

# Spaces of Exception and Refusal? The Borderzone of Mexico/US

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The Post-Cold War epoch concluded with the events of the 11<sup>th</sup> September 2001, ushering in the 'War on Terror' (Ackleson, 2005; Bigo, 2006; Olmedo & Soden, 2005; Salter, 2008). This tension, inherent in the modern borderzone between the United States and Mexico, is embedded in a history far beyond 9/11 (Doty, 2011). It is at the border that nations dictate and determine power: local/foreign, here/there, us/them (Jones, 2012). Discourse surrounding this borderzone defines the boundary of the 'sanctity of territory' and the legitimisation of exceptional actions to combat fears of terrorism (Coleman, 2005, 2007; Purcell & Nevins, 2005). The borderzone is defined here as the "zonal space that encompasses the limits and junctions of various political, social, and cultural communities" (Ackleson, 2005: 166). This essay will discuss the history of the Mexico/US border before developing ideas of sovereignty, biopolitics and the state of exception, drawing heavily on the seminal thoughts of Agamben and Foucault. Following this, the Ban-opticon, bare-life and petty sovereigns will be addressed in relation to the 'Prevention through Deterrence' policy of the US. The borderzone will then be examined concerning Smart Borders, humanitarianism and the ensuing resistance. Throughout the essay, Colás and Pozo's (2011) observations pertaining to Marxist Geopolitics will serve as the lens of discussion and this Security/Economy nexus will be analysed before conclusions are drawn.

### Mexico/US Borderzone

The US and Mexico's migration throughout the borderzone is the most substantial migratory flow in the world (Massey *et al.*, 2015). The US discourse regarding inward-migration is rooted in a history of racialization dating back to 1882 with the temporary prevention of citizenship for Chinese migrants (Coleman, 2012). Concerning Mexico today, the unprecedentedly high levels of securitisation stem from 1970 with the conception of border security (Ackleson, 2005; Purcell & Nevins, 2005). With constant increases, this securitisation reached a climax (albeit a relative one) during the 1990s with an increased discourse attune to "out of control" undocumented migration from Mexico (Ackleson, 2005; Coleman, 2007; Purcell & Nevins, 2005).

Concurrent with this, illegal migrants from China were brought into the media spotlight in 1993 (Purcell & Nevins, 2005). The formation of border security programmes, notably Operation Hold-the-Line (also beginning in 1993) and Operation Gatekeeper during the same decade defined the 'threat' of migration in relation to the US economy, ethnicity and wellbeing (Ackleson, 1999, 2005; Andreas, 1996; Coleman, 2007). These post-Cold War security operations (re)defined the Mexico/US borderzone and undocumented migrant numbers depleted substantially (Ackleson, 2005). Despite reasons for legitimisation including US jobs, fears of narcotics and social uncertainty, terrorism as a discourse was utilised, but remained premature (Ackleson, 2005; Coleman, 2005; Olmedo & Soden, 2005).

Though not one of those responsible for 9/11 entered the United States via Mexico, this borderzone was shut-down and sealed in the aftermath (Doty, 2007; Olmedo & Soden, 2005). From 2001 onwards, the newly powerful threat of terrorism as a discourse legitimised securitisation with unrivalled expansion (Coleman, 2007; Olmedo & Soden, 2005). Coleman (2005) observed this change as the transformation from the geoeconomic to the new geopolitical borderzone, with progress from the North American Free Trade Agreement (NAFTA) being put on hold (Olmedo &

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Soden, 2005).

Non-state actors have played an important role, enticing Purcell and Nevins to vividly describe such players as “the tail that wagged the dog” (2005: 221). These border vigilantes assembled numerous anti-immigration associations including the Minutemen Project, American Border Patrol and Ranch Rescue (Doty, 2007). These local actions bore (and still bear) great significance with international implications (Doty, 2007). Combinations of non-state and state collaboration (including the use of Smart Borders and high-tech security which will be discussed) have resulted in huge increases in migrant deaths (Nevins, 2007). Terrorism has been used to legitimise these extreme measures, and a nation as embedded in capitalism as the US will carry substantial neoliberal implications to the everyday Mexico/US borderzone.

## Marxist Geopolitics

Capitalism is embedded within contradiction and crisis according to Marx (Purcell & Nevins, 2005). Colás and Pozo (2011) posit three key assumptions concerning Marxist Geopolitics. Firstly, capitalism, though seemingly untameable at times, is mediated by the state through Harvey’s ‘social infrastructure’, the state’s engagement in the medium for capitalism to prevail (in Colás & Pozo, 2011). Secondly, the authors assert the division of classes, with elites manipulating borders for personal or financial gain, exemplified through the example of border patrol guards and Smart Borders. Finally, there is the commodification of territories and the ‘currency of power’ borderzones possess and protect at all costs including the profits and business of securitisation (Colás & Pozo, 2011). These three components of Marxist Geopolitics will be discussed and related to the Mexico/US borderzone.

