appellate courts (Neeley 2011: 141–142). The Department of Homeland Security identified “contingency miles” in places where land acquisition was difficult or federal environmental protections were deemed problematic (Pers. comm.

with S. Nicol, 24 Aug. 2015; CREW 2010a; CREW 2010b). Even in the wake of massive popular opposition from border residents, tribal nations, border landowners, and a Defenders of Wildlife and Sierra Club lawsuit, the Department of Homeland Security maintained an official position that prioritized completion of fencing over land acquisition conflicts, federally mandated environmental studies, and long-standing Mexican condemnation of the project. The waivers have essentially stripped activists of virtually any legal avenue to fight these unconstitutional incursions, and the U.S. Supreme Court has not chosen to hear any of the constitutional cases. These waivers were the first crucial step for creating an extra-legal and in-between space where martial law trumped civil law.

Before the construction was to begin, the Department of Homeland Security working with the U.S. Army Corps of Engineers had to acquire access to the properties on which they wanted to build the fence in order to conduct land surveys (Gilman 2011: 262). Some landowners voluntarily gave land access, although often without full knowledge of their rights to be compensated for access and the ultimate effects on their properties; those who refused the agency access faced condemnation lawsuits by the government (Gilman 2011: 262–263). After surveying the land, the government seized permanent ownership of the lands of many Latino/a small landowners. The government offered purchasing prices largely ranging between US\$4,000 and US\$10,000, buying up only the specific strips of land that fell along the planned fence construction line, but not entire properties, which often resulted in landowners losing access to and use of their unpurchased property (Gilman 2011: 263). In some places, the wall's trajectory left U.S. homes and properties fenced out on the southern side of the wall, making them almost entirely unusable and inaccessible. The small town of Granjeno in the Río Grande Valley of Texas organized and mobilized against U.S. government plans to

build a portion of the national border barrier through their properties. The projected path of the wall would have cut through the yards and even homes of the families living there — many of whom are relatives and can trace their landholdings back to Spanish land grants. Although they were unable to entirely prevent the construction of the U.S. border fence in their town, they were able to get the federal government to move the barrier back far enough to save their homes, and to have the barrier take the form of a concrete levy instead of a steel fence.¹⁸

Approximately 400 landowners — mostly in Texas, where there is more privately owned land along the international boundary than in other border states where large tracts of land are already federally owned — were affected when the government eventually took eminent domain of residents' private and commercial landholdings to build the U.S. border wall (Weber 2012). Property owners who didn't agree to give up the rights to their land would not have their day in court to receive a ruling for compensation until years after the wall was built (Gilman 2011: 265). Many smaller property holders lost their land in the wall's path, while more lucrative commercial developments and resorts along the border did not (Gilman 2011; Weber 2012). Landowners received initial offers from the government that were far below market price value, and often did not find out about the disparities in proposed compensation until hearing about what neighbors were awarded (Weber 2012). For example, in Brownsville, Texas, cotton farmer Teofilo Flores described being first offered US\$1,650 for a portion of his backyard; however, he learned that his neighbor had

¹⁸ This anecdote about Granjeno was previously published online in *Antipode* (Mena 2013). During my fieldwork I visited Granjeno, Texas, and I spoke with one of the leading community organizers, Gloria, who saved her home from being literally cut apart by the projected path of the border fence. She recounted the emotional and physical stress of this protracted fight against the U.S. Department of Homeland Security and elaborated the unquantifiable costs this stress took on her time and especially her health. Several of the neighbors still have their "No Border Wall" posters up on their fences. It is not uncommon for local residents to be stopped and hassled by authorities who patrol the area telling them that they cannot drive on back levy roads. However, the wall has not slowed border crossers, who still climb the fence and cut across Gloria's now smaller backyard (Pers. comm. with G. Garza, 19 July 2012).

received 40 times that for a similar land tract (Weber 2012). A 2012 analysis of nearly 300 Texas cases found that most of the US\$15 million settlement money that had been paid out went to a small group of landowners, one third of all the total property holders, all of whom had lawyers (Weber 2012). There was little qualitative analysis before the construction looking at the populations that would be most affected by the proposed fencing route, and instead, drug enforcement, security, and immigration concerns dominated the public dialogue about building the wall (Wilson et al. 2010). The property owners most impacted by the wall were poorer, more often Latino/a, and less educated than those not impacted.¹⁹

But the appearance of the legality of the U.S. border wall's construction was critical for the state to maintain. One of the private fence-building firms in Southern California that was hired to build a portion of the 15-foot-high fence near the Otay Mesa border crossing in San Diego was discovered to have hired undocumented workers. In court the company agreed to pay US\$5 million in fines for a misdemeanor count of hiring unauthorized workers to build the U.S. border fence, representing one of the stiffest penalties ever imposed on a U.S. employer for immigration violations (*Washington Times* 2007; Horsley 2006). During the trial, the government went as far as recommending jail times for the company's executives, even though it is very rare for employers hiring undocumented workers to ever face criminal prosecution in these types of cases (Horsley 2006). The fencing company's president and one of its managers were ordered to pay US\$300,000 in fines and were sentenced to six months' home confinement and probation (*Washington Times* 2007; Horsley 2006). Even in some of the largest U.S. immigration raids in recent history at meatpacking plants in Iowa in 2006, where more than 1,000 undocumented workers were rounded up and

¹⁹ For a detailed case study of this disparity in Cameron County, Texas, read Wilson et al. 2010.

detained, no charges were directed against the company that ran the plants (Horsley 2006). The California fencing company's attorney admitted that the company had broken the law but said that the case demonstrated the real need for guest worker programs (Horsley 2006). Even though the appearance of the law secured a legitimacy based on this moral authority, it was not enough to overcome the real, lived dialectics of the land itself, which first toppled the one-sided power of the U.S. border fence, and even continues to bring down sections of this untenable formation.

When the Walls Came Tumbling Down

About 80 miles southwest of the center of the universe at Baboquivari Peak — the most sacred place of the Creation to the Tohono O'odham people — lies 516 square miles of federally protected wilderness area, a pristine desert habit populated with more than 26 kinds of cacti and countless animals that survive the extreme temperatures of the Sonoran Desert, including endangered species like the Sonoran pronghorn and Quitobaquito pupfish (National Park Service 2015). Researchers are still uncovering the ways in which this ecosystem works (pers. comm. with L. Baiza, 10 June 2012). The few weeks when the giant saguaro cactus blooms coincide almost exactly with the migratory lesser long-nosed bat's birthing season, when mothers and babies can feast on the sticky white cactus flowers. Historically, this land served as a crucial trading corridor. In the early 1990s, the Organ Pipe Cactus National Monument was a bustling and active site receiving more than 800,000 visitors annually. During peak seasons the camping areas were completely full. The 51-mile loop that took visitors through the park was open, and only a barbed-wire fence and an occasional white international-boundary marker demarcated the international border with Mexican farmland just on the other side of the national monument (pers. comm. with L. Baiza, 10 June 2012).

Originally, there were plans to fence the entire 30-mile border of the national monument; however, after negotiations, the fencing portions were restricted to a 5.2-mile-long perimeter concentrated along the urban border of the sister urban areas of Lukeville, Arizona, and Sonoyta, Mexico. Only a 15-foot pedestrian fence was required because the U.S. Department of the Interior built a vehicle fence that runs parallel to the pedestrian mesh fence across the southern border of the park. Before the construction of the U.S. border fence began, Organ Pipe Cactus National Monument issued reports and warnings that the fencing was not permeable and would cause flooding in the monsoon season when heat lightning zigzags across the desert skies and rain often, depending on the amount and intensity of rainfall, causes flash floods in the drainage crossings that flow southward along the fencing. After hearing the concerns, the Border Patrol issued a Final Environmental Assessment finding of no significant impact, determining that the fencing would “not impede the natural flow of water,” and the agency said it would remove debris immediately after rainfall. The US\$21.3-million fencing section built by private company Kiewit Western was not even completed when a massive flood event occurred on July 12, 2008. The border fence acted like a dam, and the small gaps in the fencing to allow for drainage were quickly clogged up with brush and debris that piled up to 12 feet high in places, which combined with the 6-foot-deep foundation to stop subsurface water flow, causing lateral pooling two to seven feet deep along the wall (McCombs 2008; and pers. comm. with L. Baiza, 10 June 2012). The nearby sister urban areas of Lukeville, Arizona, and Sonoyta, Mexico, and the international port of entry were flooded at levels that had never been experienced in this area before (McCombs 2008). The owner of the general store Gringo Pass on the U.S. side sued the U.S. federal government and the contractor for US\$6 million in damages (McCombs 2008). That same day, another major flooding event also occurred in Nogales, Mexico,

adjacent to another section of U.S. walling in Nogales, Arizona (McCombs 2008). In 2010, the U.S. Army Corps of Engineers went back and installed liftable gates along the fence to prevent future flooding; however, a year later, another 40-foot section of the completed fencing was torn down in Organ Pipe Cactus National Monument during a flash flood on August 7, 2011, and the felled section had to be rebuilt (McCombs 2011). Again, the neighboring buildings at the port of entry on the U.S. side experienced flooding damages (McCombs 2011). When I completed observational fieldwork in 2013, the giant gates that had been installed to mitigate the flood damages were closed and filled with debris from recent rains and more flooding. The protocol for flash floods is to open the floodgates 24 hours before the anticipated rainfall, a process that requires heavy machinery and, according to park employees, was rarely executed, causing visible and significant erosion on the U.S. side of the fence (pers. comm. with L. Baiza, 10 June 2012). In July 2014, another 60-foot section of walling originally built in 2011 along the Nogales-Mariposa port of entry was felled by flooding. The drainage gates were not opened and the neighboring houses were flooded with up to three feet of water (Associated Press 2014b). It cost the government over US\$700,000 to complete the repair of this 60-foot section of fencing (Galvan 2015). Since 2008, there has been an ongoing push to build four new sections of fencing that were not completed as planned in the original mileage count. In 2011, U.S. Customs and Border Protection initiated four new projects in areas in Texas where concerns about environmental impact had prevented the agency's completion of originally planned fencing. In its renewed building efforts, the government claimed that these projects were covered by the scope of a 2008 waiver (Nicol 2012). When Mexican officials for the International Boundary and Water Commission rejected proposals to build fencing sections in sections near Rio Grande City and Roma, Texas, citing the potential for flooding, the U.S. representatives

of the commission overrode international treaties and approved the efforts anyway (Nicol 2012). The U.S. counterparts created a new model, even though similar fencing in Arizona had flooded the Organ Pipe Cactus National Monument. Since the U.S. border fence construction began, Mexican and U.S. scientists have been researching and documenting examples of impacts caused by the construction of the border fence, including: “changes to soil characteristics from machinery, soil erosion, and fragmentation of populations causing concerns with genetic exchange and depopulation, particularly in the face of climate change and the expected adaptations and migrations” (Good Neighbor Environmental Board 2010: 53). The construction of the fence has also had a chilling effect on collaboration and coordination efforts between U.S. agencies, tribal nations, and Mexican partners on regional environmental concerns (53).

Political Ecologies of the Fence

In the popular imagination of the greater American public, the U.S. border fence is a monolithic structure that stretches for thousands of miles, sealing the border from “terrorist” threats in the wasteland of the desert where the occasional tumbleweed blows by. This imaginary functions as part of a narrative that renders the people living in this space and the unique habitat as nonexistent. In reality, the wall is functionally fragmentary, breaking up urban crossing corridors in several-mile chunks, which in many places also creates parallel “no-man’s land” between the actual international boundary line and the fence, a space where people aren’t allowed to move freely, and which, in places, can be as far as five miles from the actual international boundary line. Ironically, many segments of fencing are quite short. One can walk along for a mile or two or even several hundred feet in places and then suddenly find oneself at the wall’s end. And instead of the picturesque tumbleweed blowing by, there are places where

hundreds of tumbleweeds pile up 10 feet high along fence segments so thickly that they have to be burned off.

The temporal scale of the changing governmental policies implemented along the U.S. Southwest border is very different from enduring environmental changes, most of which take much longer to register than the isolated and publicized incidents like a monsoon flood or a section of wall falling down. Along the U.S.-Mexico border, there are 1.1 million acres of federal wildlife refuges, which provide important habitat for more than 30 endangered species that live within 25 miles of the international border, as well as migratory birds and other wildlife (Viramontes and Brown 2008: 9). Structural and functional habitat connectivity is one of the most important conservation needs to keep healthy and genetically diverse animal populations from becoming fragmented and at higher risk for extinction (Culver et al. 2009). Open, permeable crossing corridors allow for animals to migrate and find new territories, mates, and feeding areas. These corridors are particularly important for carnivores that travel longer distances, including wild cats like the jaguar and the ocelot, especially in the context of urbanization, new roadways, and border fencing. According to government reports, “The Sonoran pronghorn, masked bobwhite quail, ocelot and many other species have their last hopes vested in these lands” (Viramontes and Brown 2008: 9). Securitization and closure in the United States have pushed human crossing corridors deeper into protected nature reserves, disrupting major crossing corridors for animals including black bears, bobcats, pumas, jaguars, and ocelots (Culver et al. 2009: 85). This partitioning has lasting consequences that become more pronounced with the passage of time, and some of the early scientific studies of the habitats and species in the region stress the adverse impact

of added border security and the border fence.²⁰ The U.S. Department of Homeland Security's needs and authority regularly trump other federal agencies' purview and regulations, and undermine decades of efforts to save habitat, wildlife, and water sources.

It is not just the physical obstacle of fencing that creates habitat fragmentation in wildlife habitats that span national borders, but also infrastructure like lights, which disturb nocturnal habitats of bats, birds, and insects, and the increased human and vehicle presence that impacts the movement of animals. Above and beyond the border fence is the larger tactical infrastructure and operational footprint of the ongoing activities of the U.S. Customs and Border Protection (CBP), including new roads and forward operating units — remote building units used by the U.S. military in Iraq and then brought to the Arizona desert, from which CBP agents deploy during regular, daily incursions off-road into natural habitats in the effort to maintain increased surveillance. For example, in the Organ Pipe Cactus National Monument, a memorandum of understanding in 2006 gave CBP full access to the entire park. Since then, the density of vehicle trails has gone up exponentially, according to the national monument's aerial surveys. In 2011, park personnel found there were more than 2,320 miles of unauthorized roads on 700 routes. More than 95 percent of these miles were made by all-terrain vehicles, and many routes transect the park in an east-west direction (Organ Pipe Cactus National Monument 2011: 19). The incursion of vehicles and more intensive human movement damages the natural habitat and soil, making it difficult if not impossible to restore because the desert soil gets compacted to the point where plants can no longer grow. The rapidity of the destruction of habitat does not correspond to the temporal scape of the land itself. It takes a saguaro cactus, the iconic

²⁰ For an anthology examining some of the early effects of the U.S. border fence and security efforts in the historical context of U.S.-Mexico cross-border conservation efforts see López-Hoffman, McGovern, Varady, and Flessa 2009.

columnar cactus of the Sonoran Desert, 50 years to grow a single arm. Federal conservation experts are required to come up with figures for mitigation monies, but ultimately, mitigation monies do not rebuild wilderness; at best, they manage destruction. It is very difficult to contemplate the entirety of the U.S. border fence and its impacts on the living communities around it on a full scale. Most of the findings about the U.S. border fence are segmented and localized, because for years after the construction there were no accurate government maps of the fencing segments at all.

