

The Political Argument—Never Merely Theater

written by John Washington | August 6, 2024



We publish here an excerpt from John Washington's book, *The Case for Open Borders*, published by Haymarket Books in 2023. *The Case for Open Borders* is beautifully written, with a remarkable combination of a journalist's story-telling talent and a casual erudition, and imbued with a humanistic, internationalist, and democratic politics. He engages with virtually all of the important aspects of the migration and border questions and ends his multifaceted and philosophical book with a list of practical answers to the kinds of questions we in the immigrant rights movement face. John knows these issues well since he is an activist in the movement himself. We hope that our readers will enjoy the book's fifth chapter, "The Political Argument—Never Merely Theater," and then go on to read the whole book and use it as they work for immigration justice.

"An act of hospitality can only be poetic."

Jacques Derrida

The most convincing case—for me—of the urgent need to open borders is that borders kill. Pro-border immigration restrictionists may worry that opening borders—by letting in potential terrorists or allowing unsustainable population growth or unwanted cultural change—will also kill. But excusing current harms (that borders kill) for potential future ones (that opening borders *might* kill, or figuratively kill) is meager justification, especially when there is little to no evidence that strict border controls offer either financial, physical, or national security. But that justification is exactly the basis for militarized border controls. This bizarre logic—guarding the future by killing the present—is neatly captured in the 2019 film *Terminator: Dark Fate*, one of a series of sequels to the 1984 blockbuster, in which a cyborg soldier anti-hero, in order to avoid the future the cyborgs don't want, carries out "orders from a future that never happened." While chronologically erratic, the series twangs on the same logic of potential fear justifying present violence that pro-border advocates wield. (It's also the same speculative policing and stereotyping that's portrayed in another dystopian sci-fi film, *Minority Report*, based on the 1956 novella by Philip K. Dick. Migrants—as in the movie and novella, in which criminals are policed before they commit their crimes—are pre-policed, and even pre-punished, by the logic of closed borders.)

In the latest *Terminator* sequel, the monomaniacally murderous cyborg slips into the body of—unsurprisingly—a U.S. Border Patrol agent, taps into a surveillance system, takes on the eye of a drone, and even authorizes the use of deadly force against border crossers in the hopes of protecting the pan-cyborgian future.

People flock to such movies, which draw in tens of millions of viewers and hundreds of millions of

dollars—boundary contests being an ancient and reliable source of drama. And while territorial incursion today mostly takes the form of people fleeing poverty, climate disaster, or state-backed or state-dismissed violence, the incursion itself is typically portrayed as the act of violence, not the original and actual act of violence that pushed the people to flee in the first place. Borders, in other words, reframe human mobility to signify it as a threat, invoking the need for military-style protectionism and placing the supposed security of the nation over the security of a person.

The implausible and grossly exaggerated nightmare of a cross-border catastrophe translates into hundreds of billions of dollars spent on anti-migrant matériel, including drones, blanket surveillance, and excessively armed guards trained to chase down and sometimes shoot families searching for dignity or safety. (And while drugs are trafficked across borders, most of them are smuggled through ports of entry, and the most effective method to counter drug trafficking is to stem demand, which is not achieved with anti-tank vehicles or moats.)

The Terminator's vision disturbingly echoes the Defense Threat Reduction Agency¹: "Threats against our country are evolving. Global adversaries seek to destroy our nation's security. They do not restrict themselves to borders, boundaries, or conventions," reads one online pamphlet celebrating the agency's importance.

Unsurprisingly, nowhere does the Defense Threat Reduction Agency acknowledge the border-busting of the U.S. military's frequent incursions into dozens of countries where they terrorize, kill, and basically taunt terrorists into being.

Neither terrorism nor fear are stymied by walls, as much as defense contractors and wall builders may want you to believe. The threat of terrorism, however, and its terrifying specter, may very well be increased by wall construction. Not only does the presence of armed border guards and soldiers increase harassment and discrimination against locals; it also provokes the very fear it's meant to quell.

Terrorists, in fact, want walls; they want to see a nation's fear displayed. As terrorism researcher Brian Jenkins has commented, "Terrorists like to see a lot of people watching, not a lot of people dead."

