Border As Crisis: Sovereignty And Boundary-Making Practices In The American Immigration Crisis Of 2014

Ana Montgomery and Sam Law

Abstract: To speak of crisis is to demand a response. Both those who support further border militarization and those who support migrants' freedom of movement, deploy the rhetoric of "border crisis" in hopes of precipitating state action. Such was the case in what has come to be known as the "American Immigration Crisis of 2014," the "surge" in the number of unaccompanied minors crossing the U.S.-Mexico border without authorization. What was so remarkable about this invocation of crisis was its mobility across a polarized political landscape: whether one faulted an inadequate immigration system (unable to accommodate asylum-seekers) or a porous border (failing to hold back the flood of those who did not belong), the nation was in crisis and called to action. Here, the language of crisis reveals itself to be a technique of bordering, an affirmation of an always-aspirational sovereignty. In other words, when crisis is invoked, sovereignty itself is performatively called into being and along with it, the nation's territorial scope and boundaries. At the same time, the exceptional aspect of the concept of crisis naturalizes the structure of a territorial border, masking its contingent, historically-rooted emergence. Therefore, while the bordering practice of "crisis" figures the border as an imperiled yet concrete and pre-existing boundary, in actuality the coherence of the border as such cannot be understood without this element of peril. There is no border crisis; the border is crisis.

In July 2014, the American public was presented with two dramatically different frameworks to understand the current state of dysfunction along the U.S.-Mexico Border. The first, the humanitarian frame, showed images of hundreds of unaccompanied migrant children covered by thin blankets sleeping on cold cement floors inside warehouses that had hastily been converted into detention facilities. Here, the border was an administrative and legal apparatus whose processing capacity had been overwhelmed by the sheer volume of unaccompanied child migrants leading to inhumane conditions, the denial of due process and the right to an asylum hearing. The second frame, the securitarian frame, was exemplified by Governor Rick Perry in bulletproof vest standing alert next to a high-caliber mounted machine gun as he made his way down the Rio Grande on a boat filled with men

in military camo attentively scanning the shores. Here, this hyperbolic spectacle of border enforcement presented the border as a porous and leaky entity through which dangerous elements might slip. In other words, a dire threat to national security requiring a militarized response.

Yet, these two divergent realities were bound together by a singular phrase which was plastered across newspaper headlines and peppered the speeches of politicians: "the border crisis." It was precisely the prevalence and mobility of this phrase across a polarized political terrain, the ease with which it rolled off the tongue of the most committed migrant justice activist and right wing militia member alike that first aroused our suspicions. In this paper, we argue that the language of "crisis," rather than describing a temporary state of dysfunction on the border, actually, in necessitating a certain type of sovereign intervention, is a technique of bordering itself.

The real shifts in migration patterns started in 2011 when the number of border patrol apprehensions of unaccompanied child migrants from Central America began to rise exponentially. While the US public remained largely oblivious to this situation, the US government was most certainly not, with governmental reports and border patrol agents referring to it as "the surge".

In late 2013, the US government predicted that the number of migrant children would rise to 60,000 in the following year, 15 times the number of migrant children apprehended in 2011. By spring of 2014, these children overwhelmed the processing capacity of the United State's detention and deportation apparatus: Border Patrol facilities were crowded and Immigration and Customs Enforcement was no longer capable of hearing

the sheer number of deportation and asylum cases required to move these children out of administrative detention. On May 12th, Homeland Security Secretary Jeh Johnson declared "a level-four condition of readiness" and issued a command which transformed the Lackland Air Force Base into a temporary detention facility to relieve overcrowding at border patrol facilities.

Despite this emergency measure, national media continued to ignore the increasing number of child migrants. It wasn't until June 20th, when Vice President Joe Biden declared the situation to be a crisis, that the polarized national debate and media firestorm erupted.

Immediately, reporters rushed to cover the "border crisis" and politicians and pundits began to proffer "solutions." Ten days later, on June 30th, President Barack Obama gave a speech that invoked the crisis, affirming "[w]e now have an actual humanitarian crisis on the border that only underscores the need to drop the politics and fix our immigration system once and for all."

Here, even as the original declaration of crisis moved the situation from an administrative problem to a polarized political debate, Obama insists that the crisis is a situation which necessitates a response that transcends politics. Rather than discounting this move as a rhetorical flourish, we argue that it highlights the manner in which a certain type of intervention–purportedly outside of politics–is hardwired into the concept crisis itself.

In his intellectual history of crisis, Reinhart Koselleck observes that, with the adoption into Latin from the Greek, the concept of crisis underwent "a metaphorical expansion into social and political language." In doing so, crisis assumed a twofold meaning

that reflects the medical usage of the Hippocratic School–a twofold meaning it retains to this day.

First, Koselleck writes, crisis refers to an objective condition that is determined through a set of diagnostic techniques. This diagnosed condition is an illness wherein the body in question is precariously positioned between life and death. While this condition often serves as the vehicle for a metaphor whose tenor is a general state of dysfunction, the element of diagnosis is important insofar as it foregrounds a concern with imperiled life.