The Map of the Fencing Mile-Count with No Miles

Even though the magnitude of the U.S. border-fencing project was large and significant, no accurate map of completed fencing was made publically available for years. The U.S. Department of Homeland Security only released general draft plans for mapping locations during construction, but these were entirely provisional, and it wasn't until late 2009 that the first map of border wall construction was made available on the U.S. Department of Homeland Security website (Gilman 2011: 270). The first rendition of the map was almost impossible to translate into a clear understanding as to which lands and areas were affected, as it did not include any geographical references besides the actual borderline, nor did it have a scale to measure the length of the segments. Instead, the walling segments appeared as generic red lines right on the international boundary line, even though in many places the wall is located a significant distance from the actual boundary line itself (Gilman 2011: 270). Scholars and journalists had to sue the federal government to finally uncover the map of the border fence segments. For several years, the journalists from the Center for Investigative Reporting filed Freedom of Information Act requests with U.S. Customs and Border Protection to obtain accurate, detailed mapping data showing the location of the border fence system (Corey

2014). After several appeals, the journalists received limited data from the government showing where individual fence segments started and ended, but were informed repeatedly that lines showing details of the fencing constituted sensitive law enforcement information (Corey 2014). But as the reporters asked, how can giant segments of 10-foot walling be a secret from unauthorized border crossers or “terrorists”? By using information about segments and looking through satellite data, the reporters put together one of the most comprehensive representations of the entirety of the wall (National Public Radio 2014). In October 2013, the U.S. government finally released more detailed maps of fencing.²¹

“Might as right” is the basic formulation that transposes “founding violence” into “authorizing authority,” which happens in an imaginary capacity. Nowhere is this clearer than when nature itself upends this false rationality. Instead of considering the slew of failures surrounding the U.S. border fence as a reflection of the inherent contradictions of waning sovereign state power, perhaps these absurdities help us to identify more clearly the underlying fiction that is generative of other realms of asymmetrical arrangements that extend from the border. Asymmetrical power is a kind of authority that has to be constantly maintained and spread in order for it to have an increasing permanency in society, and which can include ordinary everyday acts, rules, and rituals, or a state of low-intensity warfare (Mbembe 2001: 25). One-sided power authenticates and reiterates a particular imaginary (25). This act in a colonial context combined morality and authority in a particular way so that “right was on *one* side” and so “[a]nything that did not recognize this violence as authority, that contested its protocols, was savage and outlaw” (26). When right, and its derivative righteousness, manifests as a fixed location, it creates a moral-spatial orientation. The human who is

²¹ A copy of the maps is available from the University of Texas School of Law project on the border wall. See University of Texas 2015.

fenced out becomes an object of action, and the field of relational possibilities is stripped of social and political equality. Instead, fields of action are converted into realms of charity — another asymmetrical form of relationships.

Migrant Humanism in the Realms of Charity

The early prototypes of the border fencing in the 1990s as part of Operation Gatekeeper successfully closed the high-traffic crossing corridors near San Diego, California; this effectively moved unauthorized pedestrian crossing routes into the most dangerous and ecologically sensitive parts of the desert in the neighboring state of Arizona. Officials described this enforcement protocol as a deterrence mechanism that functioned by increasing the psychological cost of crossing through dangerous terrain where migrants would risk death and exposure to the elements. Consequently, the death toll in the desert rose precipitously (Nevins 2010). Community members in nearby U.S. cities like Tucson, Arizona, mobilized to provide water, hospitality, and care to migrants crossing through this gauntlet. In the United States, and globally, transnational religious and private civic organizations are increasingly called upon to assume larger roles in advocacy and care for migrants, at times even in collaboration with official government offices and agencies. This account raises important questions about the limits of humanitarian rationale and aid-based interventions that often orient this realm of uneven relationships.

When the interpersonal realms of interaction between those who live on the “right” side of the fence and those who do not is refigured by asymmetrical power, the political possibilities for interactions based equality, or even justice, are subsumed in this abyssal formation. Instead, the one-sided power is generative of other realms of one-sided power, and one of these that I want to explore here is the realm of charity, the

liberal, humanitarian idea of helping or “saving” the migrant who is suffering or in distress. The Protestant doctrine of suffering in which the act of suffering improves the sufferer does not apply to the undocumented person because the moral authority of the law does not extend to their presence, which is outside the spatial authority of “right” or rights. This means that actions to help a migrant or to extend them “basic human rights” become acts of charity, a relationship of power that objectifies the recipient. Charity is not solidarity because it does not exclude anyone (Todorov 1996: 85). It cannot be turned into an advantage for a particular group, so it is a moral act directed outwardly toward everyone and not toward any particular individuals, but rather toward the nameless individual (85–86). The act of charity, or pity, can humiliate its recipient because there is no way to repay in kind or to help the giver (Todorov 1996). Caring is not universal, rather it elicits a similar concern in return, and it implies a personal sympathy with the object of one’s concern. This objectification of the migrant in the liberal sphere of humanitarian aid is frequently couched in the language of a resurgent Christian humanism and transformed into a mantle for the re-investiture of the violent, uneven power formation that created it.

The language of emergency and humanitarian crisis first mobilized by activists in the Arizona desert drawing attention to the more than 5,000 bodies discovered in the desert during the first decade of border deterrence policy resurfaced, recycled into policy talk discussing thousands of undocumented Central American children crossing the U.S.-Mexico border during the summer of 2014. The White House, politicians, and the media were quick to label the occurrence a “humanitarian crisis,” a terminology that extended to violence and events transpiring in El Salvador and Honduras but not to the violence of mass incarcerations and deportations that apprehended women and children experienced after crossing into the United States. When media images of jail cells in

Texas crowded with children filled the news, President Obama requested US\$3.7 billion in emergency funding from the U.S. Congress to hold a “sustained border security surge,” to improve conditions where the migrants were detained and to speed up deportation proceedings (White House 2014; Johnson 2014). By the fall of that same year, the largest immigrant family detention center was under construction in Dilley, Texas, to hold up to 2,400 people, mostly women and children, facilitated by a contract that bypassed normal bidding procedures with the largest private prison company in the United States, Corrections Corporation of America (Hylton 2015). The U.S. government also revamped another facility in Karnes, Texas, to expand the bed count to 500 beds, making the family detention centers part of an “aggressive deterrence strategy” where “no-release” policies are part of a larger “national security” effort (Johnson 2014). In his testimony to the U.S. Senate Appropriations Committee, Department of Homeland Security director Jeh Johnson laid out the moral-spatial structure of authority in these words: “Those who cross our border illegally must know there is no safe passage, and no free pass; within the confines of our laws, our values, and our resources, they will be sent back to their home countries” (Johnson 2014). These lines of confinement couched inside the moral-legal frame of authority use the threat of incarceration as a form of deterring refugees, contrary to existing international law.

As existing systems of reference are broken, new lines of force are enacted through legal surveillance practices, checkpoint stops, detentions, government-seized lands, and objective murders. The foreclosure of cultural systems of reference that Fanon (1956) pointed out in his paper to the First International Conference of Negro Writers and Artists in Paris happens when the culture, living and open to the future, becomes closed and fixed, caught in the yoke of oppression, both present and

mummified. We can identify these foreclosed futurities in the stalled and stagnant borderscapes of walls and in the boom of costly temporary rights schemes that follow in a wall's wake. They are located inside new hierarchies of vulnerability where human rights are organized along axes of nationality, age, gender, and sexual orientation inside differential regimes of relief and distinctive temporalities of legality. Only those with monied means can access these systems, and those who cannot dwell alongside the expendable and excluded. Tellingly, children are at the center of the contemporary debates about "humanity" and the limits of temporary rights regimes, in what perhaps could be described as a kind of migrant humanism, where challenges to these hierarchical valuations of humanity are increasingly relegated to the spheres of charitable action instead of political action. In these systems, racism is not the entirety of the system but one of the most visible, everyday, crudest elements of it (Fanon 1956).

The object of racism is not the individual person but a form of existence in the world (Fanon 1965). The real, lived dialectic between "my body and the world" that Fanon describes helps us to understand and locate how these legal frameworks are corporialized in relationship to the border fence. This manifests as vulgar contempt toward forms of undocumented existence, poor existence, and brown existence. During the summer of 2014, citizen protesters in Murieta, California, wielding U.S. flags blocked and turned back U.S. Border Patrol buses full of undocumented children in transit to overflow detention facilities in their community, chanting, "Go Back Home! USA!" (Martinez and Yan 2014). Several days later, in Oracle, Arizona, citizen protestors, and even a member of the U.S. Congress, mistakenly identified and temporarily stopped a school bus filled with young YMCA campers as one of the buses transferring undocumented Central American youths to local facilities to be detained

(Abdullah 2014; Associated Press 2014). This example reveals how the border wall becomes the moral baseline for social truths. Once established, this baseline becomes a snare for ethical and political options, not just for migrants but also for everyone who tries to engage or challenge the line, because it has become a lacuna of one-sided rationality. This reflection highlights the complexities in naming the injustices surrounding the border wall and in identifying uneven power formations, because the same language of humanitarian rights undergirds both the discourses of protest and dissent and also the surge in the securitization of special-interest zones. Now we can start to see the part of the wall that has become totalizing, encircling us all.

Chapter 6: Special-Interest Security Zones

No more dikes, no more bulwarks. The hour of the barbarian is at hand. The modern barbarian. The American hour. Violence, excess, waste, mercantilism, bluff, conformism, stupidity, vulgarity, disorder.

— Aimé Césaire, *Discourse on Colonialism* (1955)

The far-reaching, the boundless future will be the era of American greatness. In its magnificent domain of space and time, the nation of many nations is destined to manifest to mankind the excellence of divine principles; to establish on earth the noblest temple ever dedicated to the worship of the Most High — the Sacred and the True. Its floor shall be a hemisphere — its roof the firmament of the star-studded heavens, and its congregation an Union of many Republics, comprising hundreds of happy millions, calling, owning no man master, but governed by God's natural and moral law of equality, the law of brotherhood — of 'peace and good will amongst men.'

— John L. O'Sullivan, "The Great Nation of Futurity" (1839)

Frontiers occupy a comfortable and familiar place in the American psyche. Shoring up boundaries of the southern U.S. border isn't just a metaphor, but a practical way that U.S. national political powers are initiating a social closure of the U.S.-Mexico border while trying to open up further economic borders. This closure doesn't just happen on the border, but it is a politics that is oriented in relationship to the border, stretching from sea to shining sea and beyond. This kind of project is the latest chapter in a long legacy of racialized policing of the southern United States that feeds on ethnocentric and nationalist fears and makes immigration from Mexico one of the ongoing central policy issues in the country. Building a border fence is a costly project, one that has maintained a saliency in times of economic downturn in spite of the overwhelming evidence of its technical failures and the ecological, economic, and social damages it has left and continues to leave in its shadows. It has been accompanied by a nation-wide push of unconstitutional, yet widely popular state laws and policies directed at

undocumented Latino/a immigrants, where nationality serves as a legal proxy for racial profiling in federal law enforcement guidelines. These proposed laws and policies, originating in walled-border states like Arizona, have a toxic social afterlife, authorizing a broader anti-Latino/a sentiment that crosses citizens and noncitizens alike. This has not been the case on the U.S.-Canadian border, which remains almost entirely unsecured according to government estimates. On the northern border, rhetoric of friendship and inclusion is not only the norm, but also the national policy. In contrast, what has emerged alongside the U.S. fencing project with Mexico is a carceral complex, a mindset that locates a personal sense of security behind a fence, fostering an environment where unauthorized immigrants are made to feel so uncomfortable that they “self-deport” and supporting a burgeoning immigration corporate sector that profits off this system. This racialized reining-in of the frontier draws on a long mythology rooted in a systemic violence against humans, animals, and the environment in the Southwest. It is part of a “persistent colonial present” that hasn’t left the United States (Gregory 2004).

The Monroe Doctrine was a U.S. spatial reconfiguration of the Americas that first juridically constituted a special-interest commercial zone as a security zone. U.S. secretary of state John Adams drafted the wide authority over entire spheres of the planet outlined in this initial declaration, which set an important precedent for U.S. unilateral action, undergirding emergent U.S. global imperialism as the spatial location for peace and freedom. One of the early testing grounds for the Monroe Doctrine was the contested U.S. borderlands with Mexico, and ever since then, this space continues to be the living laboratory of partition in the era of a neoliberal free-trade order. This spatial organization is prevalent in borderlands, where border walls are often decreed as part of a “state of emergency,” which open up new roads and infrastructure for new

industry and economic extraction, as noted in previous examples. This chapter contemplates the ways in which the U.S. border wall with Mexico serves as a signpost of a special-interest security zone, a configuration where global capital and global security converge in underwriting the inviolability of new and future forms of possession, and it situates this emblematic landmark inside the global milieu of closure.

Mexico and the Monroe Doctrine

In the early 1800s, there were only two independent nations in the Western Hemisphere, Haiti and the United States. At the start of the 1820s, many Latin Americans would begin their fight for independence from Spain. In his annual address to the U.S. Congress in December 1823, U.S. president James Monroe laid out what would become the expansionist bedrock of U.S. foreign policy — outlining unilateral U.S. protection over the entire Western Hemisphere, a policy that at the time was completely unsustainable vis-à-vis actual U.S. military capabilities but which set the limits for future European colonial interests. His declaration mapped out a zone of national “self defense,” a set of economic intentions couched in the terminology of just war. “We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety,” said President Monroe. The declaration defined the Western Hemisphere not as an actual space with cartographic or geographic specificities, but instead as a realm of special U.S. interests, and also as a realm of freedom (Schmitt 2003: 281). The peace structure born out of this ideological blurring not only marked out a new defensive line in relationship to Old Europe, but also rendered the newly declared spatial realm as lands reopened for new U.S. acquisition and occupation (286). This mounted an early

dialectical understanding of the United States as a “sphere of freedom and peace” unspoiled by Europe, and the rest of the world as a field of war, a distinctive chapter in the Western rationalism of modernity born inside a U.S. planetary frontierism that remains en force today (287). The new trenches of “global linear thinking” dug out by this doctrine set the backdrop for shifting understandings of humanity, trading in European paradigms of colonial humanism and all its atrocities and “rebirthing humanity” as an American-made set of rights, a bastion of freedom and justice (288). Marking out this American moment in the wider context of legal and political changes foregrounds a set of ideological considerations that will resound along the built-up lines of our contemporary moment.

President Monroe’s statement would not become known as the Monroe Doctrine until some 30 years later, when U.S. president James Polk invoked it inside a more expansive version of Manifest Destiny to keep Spain, Britain, and Russia from establishing stronger footholds along the Pacific Coast, and also when he sent troops to the Río Grande at the conclusion of the Civil War to demand that France withdraw the Maximilian reign from Mexico. Manifest Destiny was based in the idea of white American supremacy. As the United States grew as a world power, the Monroe Doctrine was used to invoke and recognize spheres of U.S. influence. The Frederick Jackson Turner address named the exceptional character of U.S. history and politics as the central feature of American historiography (Slotkin 1998: 29). U.S. president Theodore Roosevelt and Frederick Jackson Turner shared the belief that the frontier shaped U.S. institutions and the national character, and that the passing of the agrarian frontier marked the beginning of a crisis (Slotkin 1998: 30). The concrete orientation that the “New World” existed “beyond the line,” free for appropriation, was subsumed in a new formation that separated the state from the economy. However, creating

economic presence with political absence required that the old ideology and raciography of “freedom” be maintained (Schmitt 2003: 293–294). The farmer and the hunter at the root of the myth of the frontier are linked inside the spiritual and secular regeneration of taking up “virgin land,” which symbolically addressed the economic aspects of ideological concern, and also through the defeat of the “savages” in a “war of the races,” which addressed the political aspects of conquest and use of force (Slotkin 1998: 33). Theodore Roosevelt’s belief had to be grounded in a “historiography that would allow him to see the industrial/urban order of the present in the direct, logical, and hence desirable outcome of the frontier past” (Slotkin 1998: 33). To the Monroe Doctrine, U.S. president Theodore Roosevelt added the Roosevelt Corollary in 1904, which expanded U.S. global policing powers to intervene in the affairs of Latin American countries. Schmitt cites the example of the Panama Declaration in 1939, when the United States forbade warring states from undertaking hostile acts within a specific security zone, as a line that extended the idea of territorial waters from three miles off the coast to 300 miles (2003: 282). This action stretched the land-based limits of the Western Hemisphere into the free seas, an unprecedented form of appropriating the ocean inside a security zone, and it bears a remarkable resemblance to the current *internally* oriented 100-mile expanded security zone of the U.S. international border, in which the U.S. Customs and Border Protection have certain extra-Constitutional powers along the U.S. “border,” where about two-thirds of the entire U.S. population lives (Schmitt 2003: 283; American Civil Liberties Union 2015). In 1953 the U.S. Department of Justice adopted this extended juridical understanding of the 100-mile border without any public comments or debate. At that time there were fewer than 1,100 Border Patrol agents nationwide, whereas today, there are over 21,000 agents, and this old ruling has taken on expanded powers in interior checkpoints, forming a

dragnet where “suspicion-less stops” and “routine searches” of vehicles and luggage can be legally conducted without a warrant (American Civil Liberties Union 2015). The increased capacity and intensity of these practices coincide with the rising use of private-sector technologies and partnerships that multiply surveillance capacities of enforcement, including databases and watch lists, advanced identification and tracking systems, the “virtual” border fence of cameras and sensors, and also unmanned aerial vehicles. Carving out provisional claims and making them permanent takes years, and this latest set of claims to “free” space and trade that the U.S. border wall marks out is no different.