A study from the Cato Institute found that in the forty-plus years between 1975 and 2017, a total of seven people who entered the United States illegally have been convicted of planning terrorist attacks on U.S. soil. Not one of them crossed into the country from Mexico. Not one of their plots were carried through, and not a single person was killed or injured by any of the convicted men. The only known terrorists in the last half century who *did* cross the U.S.-Mexico border—ethnic Albanians from Macedonia—were brought into the country as children in 1984 and were arrested over two decades after their entry for a foiled plot to attack Fort Dix, New Jersey.

The second most convincing case for the need to open borders is that borders are practically untenable. They require not only persistent physical demarcation—border guards, walls, detention centers—but also cultural reification through the politics of fear and othering, as well as nationalist mythmaking and extravagantly violent schemes to draw and defend borders. That is, borders don't last on their own. They need constant coaxing and sacrifice to last. "Walls rarely work," notes border scholar Reece Jones, adding, however, that they are "powerful symbols of action against perceived problems." The unflappable insistence on territorial integrity—a stance taken by nationalists the world over—supposes that the political map is organized as it should be. Historical forces, however, are and always have been mercurial. A constantly quivering, amoebic, picture-in-motion better represents the actual limits and sovereignty of nation states than any static snapshot.

It's easy (and facile) to think of the map as fixed. The way it hangs on the wall, the staid hunks of motionless countries, the simplistic vision of world order represented by squiggled lines and contrasting colors—as if representing divine decree. We recognize and often think of countries by their territorial outlines: the boot of Italy, the logo-map of the United States, the stamp of Australia, and the unmistakable rough blocks of western Europe. But what does the map really capture, and what does it miss?² How closely does territory align with the idea or the actual workings of a nation state? And what about the world's many contested borders, "failed states," or the numerous semi-autonomous regions of the world, such as Somaliland, Iraqi Kurdistan, Zapatista territory in southern Mexico, the territory of Naga people living between India and Myanmar, or the nearly six hundred Indigenous Nations spread throughout territory claimed by the United States? What about the nomadic Romani? Or the stateless people who fall between the cracks of nation states and yet, like the rest of us, live on land purportedly belonging to a recognized nation state?

Besides a few rocky or sandy outposts unclaimed by any country—such as Bir Tawil, a strip of terra nullius crushed between Egypt and Sudan, or Rockall, a molar shaped, guano-covered splat of stone in the North Atlantic—every other spit, prairie, mountain, beach, and forest on the planet is claimed by one country or another. "Every map is a fiction, *a legend*," writes historian and journalist Frances Stonor Saunders. "It is no more the territory than memory is the past."

And while national outlines may seem relatively stable in the twenty-first century, such global cartographical stasis is an anomaly. Elie Kedourie, in his study on nationalism, writes, "What now seems natural was once unfamiliar, needing argument, persuasion, evidences of many kinds." Such argument, persuasion, and evidences take many forms.

The moustaches are important. So are the men's flexibility, their long legs, muscled arms, mean mugs.

The infantrymen stand en garde with peacocked helmets on their heads, puttees over their boots, Mickey Mouse gloves on their hands. At bugle call, they burst out of stillness to swing their arms like berserking clock hands, high-kicking khaki-covered legs above their heads as they jackknife into formation. Then the gates are swung open. The crowd, sometimes thousands large, hails the spectacle at the Attari-Wagah border gate—two parallel gates, one controlled by each side, India and Pakistan—applauding the brief moment of aperture, then the snapping shut of one of the most contentious borders in the world. Two of the soldiers (one from each nation) twist on their heels and goose-step fast-forward toward the other, dime-stopping when they're level and twisting face to face. Then, clasping hands in three quick, big up-and-down pumps of a handshake, they quickly twist and high-kick away from each other, back to their prospective sides. The gates swing swiftly shut.

The Pakistan Rangers and India's Border Security Force have performed the stomping pantomime of aggression and reconciliation every afternoon since 1959. You can marvel at snippets of it on YouTube. After the handshake, separation, and gate-slamming, the infantrymen yell "Huzzah!" and drummers on each side accompany further kicks and heel-slams as two other infantrymen swivel back to the gate, again stomping, kicking, and flaring toward culmination. In near-perfect synchronization, a guard on each side angrily yanks back open the gate. Two other soldiers, chests puffed, feathers trembling—one on each side, each in their respective colors—high-kick into the middle of the road, facing off from about thirty feet away and, in time with a deep tom-tom of the drum, raise their arms, flexing, glaring, practically growling at each other. (It seems laughable, until one recalls that these are two nuclear powers whose shows of force do not always end peacefully.)