Second, crisis refers to a decisive point in the progression of this state of dysfunction, a point in which "a decision is due yet has not been rendered" (Koselleck 361). Specifically, the overdue decision is the one that will mobilize a set of technologies that, in managing the crisis, will restore the object or body to health, to its proper function. To speak of crisis is thus not only to describe a state of dysfunction, but also to demand an intervention aimed at restoring proper health or function.

This twofold meaning of crisis establishes crisis as a biopolitical concept. By this we mean that crisis marks out "zone of indistinction," or point of intersection, between diagnosis and decision, between observation and intervention, between the techniques that identify incoherence and dysfunction and the technologies which seek to care for and restore the coherance and function of that object.

The biopolitical import of crisis underscores the manner in which those who inhabit the scene of crisis are rendered mute. The intervention is framed in purely technical terms and administered by experts who aim to restore proper health or function. The depoliticizing effect is clear: the scene of crisis is no longer a space of action or speech. Politics itself

becomes figured as a threat to the restoration of a certain order. Here, we see that the paradox latent within Obama's call to "drop the politics and fix our immigration system once and for all" is in fact emblematic of the larger logics at play. By positioning a deeply political response as a technical fix, Obama effectively removes politics from the zone of crisis.

But to whom is Obama speaking? If to invoke a crisis is to demand a response, then who is being asked to respond? Elsewhere in the speech, the subject of address is made clear: it is "us," the "American people" who came here from around the world in "wave after wave" and, working together, "built" and "defended this country." The nation is the "we" who is implored to "drop the politics" and take decisive action in the face of crisis.

Yet, it is a mistake to assume that the nation exists as a coherent subject of address. Rather, we view the nation as an aspirational project that is only realized fleetingly in material practices and moments of recognition. In other words, the nation as homogenous community ruled over by a sovereign who ensures its orderliness through the maintenance of the rule of law is not transcendent or inevitable. The orderliness, coherence and sovereignty that are treated as a properties of the nation are, in fact, aspirational claims that must constantly realized through quotidian and mundane practices.

Understanding the nation as an aspirational project, the border, and the margins more generally, begin to play a central role. Here, the U.S. Mexico's position is not dependent on its status as the territorial boundary of the nation. Rather, the borderlands are marginal because they are a space, to quote anthropologists Veena Das and Deborah Poole, "where nature can be imagined as wild and uncontrolled and where the state is

constantly refounding its modes of order and lawmaking…[it is] colonized by other forms of regulation that emanate from the pressing needs of populations to secure political and economic survival" (Das and Poole 2004:8). The border is thus figured as a space that necessitates constant intervention to ensure its orderliness and stability, a site where the nation's aspirational coherence and claims to sovereignty are performatively called into being.

In this frame, the deployment of border crisis is part and parcel of the contingent process of making unassailable the territorial sovereignty of the U.S.-nation. Crisis is not a breach in sovereign order; rather this order emerges through the biopolitical intervention necessitated by crisis. The nation is not the referent of a territorial mapping, it is an always aspirational orderliness–made intelligible through the production of counterposing incoherences, such as crisis. It is a precarious nation, although its internal logic speaks otherwise. Therefore, while the bordering practice of "crisis" figures the border as an imperiled yet concrete and pre-existing boundary, in actuality the coherence of the border as such cannot be understood without this element of peril. In other words: crisis comes first.

As we mentioned at the beginning of our paper, what first drew us to this investigation was the mobility of the rhetoric of the "border crisis" across a polarized political landscape. Voiced in both humanitarian and securitarian registers, the "border crisis" was a common refrain which bridged otherwise incommensurable and mutually unintelligible ways of understanding the situation on the U.S.-Mexico border. Yet, as we have investigated, the concept of crisis, far from being a neutral reference to an objective condition, has hardwired into it a call for biopolitical management of this pathology. As such, the common usage of the rhetoric of "border crisis" suggests "a secret solidarity" between the two frames (Agamben

133, Agier 30). Here, we turn to both the humanitarian and securitarian deployment of the border crisis and examine how they each serve to strengthen the US border apparatus.

Anthropologist Michel Agier identifies humanitarianism as form of governance. Rather than placing this governance in the exclusive domain of non-governmental organizations, he describes it as exercised by diffuse and globe-straddling network made up of "all the different actors --public and private, governmental, intergovernmental, non governmental or affiliated with the UN--" that seek to care for victims, who, in their vulnerable silence, embody a universal vision of humanity. Through this diffuse and global network, specific forms of expertise, both knowledge and practices of care, circulate. These forms of expertise are then utilized in specific contexts by actors "who use the label of 'humanitarianism' in order to secure recognition, distinction or legitimation for their actions."

The humanitarian framing of the "border crisis" provides an excellent case example of how techniques of humanitarian governance circulate through a diffuse global network and then are mobilized in specific contexts in order to legitimate action. Humanitarian expertise was first utilized to understand the increasing number of migrant children on the US/Mexico border not by the Obama administration but by the MacArthur Foundation which funded the publication of two different reports on the situation. The first report, entitled The Treacherous Journey, was authored by academics at UC Hastings and the non-profit organization Kids in Need of Defense which has as its mission increasing the access to "quality and compassionate legal care for unaccompanied immigrant and migrant children".