NAFTA’s Realm of “Freedom” Secured by Fencing

In the early 1990s, borderlands were described as the world’s so-called “natural economic zones,” these “wealth-generating region states that lie within or across” borders (Ohmae 1993). The 1994 North American Free Trade Agreement between the United States, Mexico, and Canada created the largest free-trade area in the world. The beginning of this arrangement was accompanied by the first prototypes of the U.S. border fence. Special economic zones require special protections. One of the unique characteristics of special economic zones in the borderlands is the convergence of free trade and state-of-emergency security measures — supra-national economic right and supra-exceptional legal powers to police. Historically, total policing has usually accompanied the new infrastructure of economic interests along the U.S.-Mexico border, and since the very beginning it has been organized around an aerial aspiration of surveilling the entirety of the borderline. In the latest chapter of U.S. border management, this has taken the form of ontological policing increasingly managed through public-private partnerships.

The last two decades of this borderland region's history are simultaneously situated at the interstices of opening capitalist projects dependent on disposable Mexican labor and the closing of the U.S. national border. In the absence of comprehensive U.S. immigration policy reforms, most immigration issues have been dealt with at a policy level in a haphazard, inconsistent manner. Shortly after the first and only U.S. immigration amnesty in 1986, immigration control along the U.S. southern border was "elevated from one of the most neglected areas of federal law enforcement to one of the most politically popular" (Andreas 2000: 85; Perea 1997). In the 1990s, the United States began a conservative-led "War on 'Illegals,'" following the "War on Drugs," which outlined key "threats" as drugs and "illegal" immigrants (Nevins 2010). Meanwhile, U.S. immigration quotas were reframed with liberal language of "fairness" and "equality" inside dramatically reduced national quotas for countries in the Western Hemisphere, a way of organizing immigration that profoundly limited legal migration options for Mexicans while simultaneously constructing Mexicans as the face of undocumented immigration in the United States (De Genova 2013; Chavez 2008).

There is an ongoing dialectical mobilization of "extra-national violence" associated with Mexican and Latin American drug lords and kingpins that renders U.S. citizens as innocent, threatened, and potential victims that are outside and independent of the political, economic, and social forces related to international drug trade and drug consumption and immigration policy in the United States. This framework also construes the United States as a sovereign and rational actor to resolve the outside "threat," be it drugs or undocumented people, both brought largely under the same wing of law enforcement in the U.S. Border Patrol since the early 1990s. Fencing played a

key role in drug interdiction efforts, tactics that were quickly operationalized to use on people crossing the border to look for gainful employment.

The San Diego sector's chief patrol agent began an initiative to erect stronger physical barriers, primarily to deter drug smuggling, in 1990. Sector officials installed about 14 miles of 10-foot welded-steel fencing along the border where they believed most unauthorized crossings of drugs and people occurred. A joint task force that coordinated military support for drug enforcement efforts in El Paso helped install high-intensity lights and a second and third fence at strategic locations along the same 14-mile stretch in San Diego. In 1991 the Office of National Drug Control Policy (ONDCP) tasked Sandia National Laboratories, through Immigration and Naturalization Services, to do a "systematic analysis of the security along the United States/Mexico Border between the ports of entry and to recommend measures by which control of the border could be improved" (United States General Accounting Office 1994). ONDCP chose Sandia, a national weapons lab, because of its "expertise in designing physical security systems" (United States General Accounting Office 1994). Sandia personnel visited all nine Border Patrol Southwest border sectors, toured various Border Patrol facilities, and interviewed both chief patrol agents and Border Patrol agents. They viewed much of the Southwest border from either the ground or the air and reviewed a number of previous studies related to border control (United States General Accounting Office 1994). In 1993 Sandia issued a report with its findings recommending that the Immigration and Naturalization Service's Border Patrol focus on preventing illegal alien entry instead of on apprehending aliens once they have entered the country (United States General Accounting Office 1994). The growing ideological significance of the line's orientational emphasis at the border, again not a specific location but rather an expansive conceptual one, was manifest in the naming of enforcement operations

that began en force in 1993, including “Operation Hold the Line,” a deployment of agents and technology in a “show of force” in the El Paso area, and later in “Operation Gatekeeper” in 1994 (U.S. Customs and Border Protection 2015a). To implement this strategy of preventive policing, the Sandia study recommended using (1) multiple physical barriers in certain areas to prevent entry and (2) additional highway checkpoints and other measures to prevent drugs and illegal aliens that succeeded in entering the United States from leaving border areas. Previous studies have made similar recommendations (United States General Accounting Office 1994). Sandia, the company that first invented the national fencing strategy, would a little more than a decade later be a contractor again with the federal government to conduct crash testing of fencing and support the construction of the U.S. border fence (U.S. Customs and Border Protection 2010b).

Million-Dollar Miles and Crisis Metrics

The early prototypes of grate-style fencing in the 1990s along parts of the U.S.-Mexico border were frequently cut out by Mexicans living nearby, because they made excellent grating for homemade barbeque grills in northern ranching regions famous for grilled meats. Now the theft of the border fence is a more lucrative endeavor, an indicator of the growing political economies of fencing. In 2010 a former U.S. Air National Guardsman was found guilty of stealing and selling 90 tons of metal from a border fence project near Sonoita, Arizona, in 2007 and 2008 and was sentenced to a 15-month federal prison sentence, ordered to pay US\$43,000 in restitution, and required to serve three years of supervised release (Pedersen 2010). In the decade after September 11, 2001, the U.S. government has spent some US\$90 billion to secure the U.S.-Mexico border (Mendoza 2011). The exact costs and figures for the completed U.S. border

fencing and its ongoing maintenance are extremely hard to pin down with any accuracy, largely because the wall's planning and construction budgets were carried out in a segmented way. Not only were the estimates of costs for land acquisition, repair, and maintenance not always clearly broken down in government reports on cost-per-mile, but delays and hiring private contractors to build the wall resulted in higher costs. During my fieldwork I observed corporate logos welded into sections of the border wall by the private companies that built them. Some initial government reports on the price tags for early phases of construction in 2007 and 2008 indicated that fencing miles completed cost an average of US\$3.9 million per mile for pedestrian fencing, a figure that during the final stages of the project increased to US\$6.5 million per mile and was completed almost entirely by private contractors (United States Government Accountability Office 2009; SBI testimony quoted in Gilman 2011: 270). The price of vehicle fencing in these reports ran anywhere from US\$200,000 to US\$1.8 million per mile, averaging US\$1 million a mile (United States Government Accountability Office 2009: 4). In one instance, U.S. Customs and Border Protection allotted US\$58 million to build a 3.5-mile stretch of fencing in the San Diego sector (United States Government Accountability Office 2009: 4). The total cost of fence construction so far is approximately US\$2.4 billion, and the estimates that include the construction and ongoing repairs to the wall over the next 20-year period put that figure closer to US\$6.5 billion (SBI testimony quoted in Gilman 2011: 270). The U.S. Army Corps of Engineers predicted that the 25-year life cycle cost of the original Sandia prototype fencing in San Diego would range from US\$16.4 million to US\$70 million per mile, depending on the amount of damage sustained by the fencing (Haddal, Kim, and Garcia 2009: 27). These estimates do not include mismanagement of funds and costs sunk into virtual border fencing. In 2010 the Obama administration scrapped the Secure Border

Initiative network, a US\$1 billion virtual fence project contract with Boeing that was plagued with technical difficulties (Preston 2011; Powell 2010). A 2011 audit found that Customs and Border Protection purchasing procedures for a fencing section were not followed and a high-priced subcontractor was selected to do the construction, resulting in the purchase of excess steel and storage of steel incurring US\$69 million in unnecessary costs (Department of Homeland Security, Office of the Inspector General 2011). In spite of these great expenditures, the fence cannot be measured for its effectiveness in preventing or stopping unauthorized border crossings. For example, a 2009 United States General Accountability Office report found that U.S. Customs and Border Protection “reported that tactical infrastructure, coupled with additional trained agents, had increased the miles of the southwest border under control, but despite a US\$2.4 billion investment, it cannot account separately for the impact of tactical infrastructure” (2009). In response to these findings, Mark Borkowski, the executive director of Customs and Border Protection’s Secure Border Initiative, compared analyzing the effectiveness of the fence and the accompanying sensors and technology to “calculating the costs and benefits of planes in combat while they’re still on the drawing board,” and yet in the same interview he asserted that “it is very clear to the Border Patrol that this has been very effective in cutting down illegal migrant traffic into the U.S.” (Wood 2009).

The metrics to support this expensive endeavor are couched inside a very problematic calculus that measures success of border enforcement by the number of human apprehensions, primarily along the U.S.-Mexico border. The data until fairly recently has focused on enforcement outcomes — that is, crossing or attempted crossing events — not the individual crossers, and it does not measure or give an accurate sense of actual inflows of undocumented people to the United States. Instead, these measures

depend on the subjective judgments of the agents who quantify the number of border crossers who “got away” or whom the measures were able to “turn back” (U.S. Government Accountability Office 2014: 28). The “effectiveness rate” of the Border Patrol, which is often used as a generic measure for “border security” at large, divides apprehensions and estimated “turn backs” by estimated known illegal entries (U.S. Government Accountability Office 2014: 28). However, Border Patrol’s enforcement outcomes are a function of both the flow of people crossing and the agency’s ability to detect such flows, and the enforcement data conflates the two, which tends to overestimate flows of undocumented people where resources are strong and to underestimate flows where resources are scarce (U.S. Government Accountability Office 2014: 28).

The latest levels of apprehensions of undocumented people in the United States — 468,651 in the 2014 fiscal year — are close to an all-time low since the 1970s (Passel and Cohn 2015). Declining apprehension rates of undocumented crossers along now heavily securitized corridors can serve as both the measure of U.S. Border Patrol’s “success” and yet simultaneously serve as a justification for the need to maintain burgeoning funding levels of security. It is a metric that is as golden as the mile-count, with shifting measurements and evaluation schemes, but ultimately the claims of a more “secure” border rest on the laurels of expenditure and deployment of tactical infrastructure and an increased number of border agents. The Border Patrol will never be able achieve prevention of *all* unlawful entries into the United States, as required by the 2006 Secure Fence Act’s definition of “operational control of the border,” and yet the objective of “persistent surveillance” along the entire expanse of the southwestern U.S. border remains the aerial and scopic dream that has continued to orient U.S. spatial understanding of the border since the beginning of the U.S.-Mexico border.

Pancho Villa and the First U.S. Border Patrol

The very first U.S. military experiments with aircraft support and intervention happened in the U.S.-Mexico borderlands when the First Aero Squadron of the U.S. Army crossed into Mexico in 1916 to provide aerial reconnaissance for General Pershing's cavalry in pursuit of revolutionary Pancho Villa. This mission authorized U.S. Army troops to launch a punitive counterinsurgency expedition to capture Pancho Villa in Chihuahua, Mexico, after his troops raided the town of Columbus, New Mexico. The experimental, and largely failed, aerial surveillance during this cross-border manhunt required special handling because of the inherent contradictions that it posed to Mexico's national sovereignty, so much so that the U.S. president's chief of staff Hugh Scott had to clarify with the newly appointed U.S. secretary of war regarding President Wilson's narrow objective of capturing a single person: "Mr. Secretary, do you want the United States to make war on one man? Suppose he should get into a train and go to Guatemala, Yucatán, or South America; are you going to go after him?" (Katz 1998: 568). The final instructions given to the troops emphasized that the group would respect the sovereignty of the Mexican government and its troops unless they were attacked. The goal was not necessarily to capture Villa, but the stated aim of the expedition was that: "the work of these troops will be regarded as finished as soon as Villa's band or bands are known to be broken up" (568). In practice this required an intensive counterinsurgency march deep into the Chihuahuan Desert where many villages and families were loyal to Villa. The president tasked General John J. Pershing, and his superior commander Frederick Funston, who had experience in one of the U.S. Army's early campaigns against revolutionaries and indigenous Muslims during the U.S. occupation of the Philippines (567). Their man-hunting expedition for Pancho Villa was

unsuccessful, but what ultimately emerged from this military experiment several years later was the first U.S. Army Border Air Patrol, a military surveillance squadron that preceded the actual ground-based incarnation of the U.S. Border Patrol, which was not incorporated until 1924.

After the U.S.-Mexico War from 1846–1848, Mexico ceded 50 percent of its territory to the United States, and an estimated 150,000 Mexicans and 180,000 free indigenous tribes were living in the newly declared U.S. territory when the current international boundary line was initially drawn up (Lytle Hernández 2010: 21–22). Consolidating this new claim over the land and transferring land ownership into the hands of Anglo-Americans settlers was a project that from early on required practices of aerial surveillance and violent policing of certain bodies on the border. Practically speaking, this was difficult to do because of the shortage of soldiers to patrol the border (Matthews 2007). In the early 1880s, the United States and Mexico signed a treaty that gave the U.S. government border-crossing privileges to pursue Native Americans, bandits, and smugglers without incurring a violation of national sovereignty. In June 1919 Pancho Villa attacked Juárez, Mexico, for a third time, and a few days later, U.S. troops were ordered to cross the border from El Paso into the neighboring Mexican city of Juárez to assist the garrison of *federales*; the chief of the Army Air Service formed the first Border Air Patrol to support the mission. The immediate purpose of this second cross-border aerial intervention was to prevent Villa's soldiers from shooting across the Río Grande into the United States, or to address what we would call in a more contemporary nomenclature "a threat to national security" (Hinkle 1967: 3). The formation of the Border Air Patrol was part of a larger effort of finding a means to secure the vast, newly acquired lands and the populations who had historically lived

there by preventing cross-border incursions of displaced and disconnected communities into the newly extended U.S. territory.

The activities of the newly formed Border Air Patrol included aerial reconnaissance, photographic surveillance, and even the use of a stationary balloon called the “lighter-than-air patrol,” an early and unsuccessful precursor to the tethered blimps used for radar surveillance that are currently operational in Arizona and Texas (Hinkle 1970; Hinkle 1967; Rozemberg 2012). One of the original pilots in the “River Flyers” squadron described the daily duties along the border like this:

Our flight instructions were to search for bands of men along the border, flying low to observe what they were doing, how many were in the band, the number of horses and cattle, and the location and direction of movement. A report and sketch of the location were to be made and dropped at the nearest of our cavalry outposts. There were ten outposts of the 8th Cavalry in the Big Bend and Upper Big Bend country which could be reached by wagon trains; the others were accessible only by pack trains and mounted troops. (Hinkle 1970: 11)

Communication was still limited to one-way from air to ground, and usually consisted of a small parachute with a message bag with a red cotton streamer dropped from low altitudes providing information to ground troops (Hinkle 1967: 7). The pilots would randomize their fly times to keep the presumed or potential “bandits” on the ground always on alert (Hinkle 1970: 11). Although the pilots were officially prohibited from crossing the international border into Mexican airspace, they regularly did. However, reports of these incursions were not made unless it served in the interests of preventative U.S. military action (Hinkle 1970: 11). The official U.S. government records and memoirs of one of the pilots on these daily patrols paint a rosy picture of the effectiveness of preventative policing in eliminating all the “costly raids by bandits from across the river” (Hinkle 1967; Hinkle 1970: 13).