## Spaces of Exception

### *Submission and Sovereignty*

According to Schmittian theory, sovereignty is nullified in the absence of an enemy (Doty, 2007). When an enemy is discerned, states can legitimise their behaviour through the contradictions between us/them creating fusion, yet also fissures, within and between states. Against much public and political opinion, Doty (2007) provocatively claims the undocumented migrant as the enemy as opposed to a fear of terror. Sovereigns desire and dictate normality beginning with the border in the aim to ensure political stability (Doty, 2007; Purcell & Nevins, 2005). Despite this, migrants break this “continuity between man and citizen, *nativity* and *nationality*, they put the originary fiction of modern sovereignty in crisis” (Agamben, 1998: 131, emphasis in original). The very borders these migrants transgress are the source of constructed identities for the citizen and the state (Salter, 2008). Within these borderzones, sovereigns may employ extremities to ensure their dominance and the respective submission of the migrant (Jones, 2012). Sovereign is the one who defines those who are worthy contra to those deemed inadequate (Doty, 2011).

Sovereignty (re)produces itself spatially, serving as a dynamic and ruthless process of power. Jones (2012) highlights how the sovereignty of many nations is intimately linked to the history of the people living in certain lands. If this assertion holds, the US sovereignty is dubious at best. Nevertheless, the US sovereignty commands and controls as required, holding fast the ability to disband rights, citizens and belongings for the greater good of the state. Regarding this realpolitik framework from Rochau, states strive and lust for power and treasure the state’s health above all else.

To Schmitt and Agamben, this legitimisation discourse is powerful, as states define exceptional activities as reasonable and necessary, proceeding to enforce dominance through violence and control (Doty, 2007; Jones, 2012). One such example is the passport (Salter, 2008). Allocated to those counted as worthy by the sovereign, the medium of the passport serves to symbolise the relationship *between* states. The individual is reduced to bare life as will be discussed later, with physical and emotional probing deemed appropriate as the citizen is assumed a role stripped of rights and dignity with the sovereign raised further still. Inextricable to these practices is the notion of biopower and biopolitics which will now be discussed.

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## *Biopolitics and Biopower*

Michel Foucault's seminal observations regarding biopolitics concerned the discourse surrounding the individual regulating their behaviour, but also the development of self-governing life (Sparke, 2006). Foucault observed how since the 17<sup>th</sup> Century, biopower has prevailed reducing individuals to bare life, stripping humanity down to the species-level. This process became biopolitics. Agamben pensively asserts how in "modern biopolitics, sovereign is he who decides on the value or nonvalue of life" (Agamben, 1998: 142). Biopolitics dictates life, defines it in relation to those *within* and *beyond* the border, it is non-uniform in its impositions (Agamben, 1998; Doty, 2011). To Doty (2011), biopolitics is seen explicitly in relation to the 'Prevention through Deterrence' policy which will be returned to. Undocumented migrants are the subjects to Foucault's biopower, with killing being much more than murder, including leading others to death, political expulsion or deportation (Doty, 2011). With this insight, the sovereign utilising biopolitics is now addressed.

## *The Exception or the Rule?*

Agamben argues how the state of exception is "the ability to decide if the law applies to a situation or if the law is held in abeyance due to an emergency or crisis" (Salter, 2008: 366). However, this 'exception' in recent times has been prolonged indefinitely. To Salter (2008), at the border, we discover a perennial state of exception. Acts of exception feed off of crises, therefore the borderzone with its exchange of goods and persons, provide for a crisis to legitimise actions and extreme measures (Salter, 2008). In the modern borderzone, the amalgamation of biopower and a state of exception enforces sovereignty, discerning which lives are adjudicated as valuable (Doty, 2011).

The Mexico/US borderzone therefore becomes Agamben's Camp (Salter, 2008). Agamben (1998) defines the Camp as the space in which the exception becomes the rule, where extreme practices are defined as normality. This abstract notion is deeply rooted in reality, with lives being taken (be it directly or through Foucault's indirect killing) whilst laws concerning these actions exist but are circumvented by newer, more dominant ones (Bigo, 2006; Jones, 2012). This authority of the elite is engrained within capitalism, with power and authority stemming from capital accumulation. Through the state of exception, not only is the authority of the sovereign expounded to society at large, but the policies of the US regarding Mexico's migration are legitimised and its actions unquestioned by the many (Jones, 2012). Furthermore, the space of exception at the borderzone is shared by a force which strengthens and stipulates the sovereign: the space of refusal.