Then, with a few more histrionic feather fluffs, the gates are closed, again, the flags are pulled

down, the border is reasserted, and the crowd trickles home.

All borders, the world over, bear or disguise such pageantry: it's what a border is. As much as a capitol, flag, or sash—a parade of synchronized goose-steppers or line of tanks—a border wall, or even a border gate, reveals a nationalist fiction based on a mythically constructed present and an often-apocryphal past more than any geographic, cultural, or political truth. "The state border, although physically at the extremities of the polity," writes geographer Nick Megoran of the Uzbekistan-Kyrgyzstan border, "can be at the heart of nationalist discourse about the meaning of the nation."

In the 1930s, King Carol II of Romania proposed digging a 36-foot-deep moat along Romania's border with Russia. He wanted to fill it with oil and light it on fire to turn the border into a "wall of liquid fire." Over a millennium ago, China began building what would become a 13,000-mile crenellated monster that snaked over mountains and across a huge swath of Asia. The German Democratic Republic, beginning in 1961, erected an Anti-Fascist Protection Rampart and shot anyone who tried to cross it. More recently, Trump wanted a black, hot-to-the-touch, "beautiful wall"—even claiming it would be a gift from those he wanted to keep out. The above-mentioned walls were mostly about containment, about rallying against and even creating a foreign enemy. They all expressed an outward-facing aggression partially disguised as security infrastructure. But that's not how border walls function, or fully function. (George Washington, in calling for a "Chinese wall or a line of troops" to "restrain land jobbers and the incroachment [*sic*] of settlers upon the Indian Territory," understood that a wall served to keep people in, to help achieve governmentality, more than efficiently keeping people out.) As U.S. Border Patrol agents frequently admit, walls obviously slow people down, or redirect them, but they don't stop them. A wall protects the idea of a nation more than the nation itself.

While some walls are indeed more simply about keeping people out, such as the Gaza-Israel barrier, the act of "bordering" is most often a response to indigestion in the belly of the nation. And many borders across the globe have been imposed on nations rather than built by them. Such is the case with the so-called Line of Control between India and Pakistan.

In the summer of 1947, British lawyer Cyril Radcliffe found himself in charge of the fate of a subcontinent. As the freshly appointed head of the Boundary Commission, Radcliffe was tasked with dividing up the British India territories of Bengal and Punjab—and was given just a few weeks to complete the task. So it was that Radcliffe drew the border so theatrically defended and celebrated at Attari-Wagah.

After three and a half centuries of brutal and exploitative control of the region, with the last ninety years as official imperial overlord of the British Raj, the United Kingdom was officially abdicating colonial rule. Deeply in debt from two world wars, and facing pressure from increasingly militant anti-colonial movements, the UK was ceding official control of the crown jewel of the British Empire to its inhabitants. Radcliffe was left a task over which white colonists had been scratching their heads for a century: how to sort out borderlines in territory that was much less tidy jigsaw and more watercolor blur of ethnicities, religions, and community ties.

Despite the jagged and shifting complexity of relations between people and the territory, Radcliffe and his commission contrived to divide the subcontinent solely on the basis of religion: the so-called "Radcliffe line" would separate a Hindu-majority India in the center from Muslim-majority East and West Pakistan on its wings, with a smattering of independent princely states throughout. Neat division not being remotely possible, what resulted was a labyrinthine confusion of over one hundred

enclaves (a portion of East Pakistan entirely inside India), counter-enclaves (an enclave within an enclave), and even one counter-counter-enclave, Dahala Khagrabari, in which a little pocket of India sat in a little pocket of Bangladesh, which sat in a bigger pocket of India entirely surrounded by Bangladesh. (The enclaves were a legacy from Mughal rule, which also imposed its own lacerating lines of control on the land. By 2015, most of the enclaves were abolished.)