Many of the practices and even the physical locations of border patrol outposts formed during this early border regime are still present in the contours of contemporary geographies of U.S. border enforcement. Since the inception of the U.S. Army Border Air Patrol until today, what has remained constant has been the United States' overarching vision for achieving operational control by securing an all-encompassing scopic horizon of the entire U.S. borderline with Mexico. Regarding an inspection of the earliest aerial surveillance measures, Hinkle writes,

After his inspection of the patrol, General Mitchell, testifying before the House Rules Committee on August 20, stated, "Every foot of the United States-Mexican border from San Diego, California to Brownsville, Texas is being patrolled from the air daily; and there has not been a single invasion by armed forces (revolutionaries) since the Border Air Patrol was started." (1970: 19)

The persisting fantasy of the omniscient eye of surveillance in knowing, predicting, and controlling the movements of those below is the concrete orientation of the U.S. borderline, which is now formalized by the U.S. border fence. The scopic regime of the border is organized vertically and corporeally around the state's physical pursuit and capture of the unauthorized person, which relies on old ideological racial categories for intelligibility. It is both a morality and authority that rules from above, making the body itself the object of capture. This form of violence and domination engenders a form of ontological policing where the chased are forced to internalize the inhuman concepts that the dominant have imposed on them (Chamayou 2012: 25). The next section traces more of the historical contours of the creation of the U.S. Border Patrol to better situate and understand the contemporary practices of ontological policing on the border.

Ontological Policing and Hunting “Illegals”

Kissing her crying children and husband good-bye, Leticia Ramirez sat alongside four other undocumented people wearing shirts that read “No Papers! No Fear! Dignity is Fighting Here!” on the street in front of the location of “America’s Toughest Sheriff” Joe Arpaio’s criminal trial for racial profiling in Arizona. The group challenged Arpaio’s deputies to arrest them, calling out the ways in which an estimated 11.2 million undocumented Americans are forced to live in the shadows of fear and insecurity created by the wave of federal and state policies that have criminalized the act of being under- or undocumented and have resulted in a record number of deportations.

My name is Leticia Ramirez. I have been undocumented for 18 years. I am a mother of three kids and I am here to tell Arpaio that he’s been chasing our community. He’s been chasing our people. And I’m here to tell that I’m making his job easy, that I’m here and that I’m not going to stand up for what’s he’s been doing to my community and come and get me! (Democracy Now 2012)

Before, legal exclusion through banishment was a punishment for a crime, but now it is a status where the person himself or herself *is* the infraction (Chamayou 2012: 273). For many people living in the United States without legal authorization, a deportation is only a routine traffic stop or a broken taillight away. Chamayou (2012) locates this contemporary chapter of hunting down of undocumented people inside a longer historical genealogy of manhunting as technology of capture and a means of governance, where domination presupposes the master’s power, which is formulated in the violent act of capture. This cynegetic modality of power is a condition for the master’s economic domination, which in the beginning was an extra-political concept, but which since has been mobilized inside conceptions of political sovereignty (Chamayou 2012). It is what allows the undocumented person to be legally exploited in

their work and to have their existence proscribed from any legal protection, while it simultaneously serves as the basis for the ongoing inflation of police powers to monitor and hunt them (Chamayou 2012: 277–282). The stateless person’s insecurity is exile, a withdrawal from law that engenders vulnerability. When the U.S.-Mexico borderlands were first opened up for U.S. appropriation, it was organized by this kind of policing, which brokered a working “peace structure” between the leaders of both the victors and the defeated to facilitate the commercial goals of Manifest Destiny (Montejano 1987: 8). This happened as Anglo powers seized the land markets, and then, increasingly, with the emergence of corporate agriculture and exploited labor markets, culminating in the new urban-industrial order during the Second World War (Montejano 1987). The United States’ orientation to the border has historically relied on this old raceography organized through violence.

When the U.S. Border Patrol was first created in May of 1924, its broad federal policing powers were developed regionally, and the new agency quickly directed the punitive force of U.S. immigration law toward Mexicans and Mexican Americans. The first members of its ranks were drawn from the Texas Rangers, the first paramilitary organization in the United States, which shaped and protected Anglo-American settlement through a strategy of “raw physical violence” to secure favorable outcomes for Anglo-American settlers in labor and land disputes with Texas Mexicans (Tejanos) (Lytle Hernández 2010: 20). The Rangers also regularly battled with indigenous communities and chased runaway slaves (20). The officers of the early force were predominantly Anglo-Americans who had grown up in the borderlands, but they often did not fall within the landed elite class, and so they used their new role in managing Mexican labor as a source to broker power and shore up their tentative claims to whiteness inside the region’s growing political economies (40–41).

Often, the Border Patrol policed Mexican and Mexican Americans as a proxy for policing immigration, and their activities centered on creating a broad net of surveillance that surpassed the enforcement outcomes of their police work (Lytle Hernández 2010: 45, 53). Early on, the U.S. Border Patrol did not work along the borderline, but farther inland along highways and roads, trying to apprehend unauthorized migrants before they reached their final inland destinations in the United States. This meant that the agents broadly policed Mexican mobility instead of enforcing the actual political boundary (46). Enforcement was premised exclusively on race. The category of “Mexican” could be used regardless of the citizenship status of the person in question, whereas “white” and “American” were interchangeable terms (48).

Anglo-American settler colonialism did not take off in the more arid parts of Texas until the advent of new irrigation technology in the mid-nineteenth century, and the Texas Rangers were key in removing well-established Tejano ranchers from the land to open up new opportunities for Anglo-American farmers. The agricultural revolution, especially in South Texas, still required a lot of labor, and instead of being entirely displaced from the land, the working-class Mexicans and Mexican Americans were increasingly tied and bound to their land and indentured through their labor (Montejano 1987: 9). Frequently, agribusiness had direct influence over developing Border Patrol practices in Texas and California (Lytle Hernández 2010: 56). The Border Patrol’s narrow focus on policing unauthorized Mexican immigration throughout its early history and up to now “drew a particular color line around the political condition of illegality” (Lytle Hernández 2010: 222). Race was subject to very localized interpretations in the beginning, but by the late 1960s it had taken root in much larger national initiatives for drug interdiction and crime control (222). The U.S. Supreme

Court has consistently legitimated U.S. Border Patrol practices as a site of sanctioned state violence, where targeting Mexican and Mexican American bodies simply based on their racial appearance is legal (Lytle Hernández 2010). Today the U.S. Border Patrol — now the largest federal policing entity, reconfigured inside the massive overhaul and creation of the post–September 11, 2001, U.S. Department of Homeland Security — continues to play an instrumental role in setting up new regimes of differential rights and rules inside the United States. This massive infusion of enforcement is still directed almost entirely toward the U.S. southern border. The extensive and intensive policing has been regularly described by border residents as a broader “culture of impunity” where the policing agenda organizes and rules over the borderlands.

The Tohono O’odham nation is a sovereign indigenous nation whose cross-border community is simultaneously fenced in and out by the U.S. border fence. About 1,500 Tohono O’odham citizens live on the nation’s lands, which share a 75-mile border with Mexico. Until 1993, there was no Border Patrol presence in the Tohono O’odham nation, but the increasing security measures on the border funneled migrant and drug trafficking routes into the nation (Amnesty International 2012). Now the nation’s roads are full of Border Patrol vehicles, which constantly stop traffic moving in the area. Predator drones, Blackhawks, and other “air assets” fly overhead, and there are surveillance towers, scope trucks, and even a Forward Operating Base, a remote mobile operating base developed by the U.S. military in Iraq and Afghanistan (Miller 2012). In a 2008 written testimony to a joint hearing on the border wall and the legal waivers to build it, the chairman of the Tohono O’odham nation described the impact of this militarization inside a much longer and larger historical context of U.S. imperialism:

In the words of the United States Supreme Court, Indian tribes predate the United States. We are older than the international boundary with Mexico and

had no role in creating the border. But our land is now cut in half, with O’odham communities, sacred sites, salt pilgrimage routes, and families divided. We did not cross the 75 miles of border within our reservation lands. The border crossed us. (Norris 2008)

At all the tribal crossings from Mexico into the United States, tribal nation members must show their ID cards to a Border Patrol agent on duty before they can open the gate to cross to their vehicle. All three exits from the reservation into Arizona have checkpoints. An Amnesty International (2012) report documented extensive accounts of abuses by U.S. Customs and Border Patrol agents, including physical and verbal abuses against tribal citizens. O’odham citizens frequently have the validity of their tribal identification cards questioned and are routinely stopped; however, their complaints of abuse, like most complaints along the border, are rarely followed up on by the agency.

In 2014, a Washington, D.C.–based organization analyzed 806 reports of abuse by the U.S. Border Patrol along the southwestern border between January 2009 and January 2012 and found that 97 percent of complaints registered against the U.S. Border Patrol were never investigated (Hsieh 2014a). In the findings only 13 complaints led to action, most of which consisted of counseling, oral reprimands, or written reports; only one agent was suspended for an excessive use of force complaint (Hsieh 2014a). Since 2005, U.S. Customs and Border Protection agents have killed at least 46 people, including 13 U.S. citizens and 9 teenagers (*Arizona Republic* 2014). One third of these cases involved minors. The youngest killed was 12-year-old Lourdes Cruz Morales Cases, run over with her father by a Border Patrol agent who was driving a vehicle in pursuit of a group of migrants near Dateland, Arizona, and who said that he did not see them (Associated Press 2006a). The child’s father, whose back was broken when he was run over by the agent, was arrested on charges of child endangerment and detained for a week before he was finally deported back to Mexico (Associated Press 2006a).

Only two agents have been disciplined by verbal reprimand, and the others have been absolved from any misconduct (Bennett 2015).²² At least three teenagers were killed after being shot in the back by U.S. Customs and Border Patrol officers. In one of the cases, Border Patrol agents shot through the U.S. border fence onto Mexican soil, shooting 16-year-old José Antonio Elena Rodríguez ten times in the back and head. According to multiple eye witnesses, Rodríguez was simply walking by while two people climbed the U.S. border wall back into Mexico and were allegedly throwing rocks at border agents (Ortega and O'Dell 2013). It was only after public outcry upon the airing of a national public television program documenting the death of Anastacio Hernández Rojas that a congressional mandate to investigate practices of U.S. Customs and Border Protection's use of force was issued. Anastacio Hernandez Rojas, a Mexican national, was Tasered and beaten into a coma while he was handcuffed on the ground screaming for help and begging for mercy, surrounded by more than a dozen U.S. Border Patrol agents on May 28, 2010. He died in custody shortly after the incident, leaving his U.S. citizen wife a widow and his five U.S. citizen children fatherless. Amateur videos of the event corroborated the circumstances of his death, which was ruled a homicide by the San Diego coroner; however, the police investigation did not result in an indictment against any of the officers involved (Ponsot 2012). A 2013 independent review of the U.S. Customs and Border Protection agency's use-of-force incidents along the U.S. Mexico border found that:

²² A more recent investigation by the *L.A. Times* found there have been 67 Border Patrol shootings since 2012, which resulted in 19 deaths. There are three pending cases still under investigation by the U.S. Department of Justice as of June 15, 2015 (Bennett 2015). On Sept. 24, 2015 as this document was sent to the printer the Border Patrol Agent Lonnie Swartz was indicted for second-degree murder of José Antonio Elena Rodríguez in what is perhaps the first-ever indictment of a border patrol agent killing someone in Mexico (O'Dell and González 2015). *The Arizona Republic* newspaper has kept a database of Border Patrol killings since 2005 and reports that only two agents have ever been indicted on any kind of homicide charges. "The last agents indicted for lethal force were in 2005 and 2007, the cases were dismissed or ended in hung juries" (O'Dell and González 2015).

Border Patrol agents have intentionally and unnecessarily stepped in front of moving cars to justify using deadly force against vehicle occupants. Agents have shot in frustration across the US-Mexico border at rock throwers when simply moving away was an option. Border Patrol demonstrates a “lack of diligence” in investigating incidents in which US agents fire their weapons. It’s questionable whether Border Patrol “consistently and thoroughly reviews” incidents in which agents use deadly force. (Hsieh 2014b)

The scathing media reports and investigations finally resulted in a public relations overhaul, under which Border Patrol released its use of force policy guidelines to the public and announced a system to register and process complaints, slow bureaucratic gestures that are largely a positive gloss on the lethal side of lawfulness.

The escalated levels of sanctioned violence, the right to expel and even to kill the proscribed, are vigorously held up as legitimate acts of “self-defense.” Individual border agents can claim they acted in “self-defense” inside their larger task of being the frontline of “homeland” and “national” defense. These actions are also situated inside political realms that construe the capture and detention of migrants as defensive acts to protect citizens. In 1994 California voters passed the “Save Our State” Proposition 187, a measure which claimed that the people of California “have suffered and are suffering economic hardship, ... personal injury and damage caused by the criminal conduct of illegal aliens in this state” and assert “the right to the protection of their government from any person or persons entering this country unlawfully. ” The controversial bill prohibited the provision of social services and benefits to noncitizens, but was eventually ruled unconstitutional by the U.S. courts. It was the first time a state had tried to enforce U.S. federal immigration policies on its own. A decade later, Arizona became the next state to pass a similar law to California’s Proposition 187. This time, however, legal challenges to the law did not hold up, and the toned-down version of the California law was successfully implemented. In November 2004, Arizona voters passed Proposition 200, the “Arizona Taxpayer and Citizen Protection Act,” by a 56

percent vote, requiring people to provide proof of citizenship before applying for public benefits or registering to vote (Marosi 2004). The discursive flexibility of “self-defense” and “right to protection” at all these different levels blurs the realms of civic and political participation with the realms of war, ultimately positioning larger claims about the border as a security zone inside a set of relations based on territorial protections grounded in war making. This political and cultural framework mixes these discourses to make the unauthorized immigrant internalize these as moral systems. The register for defense becomes one of “consequence” and “punishment,” tailoring enforcement to exact an individualized response, even to the point of making the hunted police themselves.

“Self-Deportation” and “Consequence Delivery Systems”

In the 2012 U.S. election campaigns, during the worst economic recession since the Great Depression, immigration was one of the hot topics buzzing on the lips of the Republican contenders vying for the party nomination. In fact, all of the contenders early on began to frame their arguments about immigration in reference to the border fence. It was almost as if the fence had become a rhetorical figure in the debate. Early on, all of the candidates had to outline their stance inside a binary framework either in support of increased fortification or not. Herman Cain “jokingly” suggested that the fence be electrified (Wyatt 2011). Senator John McCain (2010) walked in front of the border fence for one of his campaign advertisements with Arizona Pinal County sheriff Paul Babeu talking about his plan to “Complete the Danged Fence” — to bring troops and state, county, and local law enforcement to the border. Another word on the lips of contenders was “self-deportation,” an expression first coined by Daniel D. Portado, a satirical character, whose name is a play on the Spanish word deportation, that was

created in a sketch by Chicano cartoonist and satirist Lalo Alcaráz in 1994 in the wake of the California Proposition 187. D. Portado went on Spanish-language television shows pretending to advocate a “reverse immigration” (This American Life 2012). The preposterous irony was transformed and naturalized as a functional and legitimate concept when presidential contender Mitt Romney suggested this as a viable option, that instead of “rounding up” undocumented people, the goal should be to make undocumented immigrants so uncomfortable that they willingly “self-deport.” “The answer is self-deportation, which is people decide they can do better by going home because they can’t find work here because they don’t have legal documentation to allow them to work here,” Romney said in a 2012 debate. “And so we’re not going to round people up” (Madison 2012).