## **Spaces of Refusal**

### *The Ban-opticon*

As discussed, sovereigns can determine which lives are worthy and which ones are declared bare life. Sovereignty is also rooted in the development of the Ban-opticon, the 'insignia' of their authority (Bigo, 2006). The crux of migration develops out of the Ban, what Didier Bigo (2006) relates to as the exclusion of the individual in relation to the community, that which Agamben would refer to as being taken outside of the ramifications and safety of the law into the abandoned and destitute life (Salter, 2008). This Ban-opticon is enforced in the daily practices of the US border patrol, with constant decisions pertaining to the inclusion or exclusion of those attempting to cross the border (Salter, 2008). It is here that the undocumented migrant is found not only as the public enemy to the state, but also to the individuals who are coerced through powerful discourses[1] to fear their arrival into their 'territorial sanctity' (Bigo, 2002; Purcell & Nevins, 2005). Undocumented migration is seen to mock the sovereignty of the US, therefore in retaliation the US will operate a state of emergency, unleashing actions of exceptional measures to cull this siege to power (Bigo, 2002). A common medium is to desecrate the sacredness of life through the enforcement and ensuing dispossession of dignity.

### *Bare Life*

To be deemed as bare life, or *homo sacer*, is to be the leper in archaic times; it is to be constrained by the law but never sheltered by it (Shewly, 2013). Doty asserts how through the varying states of exception, at its heart is the

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decimation of the citizen adjudicated to be illicit or illegible, with states declaring subversively that these bare lives “can be taken without apology, classified as neither homicide or sacrifice” (Doty, 2011: 601). The value of a migrant is seen only in relation to human capital, where the realpolitik of the US economy is decreed above humanity, and as will be discussed, capitalism can turn the process of creating bare life into financial gains. Bare lives can be taken without further questions being asked through the public shattering of sanctity, with rights abolished and submission acquiesced (Agamben, 1998; Doty, 2011; Jones, 2012). This can be exemplified perhaps no clearer than through the ‘Prevention through Deterrence’ policy in relation to the Mexico/US borderland (Doty, 2011).

## *Prevention through Deterrence*

Since the 1990s, the borderzone has become a space of exception through the enforcement of the US strategy of ‘Prevention through Deterrence’ (Coleman, 2007; Doty, 2007). Through deterrence, this policy seeks to quell the number of migrants attempting to cross the border, directing migratory paths through deserts and allowing ‘nature [to] take its course’ (Doty, 2011). Powerful discourse pertaining to securitisation legitimises these extremities and (re)writes the modern Mexico/US borderzone (Ackleson, 2005; Nevins, 2007). The scripts utilised in the branding of such migrants has evolved from a threat to local jobs to the breach of national security (Ackleson, 2005; Purcell & Nevins, 2005). To enforce their sovereignty, the US could not afford to be inattentive to the unparalleled level of migration, therefore action was deemed necessary (Andreas, 1996). This policy to defend the Homeland Security renders migrants as bare life, with states wielding their weapons of sovereignty and biopower (Doty, 2011; Sparke, 2006).

Though not absolutely sealed, this borderzone serves as a ‘moral alibi’, determining nature to blame for deaths (Doty, 2011). These areas develop into ‘killing fields’, with the state of exception becoming the *rule*, the material realisation of Agamben’s Camp (Doty, 2011). Coleman (2007) contests that the spatiality regarding this Camp is not limited to the borderzone, but that it is relocating into America’s interior. Thus Coleman takes a nuanced reflection asserting that border enforcement therefore becomes increasingly *everywhere* (Coleman, 2007).

Building on Coleman’s observations, two further reflections can be drawn. Firstly, the nature of ‘Prevention through Deterrence’ is applicable to US immigration policy *beyond* the Mexico/US borderzone. Deterrence is present in the media, witnessed in the scripts of politicians and citizens across the nation. Racial discourse deters those who do not represent the traditional American. Secondly, the prevention can be seen to *increase* this occurrence. Undocumented migrants from Mexico (and elsewhere) desire for greater standards of living which the US is perceived to possess. The bare life of the economically inactive are rejected, with the elite of society only welcoming in Foucault’s *homo economicus* (Sparke, 2006). This very act of prevention to the economically less able *re-enforces* the dominance of the US economy.