The fear and reality of religious violence that immediately followed in the partition's wake displaced over fourteen million people and killed hundreds of thousands—some estimates range as high as two million dead.³ And the decades since witnessed a series of wars between India and Pakistan; a genocide and civil war that created Bangladesh out of what was once East Pakistan; and an ongoing, violent stalemate between the two nuclear powers, India and Pakistan, over the status of Kashmir—a conflict that threatens, every few years, to erupt into cataclysmic nuclear attack and counterattack.

After a few weeks, with his carving done, and with the heat of the subcontinent disagreeing with him, Radcliffe returned to England. As poet W. H. Auden described Radcliffe's time in India:

a bout of dysentery kept him constantly on the trot, But in seven weeks it was done, the
frontiers decided, A continent for better or worse divided.

For the two million people dead, and the stability of the region, it was definitely for worse. Perhaps in a show of his own contrition, Radcliffe refused to be compensated for his work (he had been contracted for five thousand dollars), and he later burned all of his notes, referring to what would become known as the Radcliffe Line as “this bloody line.”

The lines violently drawn would be violently redrawn, again and again, not only by border ceremonies but by deadly border enforcement. Today, the Indian Border Security Force deploys 245,000 agents on the Pakistani and Bangladeshi borders. They have a standing shoot-to-kill order against any people jumping the fence, and in the first decade of the twenty-first century Indian border guards shot to death about a thousand Bangladeshis. One notorious case was of a 15-year-old Bangladeshi girl, who was shot after her dress snagged in the wall's barbed wire. She was left hanging off the wall for hours, as she called for help and slowly bled to death. Just in 2020, Indian border guards killed at least 51 migrants crossing the India-Bangladesh border.⁴

Radcliffe was remarkable for not knowing about the region's history or current reality, not to mention his lack of personal stake in its future. But as an arbiter of international boundaries, he was hardly an anomaly. As a rule to which there are few exceptions, the globe's current borders are the result of imperial horse-trading, wars of expansion and conquest, and ragged lines drawn clumsily through integrated communities. Whether carved up by colonialist patricians trying to cram notions into nation states, or the outcome of aggressive land-grabbing and score-settling, our current system of borders does not take into account local histories, realities, or the needs or will of the people that they divide.

It is in Kashmir where the Radcliffe line stops. The British left that disputed territory for India and Pakistan to resolve on their own, and they immediately went to war over it. Though the conflict was never completely settled, the sides came to a cease-fire and established the still hotly contested Line of Control, which is the current de facto border cleaving the region into two, though it is yet to be a legally recognized international border.

If you take the Radcliffe Line and the Line of Control together, the effective border between India and Pakistan is eighteen hundred miles in length, about the length of the U.S.-Mexico border. It is, as writer and activist Suchitra Vijayan writes in *Midnight's Borders*, “one of the most complex, violent, and dangerous boundaries in the world.” The length of it is illuminated by 150,000

floodlights, whose shine can be seen from space, and much of it is mined and heavily fortified. India has imposed severe restrictions on the area—in both of the contested and heavily militarized states of Kashmir and Jammu—including a years-long curfew and information blockade that began in 2019: blocking landlines, cell phone signals, and the internet. The Indian government clamped down on the region at the same time that they revoked the “special status” agreement, basically wresting more control from the states. The move effectively made India a settler-colonial power in Kashmir, Vijayan explains, as Kashmiris remain subject to detention, torture, execution, and disappearance in a disturbing cycle of violence. In this way, India justifies, both implicitly and explicitly, much of the repression with the border itself.

The Line of Control embodies what is inherent to all borders: creating “the crisis it’s trying to avoid,” as anthropologist Mohamad Junaid explained to me. When the Line of Control was drawn, “suddenly everything became criminalized, illegal. Movement that had been happening for thousands of years was now illegal.” Even in the last few decades, it was still possible, though difficult or even dangerous, to cross back and forth. Now, it’s all but impossible. People are shot, detained, or disappeared. As long as the Line of Control remains, Junaid reiterated, the border “will remain a powder keg.” There are lots of such kegs along the region’s borders.