The United Nations High Commission on Refugees authored the second, entitled "Children on the Run".

At the center of both reports was the figure of the "unaccompanied child", a victim for whom the United States should care for and protect. However, the term "unaccompanied child" is not merely a descriptive label but one of fifteen categories of vulnerable groups identified by the UNHCR (Agier 39). Indeed, as the United Nations High Commissioner on Refugees stated during the release of the Children on the Run report: "The protection of children is a core priority for UNHCR globally, as they are the most vulnerable of the vulnerable--especially those who are unaccompanied." This concern and care for the "unaccompanied child" is later adopted by the Obama Administration. In his June 20th speech, for example, Vice President Joe Biden states that the "unaccompanied minors" are "some of the most vulnerable migrants that ever attempt to come to the United States."

The obligation to care for the unaccompanied child minor is two-fold: First, the U.S. should provide humane conditions for them while they are in detention. Second, the children should be provided with, in the words of the Kids in Need of Defense report, "legal care" in which due process is respected and they are given adequate legal counsel for their asylum hearing.

Yet, as the number of child migrants overwhelmed the processing capacity of the U.S. detention and deportation apparatus, the US ceased to be able to provide the care that these vulnerable children required. Here, as the earlier quote from Obama indicates, the border becomes figured as a space of humanitarian crisis. Images of the children sleeping

with thin blankets on cold floors, reports of abuse at the hands of border patrol and stories of long delays before asylum hearing or inadequate legal representation were ubiquitous in the media in July only serving to further bolster claims of a humanitarian crisis along the border.

As the concept of crisis entailed, this diagnosis of dysfunction necessitated a certain type of biopolitical intervention. Emphasizing the linkage between control and care, the US Border apparatus expanded its capacity to detain children in a caring manner. Here, the government not only retrofitted existing facilities but also enlisted the help of non-profit shelters, sending them child migrants who were awaiting their immigration hearings and dictating strict rules limiting these childrens mobility. Also enlisted was the private prison corporation Corrections Corporation of America who set to work in September 2014 building a 2,400 bed "family" detention center in Dilley, Texas that was replete not just with playgrounds for the children but video-conferencing facilities to further expedite deportation hearings by allowing judges to hear cases remotely. Thus, the concern and care for the vulnerable body of the unaccompanied child foregrounded by the humanitarian crisis was mobilized by the U.S Border apparatus to expand its capacity to detain migrants and streamline their deportation.

Within the securitarian frame, the spectacle of border enforcement positioned the border as a broken line, vulnerable to a criminal outside. Here, the border crisis was a threat to national security and required a military response. The securitarian element of crisis emerged in full as Rick Perry called for 1,000 National Guard troops to the southern border. In this call, he transitioned seamlessly between securitarian and humanitarian claims for

intervention, threatening that he would "not stand idly by while our citizens are under assault and little children from Central America are detained in squalor."

At the same time, the securitarian frame overtly positions the crisis as one of crime, not flows of child migration. In an interview with Fox News and in defense of Rick Perry's use of the securitarian frame, Lieutenant Governor of Texas Dan Patrick claimed that "the press and the Obama administration try to make this about unaccompanied children, this is not about unaccompanied children [...] children represent 12-20% of the 1,200 illegal aliens that are crossing our border each day [...] and I'm worried about the other 80%." Here, crisis directly denotes a criminal invasion. The child migrant influx, claims Patrick, could easily be solved "this afternoon." In response to the influx of criminal migrants, however, Texas must act now with increased enforcement, increased surveillance (via drones), and increased funding for various policing bodies.

Relatedly, the border crisis was repeatedly tied to the threats of terrorism. In a Fox News article entitled, "Border Crisis Could Provide Cover For Isis, Experts Say" Perry Chiaramonte wrote "the border crisis could be the perfect opportunity for Islamic terrorists looking to sneak sleeper cells into the U.S., say experts." Similarly, in an interview with Fox News, Rick Perry claims that "we have record high numbers of other than Mexicans being apprehended at the border [...] These are people that are coming from states like Syria that have substantial connections back to terrorist regimes and terrorist operations." Here the language of crisis easily bleeds from one security threat to another, all the while bolstering claims for the need for the further militarization of the border.

In this light, the securitarian and humanitarian invocations of the border crisis do not appear incommensurable but instead function together to necessitate interventions which strengthen the border apparatus.

In summary, this paper works to reveal that crisis is a technique of bordering. We suggest that the deployment of "border crisis"–whether in a humanitarian or securitarian register-- is part and parcel of the contingent process of making unassailable the territorial sovereignty of the U.S.-nation. We argue that the language of "crisis," rather than describing a temporary state of dysfunction on the border, actually, in necessitating a certain type of sovereign intervention, is a technique of bordering itself. There is no border crisis; the border is crisis.