Romney’s idea is a central pillar of U.S. Customs and Border Patrol’s current strategic policy to implement penalty schemes tailored to the individual called a “Consequence Delivery System.” U.S. Border Patrol agents evaluate each apprehended person and “identify the ideal consequences to deliver to impede and deter further illegal activity,” a strategy based on the effectiveness and efficiency of preventing recidivate crossing (Seghetti 2014: 9). This is all neatly packed as a matrix onto a wallet-sized, color-coded flashcard carried by agents in the field that describes “the range of enforcement actions available for a particular alien as a function of the person’s immigration and criminal histories, among other factors, and of the enforcement resources available in each Border Patrol sector” (9). The “high consequence enforcement outcomes” are intended to deter undocumented people from crossing the border by raising the immediate costs to migrants who are apprehended. For example, deporting people far away from where they were initially picked up makes it harder for them to reconnect with smugglers or forces them to take a long

journey from the interior of Mexico back to the northern border, and it also levies the longer-term physical and emotional costs of extended detentions and separations from their families. The goal of this system is that virtually every person who is apprehended faces “some type of consequence” other than voluntary return, where the apprehended person voluntarily “self-deports,” the least effective and efficient “consequence” according to the matrix (9). This is a kind of predictive and preventive policing that operates in a future tense, based on possibilities and not realities. It spatially relies on the line that the border wall codifies to reorganize economic futurities, and it is generative of new dividing lines to organize economies of closure in the defense of “freedom.”

Faced with budgetary shortfalls in 2014, the U.S. Department of Homeland Security set up a pilot public-private partnership program that allows U.S. Customs and Border Protection (CBP) to accept private and corporate monetary and property donations and non-personal services from the private sector. Most of the initial partnerships are with airports, which pay overtime fees to CBP to have quicker processing of international travelers at peak times; however, the city of El Paso, Texas, also signed a deal to foot the bill for increasing the number of CBP agents at the international bridges on the border during holidays and weekends. Privatizing policing inside a consumer matrix creates new border markets where they did not previously exist and opens up cross-border trade stagnated by delays costing the U.S. economy billions every year (Border Trade Alliance 2013). The mayor of El Paso described the partnership as “not just an economic development driver for our community, but it will revive economies in communities across the nation” (Border Trade Alliance 2013). Another sector where public-private partnerships along the border are growing

exponentially is the prison-industrial complex, an economic market that profits from economies of fears secured by government quotas.

Carceral Complex Growth Sector

The escalating criminalization of “living undocumented” in the United States in the last decade coincides with new growth sectors in the prison industrial complex and sweeping anti-immigrant policy actions coming out of the “New South” and Washington, D.C (Gordon 2012). This phenomenon is not specific to the United States, but it is part of a global trend where destination countries in the overdeveloped world are criminalizing undocumented presence and the act of undocumented work in a way that is disproportionately punitive to the individual.²³ Lines of appropriation are generative on new realms of acquisition, generative of new lines that organize capital extraction. We can functionally understand immigrant detention centers as the complementary structure to the border wall. Two years after the North American Free Trade Agreement was enacted, the U.S. Congress passed a law requiring undocumented immigrants to be locked up. It wouldn’t be until a decade later, when private prison and correction companies’ lobbying efforts peaked, that Immigrations and Customs Enforcement (ICE), an arm of the U.S. Department of Homeland Security, would receive an additional billion dollars in funding and an increased budget for custody detentions, just as the Secure Fence Act was being signed into law (Associated Press 2012a). This marked the beginning of a growing multibillion-dollar industry: federal prosecutors charged immigrants with felonies for entering multiple times without authorization, and thousands of people convicted were sent to new private prisons built

²³ For example, in 2014 Israel passed “infiltrator” laws, which criminalized the act of being undocumented and allowed the government to incarcerate undocumented migrants for three years, and the government built a massive 2,000-bed detention center in the Negev Desert to hold African migrants. The Israeli courts ruled these provisions as a violation of human rights for asylum seekers, and a judge ordered the Holt detention center closed (Fisher-Ilan 2014).

just for them. In 2009 the chairman of the Appropriations Subcommittee on Homeland Security, Senator Robert Byrd (D-WV), essentially formalized this practice into a congressionally mandated quota by adding a clause to the ICE detention budget in the Department of Homeland Security Appropriations Act of 2010 which said that “funding made available under this heading shall maintain a level of not less than 33,400 detention beds” (Carson and Diaz 2015). ICE interpreted this directive to mean that the agency had to contract and fill 33,400 detention beds daily, a figure that was increased again in 2013 to 34,000 beds (Carson and Diaz 2015). This detention quota is unprecedented, and no other law enforcement agency in the United States operates under a congressionally mandated quota (Carson and Diaz 2015). Practically the entire immigrant detention process had been privatized (Schriro 2009). In the early 2000s, only 10 percent of the beds for civil detention centers in the United States were run by private facilities (Associated Press 2012a). Today, 62 percent of all ICE immigration detention beds in the United States are operated by for-profit prison corporations, largely concentrated in the hands of two of the largest publicly traded private prison corporations, the Corrections Corporation of America (CCA) and GEO Group (Carson and Diaz 2015). Private facilities are run with very little oversight from the federal government (Schriro 2009). And although government detention standards for “unauthorized aliens” specify that criminal detention is different from civil detention, in practice, they are functionally identical. A 2009 government report on the subject described the facilities in this way:

Each group is ordinarily detained in secure facilities with hardened perimeters in remote locations at considerable distances from counsel and/or their communities. With only a few exceptions, the facilities that ICE uses to detain aliens were originally built, and currently operate, as jails and prisons to confine pre-trial and sentenced felons. Their design, construction, staffing plans, and population management strategies are based largely upon the principles of

command and control. Likewise, ICE adopted standards that are based upon corrections law and promulgated by correctional organizations to guide the operation of jails and prisons. (Schriro 2009)

There are also three family detention facilities where accompanied and unaccompanied children are held, and media reports in 2013 during the Obama administration's four-year crackdown on immigration documented more than 1,000 minors being held in adult immigration detention facilities for more three days, a violation of federal protocol (Bennett 2013a). Immigrant populations that are not detained in facilities contracted or managed by ICE are kept in county jails through intergovernmental agency service arrangements (Schriro 2009).

Private detention companies profit not only from providing beds, but also generate additional revenues from subsidiaries that provide health care and transportation for detainees. Another way that these companies increase profits is from the very bodies they are paid to restrain. Legal precedents that outlawed chain gangs and forced labor have been reincarnated inside immigrant detention centers, where most immigrants are not legally allowed to work but are commonly forced to do manual labor, getting paid as little as US\$1 to US\$3 a day as part of federally authorized "voluntary work programs" (Urbina 2014; Moreno 2015). In 2013, some 60,000 immigrants worked in detention centers around the United States for 13 cents an hour and sometimes even for free, saving the government and the private companies who contract with them US\$40 million or more a year on contracting paid labor at federal minimum wage (Urbina 2014). A group of current and former detainees who were being held at a private facility in Denver are suing the GEO Group, saying they were paid US\$1 a day to do janitorial work, at times under the threat of solitary confinement (Moreno 2015). Another group of jailed migrants sued, accusing immigration

authorities in Tacoma, Washington, of putting detainees who staged a work stoppage and hunger strike into solitary confinement (Urbina 2014).

This survey of the prototypes and pilot programs along the U.S. border helps us to identify the emergent realms of acquisition that the border fence marks out in building a special-interest security zone — an economic sphere that is carved out by a rhetoric of defense, the rules of war, and expansive ideas of sovereignty. It locates the historical moorings of these doctrines of economic imperialism and expansion originating in the U.S.-Mexico borderlands, and it links these inside a larger account of the ideological emergence of U.S. planetary frontierism. As we identify the historicities and futurities of special-interest security zones inside the changing spatial conceptions of the U.S. border, it offers us entry points to understanding and thinking about the centrality of race, violence, and preventative policing in organizing and operationalizing these realms of claimed state power. In studying the details of the nascent *nomos* that the U.S. border fence marks out, we can begin to uncover and name with greater precision the practices securing new claims.

In its latest strategic plans, the U.S. Border Patrol has dramatically altered its operational vision from its long-standing efforts to “seal” or “close” the southern border to more recent efforts aimed at becoming a rapid response agency, responding to the changing border anywhere and everywhere. It has shifted its organizational attention from resource acquisition to one of “risk”- and “threat”-based responses, a flexible apparatus that works in tandem with other government agencies. This includes using specially trained tactical teams and a shift toward using more technologies of surveillance to assess threats before they come close, in many ways returning to and expanding upon the original goal of securing a scopic vision of the entire border. For example, U.S. Customs and Border Protection uses a network of long-range radars to

provide “persistent air, maritime and land surveillance capability” to detect and monitor low-altitude aircraft and vessels 200 miles out from the actual border to increase “domain awareness” and allow more time to plan and make enforcement decisions. These radar feeds are also linked into Customs and Border Protection’s “domain awareness architecture” system (U.S. Customs and Border Protection 2014). This aerial organization of domestic space borrows heavily from the tactics of U.S. counterinsurgency warfare and has important implications that connect global discussions around the shifting lines of war, peace, and humanity.

Conclusion: Our Backs Against the Wall

The United States Government has not recognized any top or upper limit to its sovereignty.

— Loftus Becker, U.S. State Department legal advisor, speaking in 1958
(Banner 2009: 272)

The Falcon and CAV [combat aerial vehicle] programs will allow the United States “to crush someone anywhere in world on 30 minutes” notice with no need for a nearby air base.

— John E. Pike, director of GlobalSecurity.org, quoted in the *Washington Post*
(Pincus 2005)

Nomos of the Skies

The advent of airpower in the early twentieth century reconfigured the way war was conducted. In the beginning, airpower was organized by sacred property rights over the land, and over the seas it was organized by the principle of the freedom of the seas for trade and plundering. Land-based warfare required a direct presence and force applied to the population (Schmitt 2003: 319). Sea war was a form of trade war governed by prize law that could be directed against hostile or even neutral property in the free space of the sea (310). Both of these earlier spatial orders required varying levels of reciprocity, but airpower was different. Air war was considered a “purer” and “nobler” form of warfare that could preserve peace by leveling the fields of engagement, and it was even heralded that flight would end the very cause of national conflicts by bringing people closer together (Lindqvist 2001: 67). At first, airpower was more like an addendum to land- and sea-based laws of war, but increasingly, the airplane ushered in the end of the free seas, and whole zones of free sea could become battle zones (Schmitt 2003: 315). “All such institutions of international law based on legal and moral equality had a spatial counterpart based on the *equal surface* of the theater of war [land and

sea]” (311, italics in the original). Airpower changed all this in that it rendered everything as a destructible target; in other words, there is no longer any theater of war, and instead the principles of occupation and free trade morph into a singular organization of war. Airpower does not play out on a horizontal plane where both parties face one another; instead, it is devoid of this relational component (319). It provides a means of “control without occupation” (Lindqvist 2001: 102). Airpower is an asymmetrical orientation of power without reciprocity, and it reconfigures the spatial order in relationship to the human in a particular way.

When this dramatic unevenness in war making occurs, “the opponent becomes nothing more than an object of violent measures” (Schmitt 2003: 320). Some of the early international conventions around airpower limited its destructive functions to be equal to but not greater than the destruction of military maneuvers on land and on the seas (Lindqvist 2001: 75). However, in practice, airpower was deployed and developed inside European colonial holdings, and the brutality of bombing noncombatants from the sky approximated the older military services’ bloodbaths on the ground (76–79). A racial order of supremacy oriented all the early air interventions, which justified the technology of aerial warfare and the genocide it produced as part of a larger civilizing mission. Italians dropped the very first aerial bombs onto Arab civilian populations in an effort to take the last remaining Turkish-controlled strip of North Africa in Tripoli in 1911 (76–78). British prime minister Winston Churchill first discovered the cost effectiveness of airpower when he ordered a punitive expedition in Somaliland. The British offensive against Mullah Mohammed Abdille Hassan was accomplished when pilots dropped the first bomb onto the leader and his amirs, who had never before seen a bomb. The military operation took one week instead of a year and cost a fraction of the army’s proposed budget, cementing a permanent and ongoing operational budget for the

newly formed British Royal Air Force (100–101). Britain continued to use aerial bombing campaigns throughout its holdings in India, Iraq, Egypt, Jordan, Afghanistan, and South Africa (102–111). Because air attacks made it possible to attack the enemy far beyond fortified lines, the distinction between soldiers and civilians was subsumed inside the collapse of distance. Air attacks also relied on a racial hierarchy that viewed civilian native lives as less than human, drawing from Christian medieval doctrines that only allowed the use of long-range weapons to be used against an “unjust” or unchristian enemy (Schmitt 2003: 321). The early use of aerial bombing relied on an economic-moral calculus that combined the cost-effectiveness of air strikes with a moral authority to use weapons of catastrophic destruction preemptively, a logic of self-defense where the advantage belongs to the one who strikes first (Lindqvist 2001: 104).

In this formula, the distinction between power and law ceases, and the vanquished are displaced into a *bellum intestinum* (internal war) (Schmitt 2003: 320–321). Schmitt writes, “The victors consider their superiority in weaponry to be an indication of their *justa causa*, and declare the enemy to be a criminal, because it is no longer possible to realize the concept of *justus hostis* [a legally recognized enemy]” (2003: 321). The “[i]ntensification of the technological means of destruction opens the abyss of an equally destructive legal and moral discrimination” (321). This vertical transformation has made war, according to Schmitt, into “a police action against trouble-makers, criminals, and pests” and requires that “the justification of the methods of this ‘police bombing’ ... be intensified” (321). The brutality of this legal-moral regime was framed as “bloodless” means of victory and a more humane method of war making. It was bloodless because it did not spill the blood of the aggressors, but also because in “killing the economy” by targeting infrastructure like roads, bridges, and transport, it made the actual killing of the combatants and noncombatants on the ground

redundant (Lindqvist 2001: 111). In staking out some of the shifting contours of early war making from the sky, where combat becomes the object of a policing action and the figure of the enemy becomes the criminal, we can start to see some of the early intersections and crossover between spheres of war making and civic realms of domestic policing and free trade.

Walls in the Age of the Drone

Border walls are grid lines of an aerial *nomos*. The latest terrains of just war are being crafted in the sky as part of the evolving “techno-legal armature” of drone warfare (Gregory 2013). The most recent *rayas* (lines) in the skies are still justified inside doctrines of just war. The U.S. military is leading the way in creating new political and cultural understandings of airspace — where deeds are suspended from action inside radically instrumentalized understandings of legality (Chamayou 2015). We must now consider what Chamayou (2015) describes as the “necro-ethics” — the reconfiguration of the principles of international humanitarian law in service of a self-preservationist nationalism — not only inside the realms of warfare, but also inside the protected territories of the domestic sphere that enjoy “democratic” order and peace. Radically instrumentalized understandings of legality have not yet reached their full potential in the national airspace of newly expanded border enforcement zones, the 50-kilometer or 100-mile radius where exceptional border laws reach. National borders are pregnant with possibilities to reconfigure the airspace emanating upward from territorial borderlines because they are increasingly spaces where the laws of the land have already been waived. Unlike previous colonial and imperial eras where walls and treaties claimed “new” lands, today all terrestrial property is already under ownership, which requires that new realms of acquisition be organized and managed on a vertical

axis, an aerial one that has been historically constituted almost exclusively in times of war or in the name of national security. The liberal imperative of the freedom of movement, a right usually only upheld for military and market forces is undergirded by a whole set of corresponding carceral systems — the operative tools of this aerial *nomos* that compartmentalize and fracture. The outgrowth of these systems of containment and confinement from “no-fly zones” to detention centers are couched firmly inside a liberal discourse as “more humane” methods of war, governance, and global human management. Practices of just war and global governance share this mutual investment in the authorizing language of liberal humanitarian ideologies, which tenuously prop up hierarchies of human vulnerabilities through vast arrays of rules, prohibitions, and punishments that ensure human submission.