On the other side of Pakistan, the Durand Line, drawn in 1893 by Sir Mortimer Durand, marked the divide between British India and the Emirate of Afghanistan, as it was then called, cutting right through Pashtun and Baloch land. Three decades later, the Afghanistan government officially annulled the line, and as recently as 2017, former Afghan president Hamid Karzai reminded Pakistan, via tweet, that “#Afghanistan hasn’t and will not recognize the #Durand line”—though it remains the internationally recognized border. Such militarized borders proliferate: head north past Afghanistan to Uzbekistan, which has planted mines along its border with Tajikistan.

On the other side of Pakistan, too, on its edge with Iran, a wall is being raised. Head further east on the other side of Bangladesh, and you’ll run into another wall as the Bangladeshis seek to keep out the stateless Rohingya people, who have traditionally lived in lands now claimed by Myanmar and suffered genocide in 2017. One of the largest refugee camps in the world, the Kutupalong settlement in the port city of Cox’s Bazar, Bangladesh, is the provisional and precarious home to around seven hundred thousand Rohingya refugees. Its network of camps have seen deadly fires, and, for an extended period in 2021, Bangladesh cut off all internet for the nearly quarter million refugees.

As more borders around the world are raised, hardened, thickened, and sometimes mined, as countries seek to defend their “homeland” from “foreigners,” it’s illuminating to step back and ask a simple question: What is a country?

The colloquial term for a nation state describes an agglomeration of people and government simplified into a few ideas (typically based on self-conceptions of racial or religious community) organized by institutions and laws, and pasted over a territory marked by treaty or wall. “The essence of a nation is that all of its individual members have a great deal in common and also that they have forgotten many things,” wrote Ernest Renan, one of the early scholars of the nation state. “Unity,” he adds—essential for country-building—“is always brutally established.”

France for the French (or so the common understanding goes), China for the Chinese, America for Americans. “The French,” however, are composed of Celtic, Iberian, and Germanic peoples, as well as, more recently, Arab-Berber, Pied-Noir, Basque, and Fulani, among many other so-called races. “The Chinese” are Han, Uighur, Manchu, Hui, Tibetan, Zhuang, among myriad other ethnic groups. And “Americans”—despite melting pot claims and overt efforts to mask over disparities or suppress cultural difference through forced Americanization (whether Henry Ford’s grading of his employees on their levels of embodying American culture or the brutal and coercive Anglicization and

assimilation of Native Americans)—are a wide-ranging, polyglot, poly-religious, polyethnic collage of humanity.

Religion is another commonly cited national glue, but examples of so-called mono-religious nations are examples of nations that in fact ignore—more often, suppress—religious and atheistic minorities. The people of India, despite its modern religious conception and its repressive Hindu nationalist ruling party, are Hindu, Muslim, Sikh, Christian, Buddhist, Jain, and Zoroastrian, among many others. Even Italy and Saudi Arabia are religiously pluralistic, and have, often violently, imposed the facade of religious singularity. As Massimo d’Azeglio, one of the pioneers of Italian unification, put it in 1861, “We have made Italy; now we must make Italians.”

Currently, India—often hailed as the world’s largest democracy, and the country that sends more migrants abroad than any other in the world—is engaging in a frenzy of religious nationalism as its police forces target, detain, disenfranchise, and expel Muslims. In 2018, the far eastern Indian state of Assam—sequestered off from the rest of the country by an isthmus of national territory squeezed between Bhutan and Bangladesh—published a National Register of Citizens, in which they purposely left off nearly four million mostly Muslim people that the head of India’s far-right national party referred to as *ghuspetiyas*, or infiltrators. Anybody left off of the registry had to face a tribunal and bear the burden of proving their citizenship. Writer Siddhartha Deb referred to the move as the “largest mass disenfranchisement project in the twenty-first century.” The policies have been compared to Nazi Germany’s Reich Citizenship Law.

Female Muslims in Assam have a particularly hard time proving their citizenship, as many women marry young, don’t hold jobs, aren’t educated, and are legally disallowed from inheriting property, leaving them without the necessary paperwork to prove their ties to the territory. One attorney who represents those newly rendered stateless referred to Assam’s policies as “manufacturing foreigners.” It is a tidy formulation of what all borders do.

