



*Routledge Research in Cultural and Media Studies*

# **MIGRATION, IDENTITY, AND BELONGING**

**DEFINING BORDERS AND BOUNDARIES  
OF THE HOMELAND**

Edited by  
Margaret Franz and Kumarini Silva



**ROUTLEDGE**  


# Migration, Identity, and Belonging

How do you know when you belong to a country? When is the nation-state a homeland? The boundaries and borders which define who belongs and who does not proliferate in the age of globalization, whether or not they coincide with national jurisdictions.

Contributors to this collection engage with how boundaries are made and sustained, examining how belonging is mediated by material relations of power, capital, and circuits of communication technology on the one side and representations of identity, nation, and homeland on the other. The authors' diverse methodologies, ranging from archival research, oral histories, literary criticism, and ethnography attend to these contradictions by studying how the practices of migration and identification, procured and produced through global exchanges of bodies and goods that cross borders, foreclose those borders to (re)produce and (re)imagine the homeland and its boundaries.

This book will appeal to students in classes related to race, ethnicity, and nation; citizenship; representation and aesthetics; media and social movements; and globalization. The book also participates in multidisciplinary conversations concerning law and culture as well as communication studies, cultural studies, ethnic studies, political science, and media studies.

**Margaret Franz** is Assistant Professor in the Department of Communication at the University of Tampa. She researches legal communication as it relates to race, coloniality, and national belonging. Her current project investigates the evolution of citizenship status in the United States by analyzing how official methods of interpretation coevolve with and respond to vernacular legal cultures that challenge state authority to define and enforce citizenship status. Her work on the cultural politics of birthright citizenship has appeared in *Social Identities*, *Advances in the History of Rhetoric*, and *Communication and Critical/Cultural Studies*.

**Kumarini Silva** is Associate Professor of Communication at the University of North Carolina in Chapel Hill. She is the author of *Brown Threat: Identification in the Security State* (University of Minnesota Press, 2016) and co-editor of *Feminist Erasures: Challenging Backlash Culture* (Palgrave UK, 2015). Her current research extends the exploration of racialized identification in *Brown Threat* to understand how affective relationships, especially calls to and of love, animate regulatory practices that are deeply cruel and alienating.

## **Routledge Research in Cultural and Media Studies**

### **Advertising in MENA Goes Digital**

*Ilhem Allagui*

### **Gambling in Everyday Life**

Spaces, Moments and Products of Enjoyment

*Fiona Nicoll*

### **Inhuman Materiality in Gothic Media**

*Aspasia Stephanou*

### **Millennials and Media Ecology**

Culture, Pedagogy and Politics

*Edited by Anthony Cristiano and Ahmet Atay*

### **Media Cultures in Latin America**

Key Concepts and New Debates

*Edited by Anna Cristina Pertierra and Juan Francisco Salazar*

### **Cultures of participation**

Arts, digital media and cultural institutions

*Edited by Birgit Eriksson, Carsten Stage and Bjarki Valtýsson*

### **Adapting Endings from Book to Screen**

Last Pages, Last Shots

*Edited by Armelle Parey and Shannon Wells-Lassagne*

### **Migration, Identity, and Belonging**

Defining Borders and Boundaries of the Homeland

*Edited by Margaret Franz and Kumarini Silva*

For more information about this series, please visit: <https://www.routledge.com>

# Migration, Identity, and Belonging

Defining Borders and Boundaries  
of the Homeland

Edited by  
Margaret Franz and  
Kumarini Silva

First published 2020  
by Routledge  
52 Vanderbilt Avenue, New York, NY 10017

and by Routledge  
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

*Routledge is an imprint of the Taylor & Francis Group, an  
informa business*

© 2020 selection and editorial matter, Margaret Franz and  
Kumarini Silva; individual chapters, the contributors

The right of Margaret Franz and Kumarini Silva to be identified  
as the authors of the editorial material, and of the authors  
for their individual chapters, has been asserted in accordance  
with sections 77 and 78 of the Copyright, Designs and  
Patents Act 1988.

All rights reserved. No part of this book may be reprinted  
or reproduced or utilised in any form or by any electronic,  
mechanical, or other means, now known or hereafter invented,  
including photocopying and recording, or in any information  
storage or retrieval system, without permission in writing from  
the publishers.

*Trademark notice:* Product or corporate names may be  
trademarks or registered trademarks, and are used only for  
identification and explanation without intent to infringe.