The rapid changes with the deployment of drones that have happened during the course of my research have required me to think about how we might understand national border walls inside the *nomos* of the skies. What do walls mean in this arrangement, and what purpose do they serve? Even as I write this, the U.S. Federal Aviation Administration is still developing its first set of guidelines for drone use in domestic airspace. So in lieu of a conclusion, what I outline here are some initial and critical reflections on what national border fences mean in relationship to the blurring lines of unmanned aerial vehicles (UAVs) and aerial surveillance in both U.S. domestic airspace and the larger American global battlespace, and how these are interconnected and ultimately rely on a corporal schema where the racialized body serves as the basis for intelligibility. Drones and walls are technologies that help us identify the contours of the asymmetrical forms of power that manage surveilled living and “better” killing in these connected systems of containment. The first time the United States ever used aircraft was in a punitive expedition along the U.S.-Mexico border, and early

counterinsurgency doctrine critically shaped the United States' use of airpower and how particular bodies along the border were monitored in service of securing new and provisional land claims, which have since the very beginning posed problems to territorial sovereignty. Dronization is a preventative enforcement practice both in conflict and in policing that provokes a slow civic death anchored in legalized federal racial discrimination at home and abroad, generating a whole set of fragmentary temporal and spatial modes of being and belonging. The vertical and scopic understanding of the U.S. spatial order of the skies domestically and abroad is animated by an understanding of surveillance as a fence and evolving practices of confining from the sky.

The New Heights of Asymmetrical Power

Weizman identifies the 1973 Arab-Israeli War as the last symmetrical battle to be fought between state armies of relatively equal force. After the fall of the Iron Curtain and the end of balanced, symmetrical military warfare, the frontier has emerged as a political space where military and quasi-military engagements are increasingly taking the form of low-intensity, asymmetrical violence in densely populated areas (Weizman 2004). Walls, like drones, are an asymmetrical and preventative technology of the frontier. Both walls and drones collapse large horizons with a distancing function that separates space into hostile and safe areas. This way of thinking and organizing space is premised in removing the state agent's body from the hostile environment (Chamayou 2015: 22). In this context, remote-controlled warfare or intervention becomes a "philanthropic device" that keeps agents of violence and policing safe from occupational hazards (23). In using armed unmanned drones, injury occurs in only one direction, and warfare shifts from being asymmetrical to unilateral (13). In using

unmanned drones for surveillance, the state's gaze occurs in only one direction too, from an altitude beyond the visual reach of the human on the ground. These actions are often classified and covert, drawing a curtain of secrecy in the wide-open space that is rent when the Hellfire missiles or machinery fall down from the sky. This is a radicalization of warfare and policing (24). Unlike walls, drones are a kind of “‘unidentified violent object’: as soon as one tries to think about it in terms of established categories, intense confusion arises around notions as elementary as zones or places (geographical and ontological categories), virtue or bravery (ethical categories), warfare or conflict (categories at once strategic and legal-political)” (14). In many ways, this relatively new form of airpower has been understood as a confining power, described as sets of lines or even as “virtual” walls, a spatial understanding that is more familiar. Walls and lines are a stationary form of violence, a kind of material warning of punitive dangers awaiting one on the other side. It is frequently understood as a “humane” tool because it signals people to turn back before they encounter the “consequence.” A wall's true power exists in the threat of force or of violence that lies just behind it.

Systems of Containment and Lines in the Sky

One early example of containment from the sky was the experimental, harsh, and “highly effective” containment regime imposed on Iraq after the First Gulf War. It was made up of three elements: embargo, inspections organized through the United Nations, and a “no-fly zone” in northern and southern Iraq, with the expressed purpose that it would prevent Iraqi airpower from being used against its own people (Walzer 2006: xiii-xiv; Gertler et al. 2013). Walzer (2006) describes the “system of containment” as “measures short of war,” which all involve the use or threat of force. Embargos and

enforcement of “no-fly zones,” which includes bombing radar or antiaircraft installations are considered under international law to be acts of war. The murky legal basis for the “no-fly zones” in Iraq was in direct violation of Iraq’s territorial sovereignty. Walzer situates these test containment measures as different from actual warfare and explains how these are much easier to justify than a full-scale attack because “the arguments against preventative war ... don’t apply to the preventative use of force-short-of-war — since short-of-war means without war’s unpredictable and often catastrophic consequences” (2006: xiii-xiv). The implementation of “no-fly zones” in Iraq was moved outside of the ethical-legal parameters that define war making and into a realm that is used to define democracy making.

Domestic use of “no-fly zones” in the United States, the global leader in aerial protocols and practices, has also dramatically increased. On September 11, 2001, the United States implemented an unprecedented nationwide temporary flight restriction, a domestic “no-fly zone” over the entire country that lasted until September 13, 2001. Since then, places like Disneyland, the Greater Washington, D.C. area, and stadiums with capacity of more than 30,000 people have become permanent domestic “no-fly zones.” The deployment of temporary flight restrictions in high profile crime scenes and standoffs with police is also on the rise. In Ferguson, Missouri, Michael Brown, a black, unarmed teenager was gunned down by white police officer Darren Wilson in the summer of 2014, and the St. Louis County Police Department requested a week-long “no-fly zone” over the neighborhood where vigils and protests over Michael Brown’s death were being met with SWAT teams, rubber bullets, and tear gas canisters (Gillum and Lowy 2014). The Federal Aviation Administration issued the order to “provide a safe environment for law enforcement activities” after officers alleged that shots were fired at police helicopters, although it was later revealed that the order was really

intended to keep media from accessing the area during the protests against police (Federal Aviation Administration 2014; Gillum and Lowy 2014).

“No-fly zones” are part of the next generation of operations, which are described by security think-tank reports and military experts as methods other than war that will be increasingly used inside urban settings. It is a kind of warfare, and also paramilitary policing, that uses infrastructure like walls and other technologies as a means of “selective dominance” — ways of controlling specific areas and activities and “precluding presence” of certain bodies in combat spaces to facilitate “overall mission accomplishment” (Glenn, Steeb, and Matsumura 2001). These terminologies are euphemisms for describing the desired results of nonlethal or “soft-kill” weapons. Many of these new “technologies of pain compliance” called “non-lethal obstacles” are designed for human containment and enclosure, ranging from traditional barbed wire, pop-up vehicle barriers, rapidly hardening foam, superlubricants, ship entanglement devices, synchronization of obstacle networks, projectile nets, and distance snares that are fired to entrap individuals or groups (Arike 2010; Glenn, Steeb, and Matsumura 2001:18; Voetberg 2007: 3). Chemical and acoustic sensors are also part of new-wave technologies, which also allow “seeing” through walls with micro insect-like drones (Glenn, Steeb, and Matsumura 2001). The “political utility of force” through the use of these “non-lethal obstacles” marks the lines along which society is organized (Arike 2010; Fanon 2001).

From Boots on the Ground to Boots in the Air

The first contemporary remote surveillance technologies deployed along the U.S. southern border in the late 1990s were always envisioned as a kind of “virtual fence” — a line of daylight and thermal cameras hung up on poles and remote video surveillance

systems and sensors in the ground described as a “shield” initiative (Department of Homeland Security, Office of the Inspector General 2005: 1). These remote sensing systems, which could gather data without a human being physically present, were envisioned as a “force-multiplier” allowing fewer agents to expand the scope of human apprehensions within a managerial matrix of measuring enforcement capabilities to maximize effectiveness (Department of Homeland Security, Office of the Inspector General 2005: 12). However, these early efforts were plagued by technical difficulties, and government audits continue to highlight that U.S. Customs and Border Patrol has not been able to measure the impact or effectiveness of its technology assets or its larger organizational outcomes (U.S. Government Accountability Office 2014). The more recent updated version of the “virtual fence” was envisioned as a single, integrated border security technology solution for securing the entire U.S.-Mexico border called the Secure Border Initiative network — a system of cameras, radars, and sensors on towers and linked to command centers. Boeing only completed 53 miles of the project in Arizona at a cost of about US\$1 billion before the failed program was terminated in 2010 (Powell 2010). This idea of “total closure” of the U.S. Southern border through a singular integrated system has been replaced increasingly by the idea of flexible enforcement actions that are organized inside the broader borders of the six U.S. global command zones rather than within the bounds of any particular nation-state boundary. The U.S. Department of Homeland Security is using more conventional surveillance and tactical equipment along the U.S.-Mexico border deployed in situational events or local settings, much more in the vein of counterinsurgency warfare tactics that respond to “threats,” “risks,” and “surges.” Some of the infrastructure deployed in the borderlands includes: drones, military-grade radars, mobile surveillance units, thermal imaging systems, and large- and small-scale nonintrusive inspection equipment. These

strategic changes in managing the U.S. border with Mexico more from the sky have been part of the larger militarization of the border bolstered by immigration legislation lobbying efforts and built up by leading private military contractors, including General Atomics, Northrop Grumman, Raytheon, Lockheed Martin, Boeing, and General Dynamics (Lipton 2013).

In 2004 the U.S. Customs and Border Patrol tested its first Israeli-made Hermes drone over the borderlands in Arizona (Department of Homeland Security, Office of the Inspector General 2005: 13). During testing, the Hermes and Hunter UAVs were primarily used to “support apprehension” of humans presumed to be undocumented and who had already been spotted by other means (14). In 2005 U.S. Customs and Border Protection first used an unarmed version of the unmanned Predator B drone to support law enforcement operations on the Southwest Border. Since 2011, Predator B drones are being launched from bases in Arizona, North Dakota, Florida, and along the Texas border. Specially equipped Guardian drones outfitted for both sea and land surveillance operate out of Florida and the Texas Gulf Coast. The unmanned Predator B drone is described in reports as a form of “active, layered defense in-depth” covering terrains “to conduct missions in areas that are remote, too rugged for ground access, or otherwise considered too high-risk for manned aircraft or personnel on the ground,” the same remote places where U.S. policies funnel the undocumented into crossing corridors (U.S. Customs and Border Protection 2010a: 5; Holland Michel 2015). Along U.S. national borders, more than 270 aircraft and 10 unmanned UAVs provide critical aerial surveillance assistance to personnel on the ground (Vitiello and Vaughan 2012). U.S. Customs and Border Patrol plans to add 14 more unmanned aircraft to its fleet to be able to respond to a major event anywhere in the United States within three hours and to provide first responders with real-time information and imagery (Department of

Homeland Security, Office of the Inspector General 2014: 2). Some of the first aerial surveillance technologies deployed along the U.S. border were leftover equipment from wars in Iraq and Afghanistan repurposed to the domestic desert. Even reserve troops were deployed to help manually expand the linear surveillance capacity along the Southwest national border.

The U.S. Army National Guard — a domestic military reserve force that protects the homeland but is limited in the military actions they can take on U.S. soil — were first deployed along the border by George W. Bush to support the initial construction of the border fence and roads from 2006 to 2008 (Booth 2011). In 2010 Barack Obama deployed 1,200 reserve troops again, this time to support U.S. Customs and Border Protection apprehensions, working as “additional eyes and ears” on the border, essentially serving as low-tech stationary observers of the border. One news report described the work of these soldiers as “a kind of neighborhood watch with M-16s, often perched 30 feet in the air in skyboxes, portable watchtowers the size of phone booths” (Booth 2011). Because the soldiers were limited by law in their actions on domestic soil, the most the army reserves could do was to radio a U.S. Customs and Border Protection (CBP) agent to alert them to what they observed, essentially having three people do the job of one Border Patrol agent, costing an additional US\$6,271 for each person caught with the help of the extra reservist surveillance (Booth 2011). By 2012, the ground support role of the Army National Guard was transitioned from these static positions to conducting aerial detection and monitoring, in the words of a CBP deputy chief, “moving from boots on the ground to boots in the air” (Vitiello and Vaughan 2012). This aero-shift was part of a larger recapitalization program of the U.S. Customs and Border Protection to increase the flexibility of CBP aircraft and air operations in a billion dollar overhaul of the air fleet (Vitiello and Vaughan 2012).

Crucial to this was the flexibility in authorizing CBP to use its drones for air support missions far beyond “supporting apprehension of suspected illegal aliens” near the border. From 2010–2012 CBP drones flew 500 flights for other agencies, including the Drug Enforcement Agency, the Federal Bureau of Investigation, and also local sheriff departments (Lynch 2014). In these kinds of missions CBP drones can surveil a building and inform other agency ground units about the building’s layout and human and vehicle movements in and around the area (Holland Michel 2015). CBP can also provide other agencies direct video feed and access control to play video captured while flying unmanned aerial systems in support of other agency operations (Holland Michel 2015). In this context CBP drone experience in humanitarian missions or natural disasters serves to enhance its capability for security responses (Kostelnik 2012). This inter-agency resource sharing and collaboration merges homeland security actions and domestic policing enforcement, a convergence that is characterized as an asset where enforcement can jump from a national to international jurisdiction. The standardized use of General Atomics drones on both the domestic front and the war front allows for seamless interoperability to be able to switch commands from the U.S. Department of Homeland Security to the U.S. Department of Defense (Barry 2013). This blurs the lines restraining military forces within society, the lines that demarcate the limits and bounds of the law. International law governs rules of war and primarily focuses on armies and the military, but human rights against state oppression are rooted in relation to the nation-state’s sovereign power. The conceptual distinction between combatant and civilian in humanitarian law rests on the distinction between whom the state authorizes to be killed or surveilled, and whom it does not (Osiel 2009: 6). The seamless interoperability between both spheres blurs these distinctions.

In cooperation with the U.S. Department of Defense, CBP migrates technology and equipment from wartime missions to homeland security applications. Another major system that is being tested and used along the U.S.-Mexico border is the Star Wars–sounding Vehicle and Dismount Exploitation Radar (VADER). The airborne radar system detects and tracks pedestrian human movement and vehicle movement from a Predator drone five miles overhead (Bennett 2013b). These forms of active and passive surveillance or “domain awareness” are a way that the state can see without being seen to “deter, intercept threats at a safe distance” (U.S. Customs and Border Protection 2010a: 5). The VADER system allows agents to watch movements in Mexico before they even reach the border. However, most of the details about the scope, cost, and reach of these operations are shrouded in secrecy and not discussed, in the name of security and law enforcement objectives. The Pentagon flew a number of covert flights into Mexico in 2011 using the Global Hawk drones — unmanned spy planes that can fly above 60,000 feet and that are not visible to people standing on the ground — with permission from the Mexican government. These operations, secured by presidential agreements, were not made publicly known because the Mexican Constitution bars foreign military and law enforcement agents from operating in Mexico except under limited circumstances (Thompson and Mazetti 2011; Rodriguez 2011). The United States’ use of unmanned drones for surveillance operations in foreign airspace solves the sovereign problems of immunity for expanding extra-territorial interventionism. Previously, manned covert U.S. anti-drug operations flown by U.S. planes in Mexico posed juridical problems because the Mexican government would not give the American pilots and agents immunity protections while operating in Mexican airspace and territory (Rodriguez 2011). Unmanned drone and radar systems have changed all this. Ongoing U.S. Customs and Border Protection surveillance in

northern Mexico, in collaboration with the Mexican government, was officially formalized with a binational agreement in 2012 that called for the creation and installation of a CBP cross-border surveillance system that is capable of fusing radar data from Mexican sites and select sites along the U.S. Southwest border to create greater “domain awareness” of the airspace over Mexico and to “monitor threat areas” to “permit more effective bi-national coordination of law enforcement responses” (U.S. Customs and Border Protection 2012). Jurisdiction needs a line of reference, and the U.S. southern border fence demarcates expanding borderlines, ones crafted in the abyssal dialectic of war making/peace building.