Africa is rife with examples of the ungainly and consequential imposition of the nation state on territories that are in constant ethnic, linguistic, and religious flux. Take Angola—though most African states have similar, and similarly brutal, histories—a large multiethnic country in western Africa comprised of Ovimbundu, Ambundu, Bakongo, *mestico*, and other ethnicities, as well as hundreds of tribes that spill over and across the country’s borders, which Portuguese colonizers first established and officialized in the 1885 Berlin Conference. One of the troubling legacies of that colonial history is that the Bakongo people, whose traditional lands stretched from modern-day Angola into the neighboring Republic of the Congo and Gabon, as well as Democratic Republic of the Congo (where they are a majority ethnicity), are cut through by a crosshatch of borders. The Bundu dia Kongo, a separatist and irredentist movement, meanwhile, is seeking a unified state, challenging what the Congo is, who controls it, and who lives within it. Unsurprisingly, border tensions frequently flare, exposing the anxiety between ethnic consciousness and territoriality.

The story repeats itself throughout the continent: artificial states cutting community ties by imposing borders, pitting ethnic groups against each other as they jockey for national power. There’s a pull, of course, a natural human need to belong together in a coherent and stable community—a need that was historically satisfied by the family, neighborhood, or broader community. In the last 150 years, however, writes Elie Kedourie, “such institutions all over the world have had to bear the brunt of violent social and intellectual change, and it is no accident that nationalism was at its most intense where and when such institutions had little resilience and were ill-prepared to withstand the powerful attacks to which they became exposed.” Kedourie published those words in 1960. In the sixty-plus years since, the institutions he was referring to—traditionally

organized religion and family structures—have undergone even more profound revolutions. No wonder the cry for borders in the form of nationalism is growing ever-screechingly louder.

Another argument for closed borders around nation states is based on geography. Landscape, however, has little to nothing to do with the drawing of borders. As historian Rachel St. John writes, the U.S.-Mexico border was created by a “collective act of imagination.” We’ve already seen examples of borders decoupled from geography in the heart of Africa, and Spanish and British holdings on either side of the Strait of Gibraltar are other exemplary cases of the geographic illogic of bordering. The British still claim a 2.5-square-mile spearhead at the southern tip of the Iberian Peninsula, land that was captured by the British during the 1701-1714 War of Spanish Succession, part of a long and bloody balancing act between European empires. Whereas referendums in the past fifty years show overwhelming support for the British citizens in Gibraltar to remain part of the United Kingdom, the control makes zero geographic sense. Similarly, about fifteen miles across the same straight, Spain keeps its grip on Ceuta, abutting Morocco on the northern tip of Africa. The small exclave has proven a tempting landing spot for thousands of Africans seeking to reach European territory (even if attached to the continent of Africa). Spain, meanwhile, has walled off the land with high fences topped with razor wire, which hasn’t stopped migrants from storming the barricades. Regular, violent, and sometimes deadly clashes between Spanish border guards and desperate migrants bloody that particular line.

Even when borders are marked by natural landmarks, such as rivers, seas, or mountains, they are often denaturalized or “weaponized” by the act of bordering. The Evros-Meriç River between Turkey and Greece—which was dammed, rerouted, its banks clear-cut, and then speckled with guideposts, detention centers, anti-tank moats, fences, and walls—is one such example of a national boundary marker turned into a militarized hellscape.

What are all these boundaries describing? What are they protecting, or purporting to protect? Indeed, what—to return to the pertinent question—is a nation state?

The legal definition, as established in 1933 at the Montevideo Convention on the Rights and Duties of States, declares the nation state to “possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.”

A number of internationally recognized sovereign countries, however, don’t come close to meeting these criteria, as writer and foreign policy analyst Joshua Keating makes clear in *Invisible Countries: Journeys to the Edge of Nationhood*. Following Russia’s invasion in 2014, and again in 2022, Ukraine isn’t in full control of large swaths of its territory. And yet it seems abundantly more of a nation state than some of its European counterparts today. Syria’s population has been so widely displaced—nearly six million refugees having fled in recent years—that it can hardly be said to have a permanent population. And while Somalia, for nearly three decades, has had no functioning central government, the independent state of Somaliland, which does have a functioning government, remains internationally unrecognized except by Kenya and Taiwan.