Utilising spatial and temporal scales, we can thereby trace prevention through deterrence not only across the borderzone, but throughout the United States. Considering temporal scales allows one to see the complexity to which US policy is deeply seated. In short, prevention through deterrence assumes the emphasis on drastically decreasing the factors which previously encouraged migration. In reality, such actions serve to re-instate the northward magnet of migration due to unparalleled economic disparities which are only going to grow (Ackleson, 1999; Andreas, 1996). This topic will be returned to in relation to the role resistance plays to such enforcement.

## *Petty Sovereigns, Puppet Sovereigns*

With a borderzone that covers 26 million square feet, how is this securitisation practiced in reality (CBP, 2015)? Beyond the actions of the state, responsibility for the ‘safety’ of the border is delegated to individual non-federal officials and immigration agents (Coleman, 2007; Sparke, 2006). Though not the sovereign, these ‘petty sovereigns’ (to use Butler’s terminology) are “delegated the authority to make the decision on the exception *for the sovereign*” (Jones, 2012: 687, emphasis added). Therefore, the assertion proposed here is beyond simply referring to these agents as *petty* sovereigns, but rather as *puppet* sovereigns, succumbing to the will of the official sovereign. Border agents become powerful to their particular realm. This power is not original or versatile, rather embedded in the confines of the master puppeteer or sovereign. Immigration officials are vested the power to judge the validity of the

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migrant, that is the identity performed during this moment of crisis at the border (Salter, 2008; Sparke, 2006). The breath of the immigration officer dictates the political life or death of every individual in the borderzone. To aid in the state's endeavours, further help is required in the form of technology which will now be discussed.

## *Smart Borders and Tall Orders*

In order to effectively discuss the utilisation of borders within the Mexico/US context, a securitisation framework is required (Ackleson, 2005). After 9/11, the Bush administration was swift to look to technology to aid in the War on Terror with the introduction of Smart Borders (Coleman, 2005). With the terrorist attacks of 2001 seen by some as an avoidable event if technology was more prevalently used, this discourse resulted in the significant funding of \$10 billion in the (further) securitisation of US borders (Amoore, 2006). With every increase in expenditure, the Mexico/US border observed decreased attempted crossings and the empowering of the barricade to migration (Massey *et al.*, 2015).

Used both north and south of the border, high-tech surveillance was brought to the forefront of US immigration policies (Andreas, 1996; Coleman, 2005; Sparke, 2006). Technology's role implemented a 'virtual border' with the use of x-rays, fingerprints and retina scans to speed the process of immigration and cargo checks which had previously brought cities to gridlock following 9/11 (Ackleson, 2003, 2005; Coleman, 2005). Amoore (2006) discusses the curious implications of the United States Visitor and Immigrant Status Indicator Technology (US VISIT). The VISIT system applies risks to varying occupations, ethnicities, genders and religions. From this, systems would score certain members of society as 'higher risks' to national security than others. This is a racial discourse of discrimination, as individuals are seen no longer as persons but as numbers, reduced to a statistic of a population, foreseen by Foucault through biopower. To combat this discrimination, humanitarianism bears a strong discourse to which we now turn.

## *Humanitarianism and Resistance – Polarities and Peculiarities*

Through the lens of humanitarianism in the Mexico/US borderland, the best and worst of society are at play in a clash of titans. Despite migration being perceived as a threat to the US Homeland Security, it is rather the migrants themselves who are likely in danger fleeing from conflict or poverty (Ibrahim, 2005). The US discourse towards migrants has evolved from simply determining who may be crossing the border illegally, to now creating a culture of suspicion with every undocumented migrant being perceived as a terrorist threat (Williams, 2015). The migrant therefore becomes guilty until proven otherwise.

Non-governmental organisations (NGOs) including Tucson Samaritans and No More Deaths (NMD) were established in the 2002 and 2004 respectively to identify migration paths and aid in the provision of food, drink, blankets and healthcare (Johnson, 2015; Williams, 2015). These NGOs have come under scrutiny and even arrest as volunteers rushed three migrants to the hospital to receive medical attention (Williams, 2015). This occurrence was concomitant with the rise in the US Border Patrol assuming the role of humanitarianism, taking the responsibility onto themselves with NGOs becoming "criminalized and regulated to a greater and greater degree" (Williams, 2015: 11). This seemingly Janus-faced allure of US border patrol serves only to further enforce territorial sovereignty (Williams, 2015). Since then, those in need of medical help are taken to hospital by these petty sovereigns, only to be handcuffed as they receive treatment before being deported (Williams, 2015).