The United States divides the entire world into theaters of war. Increasingly, U.S. border drone operations are organized inside these larger “Unified Combatant Commands.” U.S. Customs and Border Protection’s Office of Air and Marine participated in a SOUTHCOM inter-agency drug interdiction operation and other unspecified operations stretching as far south as Panama in the summer of 2012, which served as a prototype for ongoing SOUTHCOM operations (Kostelnik 2012). The Dominican Republic acted as a regional host for Customs and Border Protection Guardian drone flights deployed over the Caribbean Sea and over nations in the geographic purview of the command, which includes the Caribbean, Central America, and South America (Kostelnik 2012). The Dominican Republic is also one of the latest countries to have proposed building a border wall; the wall would go up along its shared border with Haiti and was proposed in the months after a controversial constitutional ruling in 2013 that retroactively denied citizenship to more than 200,000 Dominican-born children of Haitian immigrants²⁴ (Gaestel 2014). At the beginning of 2015, the Dominican government launched “Operation Shield” — a roving border operation of

²⁴ This denial of citizenship was met with international outcry. In the summer of 2015, only 300 of the 250,000 Dominican Haitians who applied for permits had received them, and some 500,000 undocumented people living in the Dominican Republic are facing deportation (Jones 2015).

soldiers working in collaboration with the immigration authorities to arrest and repatriate Haitians to Haiti (*Haiti Libre* 2015). In the first 14 days of the operation, 15,000 Haitians were deported (*Haiti Libre* 2015). The push to build the border wall has been renewed in the latest national congressional session, and the Dominican military has also started to consider deploying drones on the border to augment “Operation Shield” (*Haiti Libre* 2015; *Dominican Today* 2015). Dominican nationalist politician Vinicio Castillo Semán has been pushing for the wall’s construction to curb a “silent invasion of Haitians” and “to protect Dominican sovereignty,” and he has asked the United States to collaborate and help with the design of the wall-building efforts (Bonilla 2015; Quezada 2015).

Another one of the most recent national walls going up lies in the heart of AFRICOM’s drone district on the Horn of Africa along the Kenyan border with Somalia. In the days before the Garissa University College attack, in which 147 university students were murdered by a group of attackers, National Youth Service trucks equipped with building material were seen headed to Mandera to begin work on a separation barrier at the Kenyan border with Somalia (Kimari 2015). Like many other contemporary border walls, the Kenyan separation barrier was announced in the immediate aftermath of the attacks and inside a climate of national emergency, but without parliamentary debate or impact surveys in local border communities (Kimari 2015). An American private security consultant in Kenya had been hawking the border fence for over a year before it was finally implemented, advocating for Kenya to call on its foreign allies for support in building up its security infrastructure and intense policing (NTV Kenya 2015). Documenting the U.S. hand in national border walling projects around the world helps us to be able to think about and qualify the emergent conditions of an aerial *nomos*, ranging from small-time ex-Marine security experts in

the case of Kenya, to binational cross-border covert military operations in the case of Mexico. It was also reported that U.S. Army engineers helped to design the Egyptian border wall to block the tunnels with Gaza (Fraser 2009).

Contours of Contemporary Airspace

A consideration of the socio-legal organization of airspace opens up the ways in which the aerial *nomos* of the earth seamlessly combines principles of war and property rights to shape airspace in a way that simultaneously reifies national borders while rendering the entire globe into mobile “kill-boxes.” This latest stratospheric formation bears all the hallmarks of imperial conquest, where the conqueror moves freely, rendering violence *as* politics by confining the natives into compartments. There are no limits on sovereignty or the horizon that the imperial power can use to enact violence from the sky, but the natives, the people stuck on the ground, are trapped and immobilized. Drones allow the U.S. military to “project power without projecting vulnerability” — that is, “deploying military force regardless of frontiers,” effectively solving “the problem of extending imperial power from the center over the world that constitutes its periphery” (Chamayou 2015: 12). In a parallel manner, the first deployment of UAVs in surveillance policing of U.S. domestic space also began in the U.S.-Mexico borderlands as a way of reigning in the “dangerous periphery.”

Historically, national security and war have served as the major organizing principles of airspace; however, it was not always this way. Early legal discussions of airspace drew heavily from Hugo Grotius’s *Mare Liberum*, which understood the sea as free and common to all. Physical occupation was the prerequisite to national sovereignty, just as it was to private property. With the advent of the balloon, and later the aircraft, airspace — which was originally considered as private property stretching

upward from land-based lines of ownership — was reconfigured into national sovereign space for the right of self-protection. After World War II, all understandings of airspace were framed by national security concerns. The Convention Relating to International Air Navigation was drafted at the same conference that produced the League of Nations and the Permanent Court of International Justice (Banner 2009: 65). Understandings of airspace centered on functional lines rather than any physical boundaries or locations (Banner 2009).

American-made global “battlespace” consists of “hyper-mobile kill boxes” — the three-dimensional grids used for targeted killing — judicially extending “the right of pursuit” to individual bodies rather than to sovereign state boundaries (Gregory 2011; Gregory 2013; Chamayou 2012; Chamayou 2015; Elden 2009). Chamayou situates the emergence of this invasive power as based less on the rights of conquest than the rights of pursuit (2015: 53). Borders are the refuge of the fugitive, and the act of denying the “enemy” realms of sanctuary enables the state to cynegetically ferret out the “enemy” in service of the public good of the larger international community. The problem with this model is that it undermines state sovereignty, conferring on “hunter” states

a right of universal intrusion or encroachment that would authorize charging after prey wherever it found refuge, thereby trampling underfoot the principle of territorial integrity classically attached to the state sovereignty. According to such a concept, the sovereignty of other states becomes a contingent matter. Full enjoyment of that sovereignty is recognized only if those states take imperial tracking to heart. If they do not — ‘failed’ states cannot, ‘rogue’ states will not — their territories can legitimately be violated by a hunter state. (Chamayou 2015: 53)

In this organization the temporal contingency of space is expedited and quite literally executed on the ground, but the state of contingency becomes permanent (Chamayou

2015: 55). In many respects contemporary national border walls present a very similar set of problems and sovereign contradictions that Wendy Brown (2010) identified. Walls have temporally and spatially ad hoc and provisional qualities and often undo or invert what they are meant to inscribe and generate an increasingly closed and policed collective version of identity instead of the open society they are intended to defend (Brown 2010: 24, 40). They are iconographic of the predicament of state power and the increasingly corrupted divide between internal and external policing with both police and militaries (24–25). What is politically at stake in this spatial organization is reconciling the neoliberal restriction of the aims of state power to security matters while maintaining the state’s prerogative to wage war (Chamayou 2015: 181). Aerial *nomos* is a creative syncretism of the two, a convergence of the principle of national security crafted in the context of just war combined with a perverted interpretation of property rights that organizes the shifting terrains of aerial sovereignty. Self-defense and humanitarian intervention are the two underscoring rationales for aero-interventionism — the only space on earth where there is no ceiling on sovereignty.

Currently, there is no international agreement that limits the vertical extent of sovereignty. The Kármán line, an informal line that demarcates the boundary between the earth’s atmosphere and outer space, is generally agreed upon but has never been formally recognized. During the early space exploration, both the United States and the Soviet Union were careful not to ever commit to any limits in determining their sovereignty in airspace (Banner 2009: 275). When the Soviet astronauts landed on the moon, the U.S. government declared that this did not mean they could exercise sovereign power over the moon. The U.S. State Department lawyer said there were “no views on how far you would have to go” to claim sovereignty on the moon, saying, “sovereignty doesn’t mean anything without possession” (Banner 2009: 279). The

beginning of an international legal regime in space emerged first in practice and was later formalized in the Outer Space Treaty of 1967; however, there is still no legal definition of space (Banner 2009).

Currently, the U.S. Air Force uses the idea of *property rights* to interpret the just war principal of self-defense in its use and engagement of armed unmanned vehicles. Drones are “national property” and considered as representative of the people who sent them (Singer 2009: 407–409). The historical precedents for the official U.S. Air Force policy for drones were formulated during the Gulf of Tonkin incident and the air battles with Libya in the Gulf of Sidra in the 1980s, allowing pilots to shoot first rather than waiting to be shot at (406). The preemptive right to kill is embedded inside this shifting idea of property rights, defense of property, and self-defense. These rights are often exercised and tested inside humanitarian emergency zones, interventions of force enacted from the skies in the name of protecting civilians and stopping genocide, like the drone strikes against Colonel Moammar Gadhafi’s troops in Libya in 2011. Humanitarian intervention “operating in the name of the universal but endangered subject of humanity, transcends the walled space of the international system” (Walters 2011: 138). The masters of these interventions rule without any sanctions on their actions (Chamayou 2015: 96). In this way, walling and drones offer discursive exits for democracies and countries wanting to understand themselves as justice-minded and good, or at least as innocent (Brown 2010: 122).

The legal challenges that the rapid proliferation of aerial unmanned drones presents are addressed almost entirely in the realm of practice. As the boundaries of applicable legal policies for the use of unmanned armed drones expand, so does the tendency to expand who can permissibly be targeted (Kaag and Kreps 2014: 82). The use of drones is central to U.S. counterinsurgency warfare, which is premised in a

doctrine of preemptive self-defense against an “immanent threat” of a future terrorist attack. The unmanned armed drones are trumpeted as the new pinnacle of “bloodless” warfare protecting counterinsurgent state soldiers. Border doctrine in U.S. policy dangerously borrows and intersects with this counterinsurgency war doctrine in several ways. The line between citizen and noncitizen noncombatants is blurred because noncitizens can be characterized as potential threats managed through preemptive surveillance and policing responses, which claim management of a particular “population as the prize.” The standard of civilization is crucial to these systems of war and rule, and “a racial hierarchy resolves the tensions between illiberal methods and liberal discourse,” often through use of proxies by putting an indigenous face on the front of counterinsurgent actions (Khalili 2013: 4–5). Walls and drones stop would-be migrants at the border, and policies “push out the border” even farther to proxy countries, notably the European Union’s FRONTEX Mediterranean sea patrols and processing centers in North Africa, Australia’s turn back policy sending boats with migrants back to the last port of call, and the United States’ investment in “equipping” Mexico to deal with its southern border with Guatemala and Central America. Preventative measures in walling and securitization of borders make lethal force redundant because the infrastructure redirects human movements into more dangerous places, a spatial order that is socially authorized as more effective and humane. Often, the wider citizenry of border-building countries, as in war-making countries, are distanced from the direct and real affects that their taxpayer-funded state actions have on living people on the ground. Along borders and in “humanitarian emergency” zones, “*jurisdiction* is defined in discourse, text, and practice of law to make territories conform to bodies of law ... to create variegated spaces” of law, even to the point of

making the individual bodies islands of sovereignty (Khalili 2013: 67, 100, emphasis in the original).

The Body as Battlefield

When the body becomes the battlefield, the world becomes the hunting ground.

Chamayou writes that “a whole contingent of U.S. lawyers today claim that the notion of a ‘zone of armed conflict’ should no longer be interpreted in a strictly geographic sense” (2015: 57). The shift in the geographic scope of armed conflict from a land mass toward the body has also been accompanied by the emergence of a new kind of war doctrine in Israel that submits the principle of distinction and proportionality (*jus in bello*) to a form of nationalism that privileges the lives of national soldiers and agents over foreign civilians (Kasher and Yadlin 2005). This understanding of law in war is based on the idea of reciprocity, a reactive, quasi-moral norm that presumes an ideal of equal measures of restraint shown in war, a kind of tactical and moral symmetry in the rules of confrontation (Osiel 2009). In combat, only citizens lives are equally valued, informing a hierarchal distinction between national bodies and foreign bodies (Chamayou 2015: 132). The duties of the nation-state in conflict override the obligations of humanitarian law, and in this framework the preservation of the life of a single national soldier can justify forsaking an indefinite number of foreign civilians (Kasher and Yadlin 2005; Weizman 2011). When the technologies of war are transferred into domestic spaces, the ideologies and justifications behind them mutate and take on new formations that build on existing racialized structures and hierarchies. The border wall becomes a coordinate for the spectral optics of vertical sovereignty that takes the human as its target. I want to further explore how this spatialization of the “body as battlefield” is translated in the domestic sphere as UAVs, blimps, and other

military equipment and technologies are being recommissioned as tools of homeland defense in border states, predominantly on the U.S. southern border, but also lent out beyond the border for policing and to other federal agencies. By locating the battle in the body, we can think about the anatomy of power that centers on the body. It banishes certain groups of people, holds others for ransom, and fights for ideological foothold in the minds of others. This measurement of space opens up a point of entry where we can question and think about the limits and possibilities of citizenship and the racialized hierarchies of belonging and existing in an era when the “right to have human rights” is territorially confined to citizenship (Arendt 1968).

One of the central problems with the increased “situational awareness” that radars and drones along the U.S.-Mexico border provide, is that it is a form of seeing and then acting on living humans, but one that is fundamentally incapable of deciphering the main criteria for immigration policing, which is to differentiate the legal distinction between citizen and noncitizen. Border policing practices rely on corporeal schemas of intelligibility to catalog “threat” and then act upon it. The U.S. Supreme Court has consistently maintained exemptions for racial profiling as legal in the context of immigration enforcement. This does two things: it categorizes large swaths of citizens and noncitizens in this “threat” category, and it authorizes a weaponized response toward them. In this expanded notion of “threat,” the context of the physical safety of the police agent is privileged. Personal security still prevails as the most sacred right over all other human rights (Osiel 2009: 130–131). In 2011 when a U.S. border agent was killed during a confrontation with a group of Mexicans trying to take his night vision goggles, the U.S. deployed a CBP drone into Mexican airspace to hunt for the suspects (Rodriguez 2011). It is one of the few cases where a U.S. drone operation over Mexican airspace was publically acknowledged. The reach of the law was

extended beyond U.S. territory to uphold the rights of the U.S. Border Patrol agent. The suspects were later found in Mexico and eventually extradited to the United States, convicted, and imprisoned.

However, when a Border Patrol agent standing in the United States shot through the U.S. border fence into Mexico and killed an unarmed teenage bystander, the agent was found by a federal U.S. court of appeals to be immune from prosecution and civil lawsuits by the boy's family and to have done his job (Moore 2015). This ruling placed the federal agent's actions outside the governance and restraint of the U.S. Constitution and exempted similar future actions from review by U.S. courts, making the only potential realm to redress violation of rights internal to the federal policing agency. In this case, the Border Patrol agent was placed on three days of administrative leave and returned to his regular duties after an administrative review. No criminal charges were filed in the 2010 case, and the U.S. government has refused to extradite the agent to Mexico to stand trial for murder (Moore 2015). The slain Mexican boy was beyond the territorial reach of U.S. constitutional rights simply because he was standing in Mexico. The bullets that killed Sergio Hernandez were shot through the air, and like an unmanned drone, were disembodied as an object separate from the human actor who initiated the violence. The expansion of rights to enact violence in an aerial *nomos* stands in stark contrast to the preclusion from rights for the human, which can be understood as a kind of contemporary form of banishment.

Banishment is not only the exclusion from the law, but also the prohibition of solidarity and hospitality. The radical insecurity that a person who is *illegalized* experiences draws from the historical practices in which the banished would become the walking dead — not recognized as a member of the community or even as a person, but fictively deprived of life. This practice of putting the banished outside of the law

was a tactic to flesh the person out of hiding — a kind of inverted penitentiary system where society imprisons itself and the delinquent runs free (Chamayou 2012: 57). Sovereign proscriptions faded away historically in precise proportion to the growing strength of the police state — historically sovereign power was relatively powerless (60). Banishment lies just under the surface of the recent resurgence of legal frameworks that deny citizens the possibility of rendering basic human care and aid, whether that is offering shelter to an undocumented person in Calais, France, or leaving water in the Arizona desert, or giving an undocumented person a ride from the Costa Rican border to the fields where they work. These are the bricks and mortar of socially normalized policing practices that cement complicit citizen participation and naturalize a discourse of “migrant humanitarian crisis” that can only be solved through urgent government-sponsored actions and interventions like aggressive U.S. media “danger awareness campaigns” in Central America (U.S. Customs and Border Protection 2014). One way that these “crises” are organized is through marketized responses. Legality is monetized at a “fair” price, a form of government ransom of bodies through the rash of new immigration reforms and revisions that often accompany the construction of new border barriers, imposing record fees that squeeze and extort individual bodies in new ways.