Another enduring and oft-cited definition of a nation state comes from sociologist Max Weber, who defines it as “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.” The *claim* itself is important here. And it is what the scholarship of political scientist Benedict Anderson has proven: that a country, in many ways, is formed by its own rhetorical insistence. Of particular significance are the novel and the newspaper, Anderson argues, which provide “the technical means for ‘re-presenting’ the *kind* of imagined community that is the nation.”

Trying to refashion so much of the world along national lines has not led to more peace and stability. "On the contrary, it has created new conflicts, exacerbated tensions, and brought catastrophe to numberless people innocent of all politics," Kedourie writes.

Or, as journalist Francis Wade argues, it is genocide, pogroms, and other "organizing" techniques that continue to be employed by states "in their unending efforts to build more socially and culturally cohesive societies." "As long as the nation-state remains the defining institution of modern societies," Wade continues, "those forms of violence will persist as key means of political engineering."

The problem, as many observers note, is that most nation states do not even remotely come close to resembling the homogenous ethnic, cultural, linguistic, or religious qualities of a single nation. There is never any simple "us here, them there," to quote former Israeli prime minister Ehud Barak. Consider, to return again to the United States, the wide and often-irreconcilable differences between a rancher outside of Omaha, a white coastal Mainer, a Puerto Rican in Fajardo, a Black kid in Detroit, a stevedore in American Samoa, a Somali American in Minneapolis, a cosmopolitan in Seattle, a white retiree in South Carolina, or a Latino shopkeeper in Brownsville. What do they have in common, except for the fiction of unity? They might all believe in the same "American" principles, such as democracy or a few specific individual freedoms. But let's go back to the shopkeeper in Brownsville. He probably has more in common with his neighbor in Matamoros, a stone's throw across the international line into Mexico, than he does with the kid in South Central or the coastal Mainer. And both the Brownsvillian and the Matamoreño may well believe in the same "American" freedoms. But they are not compatriots, because of an 1848 Treaty that drew the U.S.-Mexico border along the Rio Grande River. The Brownsvillian can travel north for almost two thousand miles, cross five state borders, exploring wildly different cultures, languages, religions, and cuisines, but can't take twenty steps south without permission and a passport. And if he tried to go south without permission and a passport, he could be arrested, detained, and deported. Of course, the consequences would be much more severe if his Matamoros neighbor tried to go north. He might feel the full weight of the U.S. government on him: arrest, possible prosecution, and long-term detention, which could include solitary confinement and psychological torture before deportation back across the line into Mexico.

Anderson details a similar paradox in the unlikely creation of Indonesia, forged out of tens of thousands of islands, over seven hundred separate languages, and over six hundred different ethnic groups. People on the eastern coast of Sumatra are only a few miles away from their neighbors across the Straits of Malacca, home to ethnically related populations of the western littoral of the Malay Peninsula with whom they share a similar language and a common religion and often intermarry. However, in the founding of Indonesia in 1945, those Sumatrans have come to understand the Ambonese—who live on islands thousands of miles east of them, with whom they have no common language, ethnicity, nor religion—as "fellow-Indonesians," while, flabbergastingly, the same Sumatrans regard the nearby relative Malays as foreigners.

Concocted nations are little more than agreements of what is agreed upon. They create boundaries that both bind (within) and distinguish (without). So, do they need to be closed in order to function? A quick glance within the Schengen Area of Europe reveals that the answer is no: borders can mark cultural or linguistic difference, they can serve as organizational political lines, but they need not be unpassable, militarized, dehumanizing, or exploitative to do so.

Another popular defense of borders is that, as Donald Trump has repeatedly claimed, "We don't have a country without a border." Similarly, Obama White House advisor Cecilia Muñoz said that "[t]here

are policy decisions to be made about who should be an immigrant, and that includes removing folks who don't qualify under the law. That's, I think, just the reality of being a nation."

But how does a closed border legitimize a country? The U.S. border is wide open to goods, money, the well connected, and the wealthy—so why is keeping poor people out important for maintaining a nation state? Though there are no formal financial requirements for Mexicans obtaining nonimmigrant visas to enter the United States, consular officers consider a person's finances and employment before issuing a visa, and poor people almost never get the pass.