Where there are spaces of exception, resistance always follows (Doty, 2011). Foucault's analysis of power was rooted in the notion of where power prevails, resistance ensues (Doty, 2011). The 'Prevention through Deterrence' policy, a state of perennial exception as the Camp, offers the opportunity for resistance (Doty, 2011). Those the state deems to be bare life contain the power to resist authority and oppression; though infrequent, Doty explains how each survivor performs resistance against the US state. Doty continues in regards to 'intrinsic resistance', how biopower is enacted through the Border Patrol's Search and Rescue division which rescues undocumented migrants from a death which they have led them to. In many respects, the US state controls the individuals in their lives *and* deaths, resonating with Foucault's 'to make live and let die'.

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The 'Land of the Free' ergo becomes the antithesis to freedom, creating in the borderzone the nullification of rights for undocumented migrants (Johnson, 2015; Sparke, 2006). With such humanitarianism being averted by the political eye, Agamben attests to the division of the rights of the man/woman from those of a citizen (Agamben, 1998). The very persecution many migrants flee becomes a sobering reality within the Mexico/US borderzone (Sparke, 2006). State actions serve as 'minimalist biopolitics' in conserving life, rather *preventing death*, only to more efficiently remove the individual (Williams, 2015). Furthermore, the NGOs that remain are not only less empowered, but increasingly under the influence of neoliberalism, becoming "like full-blooded capitalists" (Dolhinow, 2005: 574). With the inextricable link between humanitarianism and capitalism, NGOs can never be seen as apolitical (though this is contested), with each carrying a politics and polity they serve (Dolhinow, 2005). This relation to capitalism will now be expounded upon.

## *Security/Economy Nexus*

To Western societies, life is valued in economic terms, with capitalist individuals being deemed the blueprint that all should aspire to (Ullman, 2015). The migration within the borderzone is intimately tied to capital, with Massey et al. (2015) highlighting how the financial crisis in 2008-2009 resulted in one million fewer undocumented migrants attempting to cross the border. This finding confirms the work of Nevins (2007) who discovered the inextricable link between the Central American coffee trade and the actions of the US economy. Capitalism can be seen to underpin and drive this cross-border migration.

Naomi Klein provides a further darkening assertion, maintaining that the technologies realised in the borderzone of Mexico/US are the direct consequence and action of Israel's resonant security industry fuelled by its conflict with Palestine (Klein, 2007). The Israeli firm Elbit, responsible in part for the Israel/Palestine border, has been contracted alongside Boeing to complete the 'virtual border' along Mexico/US border (Klein, 2007). Hence capitalism has implications not only within the borderzone of Mexico/US, but also with repercussions across the globe.

Colás and Pozo (2011) would highlight here the commodification of territory, where the borderzone (both the Mexico/US border and Israel/Palestine border) serve as grounds for capital accumulation and expansion. The social infrastructure of Smart Borders permits the flow of goods to keep capitalism's ruthless heart beating, with a borderzone open to capital and closed to persons. It is here that Coleman's (2005) Security/Economy nexus collides, with the social elite utilising the borderzone not only to protect the economy *within*, but further still, they even use the borderzone as a ground for valorisation, turning the USA's perceived threat of terrorism into financial gain.

## **Conclusions**

The Mexico/US borderzone is both a space of exception and refusal, rooted in a history of racial discourse and capitalist supremacy. Securitisation began in the 1970s, culminating with the nigh-impenetrable combination of Smart Borders and 'Prevention through Deterrence' in the modern-day. Illustrative of sovereignty and biopolitics, this space of exception has been legitimised through the powerful discourse of the War on Terror. Sovereignty is asserted *onto* the populations, and the exception becomes the rule within the borderzone, thereby becoming Agamben's Camp. The Ban-opticon and its propinquity with bare life are witnessed in the 'Prevention through Deterrence' policy exercised across the space of refusal within the borderzone. A perennial emergency perceived in the borderzone demands the support of petty sovereigns and smart borders to enable securitisation to perform.

Power breeds resistance and this is evident in the survivors of those crossing the militarised borderzone, but is also apparent with the role of NGOs in humanitarianism. NGOs become inseparable from the neoliberal politics they are rooted in, and capitalism seeps into the everyday practices at the border. A Marxist Geopolitics and its analysis pertaining to social infrastructure, the rule of elite classes and the valorisation of territory provides an ample lens through which to discern a complex borderzone. Nevertheless, the materiality of the borderzone and its realisation in infrastructure and policy matters less than perhaps the geographical imagination the everyday migrant shares when such thoughts are conceived (Purcell & Nevins, 2005). It is here in the mind that the seed of fear takes root, and "fear is the ultimate renewable resource" just waiting to be capitalised upon further (Klein, 2007: 9).

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### Notes

[1] For example, billboards in Arizona reading: "Terrorists love open borders", (Doty, 2007).