In the same way that military ethicists and theorists are seamlessly blurring the line between alien civilian and combatant citizen in military hierarchies of engagement and just “humanitarian” wars (Kasher and Yadlin 2005), the new hierarchies rank citizenship and have generated a corresponding set of fragmentary temporalities of migrant legality that in many ways corresponds to the larger ad hoc temporal systems of warfare. It is a small leap from the military vein of justifications coming out of Israel and the United States — vertical sovereignty regimes that often prioritize the life of a

single citizen soldier, even when the collateral damage of civilian bystanders is high, although always through a lawyer-approved moral calculus (Weizman 2011) — to the social policies that prioritize the “safety” and well-being of citizens at the expense of “aliens,” a logic that inevitably ends up back at overcrowded migrant gulags and a show-me-your-papers state of affairs. The actualization of violence at a distance can also be understood outside of war zones on the border, where the borderlands are constructed as both distant from the national body politic of belonging and “safety” and on the “frontline” of a war zone. The use of rural detention centers can also be considered as a form of actualizing violence at a distance, which strategically incarcerates undocumented people far from areas with concentrations of lawyers, civic support, and solidarity inside closed systems of privatized prisons (Loyd, Mitchelson, and BurrIDGE 2012). When accusations of abuse and violence surface, these are usually silenced through summary deportations and the veil of secrecy that shrouds actions in the name of “homeland security.”

Moving with the Wall

How do we respond and engage with this new geography and vertical *nomos* of the earth? How do we understand freedom in the age of banishment? What are the changing ideas of humanity implicated in this new formation? W. E. B. Du Bois wrote that he was “born in a century when the walls of race were clear and straight; when the world consisted of mutually exclusive races; and even though the edges might be blurred, there was no question of the exact definition and understanding of the meaning of the word [race]” (1984: 116). The arrested dialectic of American imperialism parcels the world with walls and boxes, global theaters of war where the meaning of race, and its proxy citizenship, are still clear and straight and the proliferating global geographies,

systems, and ethics of global border control mark realms of acquisition in the name of security. In many ways the new walls reveal to us the ways in which the walls have become totalizing, encircling us all. Hungarian prison inmates and soldiers will be forced to build the new border wall with Serbia (Warner 2015). In 2009 Rohingya ethnic minorities — the thousands of “boat people” in Southeast Asia seeking asylum who were stranded on boats that had been turned back to sea during the summer of 2015 — were forced to build parts of the 230-kilometer border fence to keep them from fleeing to Bangladesh under threat of violence toward their families (Haque 2009). In perhaps a sardonic sign of the times in global fencing, even the U.S. White House added a new extra layer of sharp spikes to its perimeter fence this summer (Bradner 2015). It is the drones and walls that conjure the encompassing lines of confinement that set the state’s sights on both the living movements of people in the United States and that put the targets on buildings and backs of humans in U.S. attacks on people in Pakistan, Yemen, and many other places around the world. The line that encloses us all is also what connects our struggles, and there is a deep power in this spatial recognition. Like Fanon said, the recognition of these lines will allow us to mark out the lines on which change will happen and society will be reorganized (2001: 29).

The monumentality of walls is the repressive dialectic of the limitless, supramobility of the *nomos* of the skies. But the living human is still stuck in the compartmentalized and immobile grounds that Fanon described as a “world of statues: the statue of the general who conquered the country, the statue of the engineer who built the bridge” (Macey 2012: 468). It is the kind of colonized world where walls serve as politically correct strong points and where the rise of the discursive category of immigrant works so effectively because of the way it can mobilize a blanket racialization, one that can simultaneously encompass the Muslim, the Mexican, the

Native American, the Nicaraguan as a suspect until proven a citizen. The resurgence of walling does not represent the erosion of citizenship rights, human rights, or even sovereignty, but serves as the social location where micro-practices and legal clauses of expansion are deployed from and that, like grains of sand, slowly accumulate to form the new beachheads where the battles to create new markets and secure scarce resources will be launched from. These are the rules of corporate governance prescribed by the state, and they are increasingly implicated in the larger global curtain of “national security” — a kind of “security” that British lawyer Gareth Peirce (2010) described as one of the most comprehensive structures for hiding democratic misdeeds and injuries. What terminology do we deploy to name the curtain or wall that has become totalizing? The shadowy realms of the global industry of wall building and war making offer up interconnected geographies of enclosure — where the same companies operate. A well-known example of this is the subsidiary of Elbit Systems in Israel, which received contracts to build portions of the virtual surveillance of the U.S.-Mexico borderlands. A lesser-known instance of this is the Indian companies that helped to build India’s national border fences, which were bidding against each other to land the contract to build Oman’s 288-kilometer border fence with Yemen (Dash 2013). Recent work (Loyd, Mitchelson, and Burrridge 2012) has started to link prisons and border walls, showing how these penal and policing regimes of state violence are interconnected and the ways in which they produce and police social difference (3). One of the major tasks for abolitionist and liberatory movements is developing the conceptual tools that work “against the assumptive necessity, integrity, and taken-for-grantedness of prisons, policing, and the normalized state violence they reproduce” (Loyd, Mitchelson, and Burrridge 2012: 2). This task is not as ideologically easy as espousing tearing down the walls around us. Global corporate interests and developers have been responsible for

taking down most walls in the new era of wall building. The Iron Curtain is being turned into a bike trail, a way of “experiencing history” along some 7,000 kilometers of borders, and which, according to the promotional literature, is “no longer a dividing line, but a symbol of a shared pan-European experience in a reunified Europe.” Often we spatially and temporally perceive walls as finite, finished projects. However, lines of division are constantly being redrawn. In 2002 South Africa, Zimbabwe, and Mozambique signed a treaty establishing the joint transnational park that crosses all three countries’ national boundaries. With the establishment of the park, “more than 350 km of fence, which marked political boundaries and prevented animal migration, were uprooted, over 5,000 wild animals were relocated, and a border-control and tourism system set up. The conservation area, described as southern Africa’s ‘green lung,’ is 35,000 sq. km and encompasses the Kruger National Park in South Africa, the Limpopo National Park in Mozambique, and the Gonarezhou National Park in Zimbabwe. There are plans to expand it in the next decade to cover 100,000 sq. km, which would make it the world’s largest wildlife conservation area” (Kabukuru 2012). The first major change observed after 50 kilometers of fences were removed was the migration of 1,000 elephants, with the animals reclaiming historic trails (Kabukuru 2012). These efforts were largely funded and organized by World Wildlife Fund Netherlands with the support of Fortune 500 companies and companies like De Beers.

The temporal and spatial conclusions of border walls are not fixed. Material walls are destructible, moveable, and can be repurposed, but walls and fences can also be rebuilt and reenforced. The razor wire atop the 11-kilometer border fence between the Spanish city of Melilla and Morocco was removed in 2007 after many people were injured scaling the fence. It was replaced with a three-dimensional structure, which is sometimes described as the “third wall” (Cué 2013). However, in the summer of 2013

the same razor wire was put up again along at least a third of the fence in response to a series of attempts, sometimes by hundreds of African migrants at a time, to enter Spain. The Spanish Interior Ministry issued a report that was never made public justifying the use of razor wire, saying that it is used in other locations like Spanish prisons, and even in Brussels to prevent access to EU summits, and that it does not cause serious injury (Cué 2013).

There is nothing sociologically new about the border walls of today and the violence they enact and reproduce. These structures reveal not only the latest contours of the political organization of the market, but perhaps more importantly, the limits of our changing ideas of humanity itself. Those who are fenced out are human enough to do the heavy lifting in building and becoming the living foundation of the latest global economic order. However, they are not human enough to move beyond the zone of indistinction, a realm that transcends both sides of the wall; they are both human and subhuman. What I have tried to methodically uncover in this work are the ways that this political arrangement of banishment is moralized and operationalized, and the ways that we are socialized and conditioned to accept these formations as real and to participate in perpetuating these absurd dramas. This telling upends the discursive perversion of “freedom” by security and underscores the continuities and perpetuities of racial hierarchies that ideologically orient the latest spatio-legal realms of acquisition through use of force in the blurring jurisdictions of both war and peace. National border walls give us a specific location where we can launch our questions about how definitions of race and rights are being redefined, reformulated, and recrafted in pernicious vocabularies of merit, rights, and citizenship in which baselines of equality have always been absented.

I found myself returning to one of Du Bois's discussions of the difficulties of organizing an effective response against the totalizing structural forms of racism, a discussion that proposes a different kind of relationship to addressing and engaging the walls around us. He describes the power in establishing cooperative and group consensus as being a juncture where we no longer have to "march face forward into walls of prejudice," but instead, "[i]f the wall moves, we can move with it, and if it does not move it cannot, save in extreme cases, hinder us" (1984: 216). I want to end with his reflection because it brings us back to what the borderlands perspective offers, a way of theoretically, physically, and spiritually avoiding getting trapped and immobilized inside a moralized schema made material through violence and bureaucracy, both the older forms of it and the newest ones. The physicality of freedom to move, in this larger sense of having the "ability to respond," is a source of power that allows us to not be hindered or stuck inside the shifting terrains of counterinsurgency, surveillance technologies, and increasingly restrictive laws, but instead to find power in creating the movements that we will need to be constantly responsive to these changing orders. The old wall has never left us, but we are equipped to keep moving, and to walk along the new coercive perimeters and challenge them.

Coda: Writing from the Shadow of the Wall

The seed for this larger project first began when the U.S. border wall was only a bad idea. Nearly a decade later, I actually finished writing this dissertation back in the shadow of the U.S.-Mexico border wall in El Paso, Texas, at our family home, which sits within a mile of the grated silhouettes cast by the 40-foot steel posts along the dry banks of the Río Grande. It was an interesting place to conclude this larger, long-term reflection, to viscerally bring me back to think about my neighborhood national border wall one last time inside the mushrooming landscape of concertina wire and concrete fences around the world. Nearly everyday, my mother-in-law's pack of Chihuahuas bark at the strangers who come up the steps of the small brick house to knock on the door, asking for a little money, offering to pull the weeds out front, selling small items, or even simply asking for a glass of water or something to eat. They have always come, and they have kept coming long after the border wall went up. We are the ones who have stopped crossing into Mexico. Little by little, my partner has forgotten the names and places along the streets in Juárez that he used to visit everyday as a little boy after school and on the weekends. During the time it took me to write this dissertation, the last young cousin in the family finally got his permanent residency card approved by the U.S. government, and now no one in our family lives in Mexico anymore.

Registering these changes has been quite personal, and these are the real stakes that have always required me to orient my questions, my approach, and my political commitment to this intellectual project from beyond my writing desk. My sounding board for my project has always been my Mexican and Mexican American family who have lived in the sister cities of El Paso, Texas, and Juárez, Mexico, their entire lives, true borderlands experts in every sense. They were my best critics and the first to

remind me that nothing is new on the border. They would outdo each other with the stories of the constantly mutating legal, political, economic, and social modalities of the border and the creative ways they found to get around them. My favorite story is about my partner's grandmother, who for a brief time would smuggle American mayonnaise, a lucrative commodity for a time, into Mexico to sell to her friends and neighbors.

Now more than ever, we hope and wait for the day that this wall will also come down, eventually in our lifetimes, when the budget and the political appetite for fences falls out of fashion like the illicit border market for mayonnaise eventually did. My partner's grandfather came to the United States as a *bracero* worker in the 1940s. When the U.S. government offered him citizenship he refused. He refused it for years because he did not understand that the offer included this benefit for his family too. He would not consider citizenship without them. A life like that just was not worth it. Ironically, the U.S. border only existed in his mind; he said it had always been open to him all along. That is the understanding of the border that we recall when we drive through interior checkpoints on the highway, when the Border Patrol agent hassles us, when we face the guns, the German shepherds, and the prohibitory signs. We remember that it is not real. We cannot let it be real.

Appendix

Global border barriers since 2001²⁵

Border Wall or Fence ²⁶	Year Started	Length ²⁷
Algeria-Libya	2014	120 km
Azerbaijan-Armenia	2011	3 km
Botswana-Zimbabwe	2003	482 km
Brazil-Paraguay	2010	1.5–3 km
Brunei-Malaysia	2005	20 km
Bulgaria-Turkey	2013	33 km
Burma-Bangladesh	2009	210 km (under construction)
China-North Korea	2006 and 2013	unknown
Costa Rica-Nicaragua	2001	1 km
Dominican Republic-Haiti	2014	proposed
Estonia-Russia	2015	108 km (proposed)
Egypt-Gaza	2009	11 km
Greece-Turkey	2011	12 km
Hungary-Croatia	2015	41 km (under construction)
Hungary-Romania	2015	proposed
Hungary-Serbia	2015	175 km
Hungary-Slovenia	2015	unknown (under construction)
India-Bangladesh	2002	2,500 km
India-Burma	2003	1,624 km
India-Kashmir	2013	179 km
India-Pakistan	2003	700 km
Iran-Pakistan	2007	700 km
Iraq-Syria	2010	1,300 km
Israel-Egypt	2010	394 km
Israel-Jordan	2015	30 km
Israel-Lebanon	2001 and 2012	79 km
Israel-Syria	2013	104 km
Israel-West Bank	2002	708 km
Kazakhstan-Uzbekistan	2006	45 km
Kenya-Somalia	2015	708 km

²⁵ This list builds from a smaller, dated list developed by Ron Hassner and Jason Wittenberg, which I saw presented by Jason Wittenberg at the “Fences and Walls in International Relations” Conference at UQÀM Institut d’études internationales de Montréal, October 30, 2009.

²⁶ Builder state constructing the border barrier is listed first. To my knowledge, the only wall on this list where cooperative, bi-national efforts to erect a national border barrier were enlisted was along the Thailand-Malaysia national border.

²⁷ The total length of these projects often varies substantially in different media reports and frequently these figures vary and change during construction and are often contested (see pp. 156-158). For example, funding runs out and the wall ends up being much shorter than originally proposed, or a fence can be extended or new portions of fencing are added or replaced. The figures used here have been cited in media reports previously.

Border Wall or Fence	Year Started	Length
Kuwait-Iraq	2004	217 km
Latvia-Russia	2015	proposed
Macedonia-Greece	2015	proposed
Mexico-Guatemala	2010 and 2013	3 km
Morocco-Algeria	2013	450 km (under construction)
Namibia-Angola	2014	proposed
North Korea-China	2015	unknown
Oman-Yemen	2013	290 km (planned)
Pakistan-Afghanistan	2007, 2009, and 2011	2,400 km (under construction)
Saudi Arabia-Iraq	2006	965 km
Saudi Arabia-Yemen	2003 and 2013	1,800 km
Slovakia-Hungary	2015	unknown (under construction)
South Africa-Mozambique	2013	150-km (proposed)
Spain (Ceuta)-Morocco	2005 and 2009 (rebuilt with significant extensions)	8 km
Spain (Melilla)-Morocco	2005 (rebuilt)	11 km
Thailand-Malaysia	2001 (with significant extensions in 2007 and 2013)	156 km
Tunisia-Libya	2015	168 km (under construction)
Turkmenistan-Uzbekistan	2001	1,700 km
Turkey-Syria	2013 and 2015	900 km
United Arab Emirates-Oman	2002	450 km
United Arab Emirates-Saudi Arabia	2005	unknown portion of 457 km border
United States-Mexico	2006	1,100 km
Ukraine-Russia	2014	2,000 km (under construction)
Uzbekistan-Afghanistan	2001	209 km
Uzbekistan-Kyrgyzstan	2009	unknown

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