*British Library Cataloguing-in-Publication Data*

A catalogue record for this book is available from the British  
Library

*Library of Congress Cataloging-in-Publication Data*

A catalog record has been requested for this book

ISBN: 978-1-138-60290-8 (hbk)

ISBN: 978-0-429-46937-4 (ebk)

Typeset in Sabon  
by codeMantra

# Contents

<b>Introduction: Theorizing Belonging against and beyond Imagined Communities</b>	1
MARGARET FRANZ AND KUMARINI SILVA	
<b>PART I</b>	
<b>Territories, Sovereignties, and Legal Geographies</b>	29
<b>1 Migration Law as a State (Re)producing Mechanism</b>	31
MAGDALENA KMAK	
<b>2 Migration: A Threat to the European Identity? A Legal Analysis of the Borders and Boundaries of the European Homeland</b>	39
CAROLA LINGAAS	
<b>3 “Entitlement” Warfare: Indigenous and Immigrant Welfare and Remapping Neoliberal National (B)orders</b>	48
LEAH PERRY	
<b>4 “When Is a Migrant a Refugee?”: Hierarchizing Migrant Life</b>	67
CHINA MEDEL AND YURIDIA RAMÍREZ	
<b>5 El país-de-en-medio, or the Plural Stories of Legalities in the US-Mexican Borderland</b>	81
LUIS GÓMEZ ROMERO AND MARÍA DE LA MACARENA IRIBARNE GONZÁLEZ	

**PART II**

**Narrating the Homeland, Mediating Belonging** 97

- 6 And Europe Said, Let There Be Borders:  
Autoethnographic Reflections on Border Crossings  
and Violence** 99

KALEMBA KIZITO

- 7 Departures and Arrivals in a Columbian World** 108

MARJORIE FLORESTAL

- 8 “Dreaming of Addis Ababa”: In the Afterlives of Inter-  
War Christian Internationalism** 117

SNEHA KRISHNAN

- 9 “Politics Are Not for Small People”: Expectations for  
Tibetan Youth, and the Question of Deviancy in Exile** 125

ALANA VEHABA

- 10 “Never Come Back, You Hear Me!”: Negotiating  
“Bulgarian-ness” and “Homeland” in Public Discourses  
on Emigration** 142

NADEZHDA SOTIROVA

- 11 DREAMer Narratives: Redefining Immigration,  
Redefining Belonging** 154

SVILEN V. TRIFONOV

- 12 Indigenous Sovereignty and Nationhood: The Standing  
Rock Movement** 163

MAHUYA PAL AND RYAN A. D’SOUZA

*List of Contributors* 175

*Index* 179



# Introduction

## Theorizing Belonging against and beyond Imagined Communities

*Margaret Franz and Kumarini Silva*

### Introduction

The early 21st century's resurgence of virulent nationalism in the United States, Western Europe, and Brazil, the expulsion of the Rohingya from Myanmar, and the perpetual containment of refugees off the coast of Christmas Island remind us that the study of the processes defining who belongs to a nation and who does not is more relevant than ever. Contrary to the cosmopolitan dreams of a globalization that render borders obsolete, or at least porous, borders have proliferated with the entrenchment of neoliberal globalization and its corresponding mechanisms of control.<sup>1</sup> Borders sequester US military personnel in state-of-the-art "green zones" in occupied Iraq;<sup>2</sup> they demarcate zones of hyperlegality in Guantanamo where prisoners are suffocated by the full force of criminal procedure;<sup>3</sup> they map geographies of racialized risk in Black Chicago that construct Black men as perpetual threats;<sup>4</sup> and they impose the settler colonial gaze on Mohawk mobility by imposing international borders across Haudenosaunee land and waterways.<sup>5</sup> Borders are everywhere. Not merely differentiating between people's experiences of law, administration, and movement; they actively differentiate between individuals, classifying and sorting people into populations.<sup>6</sup>

In spite of these complex manifestations of defining borders and national belonging, the majority of scholarship in communication and media studies remains committed to the view that regimes of national belonging are imagined into being through shared media technologies and consumption practices as spelled out by Benedict Anderson in *Imagined Communities*.<sup>7</sup> First published in 1983, Anderson laid out a nationalism that emerged toward the end of the 18th century as a result of the "spontaneous distillation of a complex 'crossing' of discrete historical forces" in the Americas. Once created and transposed to Europe, these early nationalisms "became models which could be emulated in a great variety of social terrains, by a correspondingly wide variety of ideologies."<sup>8</sup> Writing at a time when nationalism was largely viewed as negative and destructive, Anderson offered a refreshingly different point of view that honed in on the affective ties of the national form.<sup>9</sup> Positing that



## 2 Margaret Franz and Kumarini Silva

“regardless of the actual deep inequality and exploitation that may prevail in each, the nation is always conceived as a deep, horizontal comradeship,”<sup>10</sup> Anderson’s main argument—that nationalism solicits such profound attachment because nations are imagined as communities—provided an appealing alternative, a salve even, to think through the increasing evidence that the nation-state was a fragile and violent space.

Because Anderson’s publication coincided with an increased academic interest in the impact of globalization, migration, neoliberal economic policies, alongside emerging and established warfare in both the Global North and South, it has, over the years, become the foundation from which conversations of borders and belonging emerge within the academic community. In fact, since its publication in 1983, *Imagined Communities* has been cited 94,313 times in studies ranging from the construction of the modern social imaginary to the creation of deterritorialized and post-nation-state national attachments.<sup>11</sup> As Pheng Cheah points out, “the connection Anderson posits between the nation-form and imagination is so axiomatic to contemporary academic discourse by now that it scarcely needs to be mentioned.”<sup>12</sup> According to Jonathan Culler, the national imaginaries thesis is a “mantra” in academic discussions of nationalism, possessing the “rightness and efficiency of a classic.”<sup>13</sup> Because of its canonical status, “imagined communities” has become a form of shorthand to contextualize relations that infuse Anderson’s argument with a complexity it lacked from inception. By focusing on the pithy claim that nations are imagined, we overlook the often problematic ways that Anderson articulates how and why these communities are imagined, and conflate shared media consumption habits with shared senses of belonging not just to a common culture, but to a common jurisdiction, or a territory over which a sovereign power can declare and enforce law. This normative assumption sketches uniformity, legal and political inclusion, and shared national experiences where fragmentation, tension, and exclusion might dominate.