In other words, the border is supposed to keep only *some people* out. Compare the triple fencing, watch towers, paramilitary Border Patrol, ground sensors, drones, and billions of dollars spent keeping people out of Southern California to the Derby Line in Vermont at the northern U.S. border, where an opera house is literally divided down the middle between United States and Canada, where the international divide is marked by a strip of black on the floor of the town library's reading room. You aren't legally permitted to enter and remain in the United States from there, but unless you're looking down, your book-browsing could take you back and forth across an international divide without any notice.

Journalist Michelle García writes of the concept of "border theater," or what she calls the "collective performance of American identity." It is, as García writes, "a mythology that holds the nation hostage." While the mythology is of a cohesive nation, the reality is, in fact, division.

"The mutability of borders," write philosopher Edward S. Casey and psychologist Mary Watkins in *Up Against the Wall*, "reflects their status as cultural constructions endowed with meaning." Though it may be hard to remember under the weight of the status quo, if borders have any defining or lasting quality, it is indeed their mutability. Just since the beginning of the twentieth century, the U.S. border has shifted a dozen or so times, taking on the territories of Alaska and Hawaii, as well as numerous tiny island chains, conquering and then releasing the Philippines, and subsuming Guam, American Samoa, and the Virgin Islands. In the previous century, the border was even more jittery. When nativists or jingoists want to "hold the line," we would do well to remember that the line is shifting and slippery, and that, if history is any guide, tomorrow the border won't be where it is today.

In Franz Kafka's parable *Before the Law*, a man from the country approaches "the law" and asks a gatekeeper to permit him entry. "It is possible," says the gatekeeper, "but not now." After the man peers into the law through the gate, the gatekeeper warns him: "I am powerful," he says. "And I am only the most lowly gatekeeper." From room to room stand other gatekeepers, "each more powerful than the other. I can't endure even one glimpse of the third."

The man from the country wasn't expecting this. The law, he thought, "should always be accessible for everyone." Plus, the gate is wide open. After looking at the gatekeeper again, he decides to wait for permission before trying to go inside.

Sitting on a stool by the gate, the man ends up waiting his whole life. As he is fading into death, he whispers to the gatekeeper: "Everyone strives after the law . . . so how is it that in these many years no one except me has requested entry?" The gatekeeper replies, "Here no one else can gain entry, since this entrance was assigned only to you. I'm going now to close it."

The parable might seem as impregnable as the law it describes, but it captures something essential about borders: that the border itself generates transgression. "After all, if there were no borders,

there would be no migrants—only mobility,” notes migration scholar Nicholas de Genova. The gate is simultaneously open and guarded, inviting and yet impassable. This observation echoes one made by Michel Foucault, who writes, “A limit could not exist if it were absolutely uncrossable, and, reciprocally, transgression would be pointless if it merely crossed a limit composed of illusions and shadows.” State borders are merely and also more than shadows, and their crossings are both entirely natural and radically transgressive. That is, the law of the border provokes what it prohibits.

In a keynote address delivered from the immigrant prison camp of Manus Island for a workshop at Oxford University, Kurdish-Iranian poet and refugee Behrouz Boochani explains, echoing Kafka: “We are outside of any law. Humanitarian laws and international conventions are routinely and fundamentally broken. At the same time, we are victims of law. It is a new phenomenon, how we are living under law and at the same time outside of law.”

“Wherever Law ends, Tyranny begins,” John Locke wrote. And it is the border—the crucible of law and rightlessness—where Law and Tyranny meet.

Notes

1. The DTRA is a sub-agency of the United States Department of Defense, which has played a critical role—along with private, for-profit contractor Raytheon—in helping Lebanon and Jordan secure their borders with Syria and Iraq by building infrastructure and conducting training.
2. As Benedict Anderson has it in his 1983 book *Imagined Communities*: “A map anticipated spatial reality, not vice versa. In other words, a map was a model for, rather than a model of, what it purported to represent.”
3. In a revealing and repugnant episode that lays bare the motivations behind bordering, even as Pakistan and India tried to divvy up their populations along religious lines and the human sorting commenced, Pakistan passed the Essential Services Maintenance Act. The law barred Hindu sanitation workers—the Dalits or “untouchables” who performed society’s dirtiest work—from moving to India. In other words, they carved out an exception to be able to exploit needed workers.
4. The United States Customs and Border Patrol (CBP) has an attaché office in New Delhi to help with border policing.