With this collection of essays our intention is to challenge this foundational uniformity, highlighting its limitations for truly understanding the complex, often violent, means that are enacted and institutionalized in making (imaginary) borders and nations. In other words, by articulating the national imaginary with what Miranda Joseph has called the “romance of community,” we contend that Anderson’s thesis risks masking the violence of nation building and the ambivalent and contradictory discourses comprising what it means to belong to a particular nation.<sup>14</sup>

Certainly, we are not the first people to challenge the overuse and simplicity of Anderson’s thesis. Manuel Castells, for instance, claims that the national imaginaries thesis is both too obvious to be helpful and too historically inaccurate to be applied to actually existing nationalisms. As per Castells, the national imaginaries thesis is too obvious because social scientists have long recognized that “all feelings of belonging, all

worshipping of icons, is culturally constructed. Nations would not be an exception to this.”<sup>15</sup> Meanwhile, the thesis is too anachronistic to be applicable because if we regard nations as “pure ideological artifacts, constructed through arbitrary manipulation of historical myths by intellectuals for the interests of social and economic elites, then the historical record seems to belie such an excessive deconstructionism.”<sup>16</sup> Indeed, most of Anderson’s critics take issue with the inaccuracy of many of his claims involving the origins of nationalism in Latin America and the modular translation of the national form to decolonizing Southeast Asia and Africa.<sup>17</sup> However, many of these studies preserve the overall framework of national imaginaries, and fewer scholars have taken issue with the claim that nations are rational and communal imaginations of shared social space. For example, even Partha Chatterjee, one of Anderson’s most vehement critics, argues that he is “entirely correct in his suggestion that it is print capitalism which provides the new institutional space for the development of the modern national language,” and that it is just the specificities of the colonial situation that do not square with Anderson’s analysis.<sup>18</sup> Moreover, in one of the only direct critiques of the national communities thesis, the authors in the anthology *Beyond Imagined Communities: Reading and Writing the Nation in 19th Century Latin America* repeatedly specify that they do not dispute the theoretical valence of the nation as an imagined community even though they disagree with his chronology and the weight that he places on media and literacy.<sup>19</sup>

In our own work, and here—while acknowledging the value of the criticisms levied against the specifics of Anderson’s claims—we follow decolonial and postcolonial scholars in not just disputing the empirical claims making up the histories that have been told about the Global South, but also disputing the entire intellectual paradigm used to make these claims in the first place.<sup>20</sup> In other words, our interrogation of belonging and nationalism seeks to “delink” from epistemologies and ontologies that are rooted in colonial ways of theorizing the world. We seek to “delink” from theorizing that casts some humans as rational agents of modernity and others as nonhumans, from theorizing that assumes a subject who fully participates in and benefits from capitalism, and from theorizing that sees homogeneity and uniformity where complexity, tension, and contradiction might reign.

Again, we are well aware that we are not the first to do so. Even though less prominent than the historical critiques cited above, contestations of the imagined communities thesis’ theoretical grounding also began decades ago in Paul Gilroy, Stuart Hall, and Ann Laura Stoler’s reassessments of his separation between racialization and nationalism in the context of coloniality. However, the continuous citation, especially in communication and media studies, of the imagined communities thesis to analyze the very intersection between race, nation, and coloniality

suggests that we still need to reassess the impact of Anderson on research in nationalism.<sup>21</sup> It is here that we hope this collection makes an intervention: by acknowledging and adding to the growing body of literature against dominant paradigms of postcolonial thought in general and the “imagined communities” thesis in particular, we want to explore how postcolonial and decolonial scholars have articulated belonging beyond and against the imagined communities thesis. In order to do so, we specifically position ourselves against three theoretical presentations of the formation of national imaginaries made by Anderson: (1) nationalism and racism develop from separate ideologies and thus are not mutually constitutive of one another; (2) print capitalism facilitates the conditions for affective investment in a national form because it engenders a feeling of homogenous national time; (3) and contemporary decolonial and anti-colonial nationalisms are derivative of a “modular form of nationalism” developed in the Americas, transported to Europe, and then taken up by the rest of the (post)colonial world.

In focusing on these three areas of dispute, we join debates within postcolonial and decolonial studies that have been ongoing since the publication of Anderson’s work in 1983. Our contribution is to trouble the role of communication and media in continuing to unproblematically embrace the thesis’ historical claims as well as its broader theoretical claims about *how* national belonging is imagined.<sup>22</sup> In other words, while we agree that communities are largely imaginary formations, we use that notion of “imaginary” to trouble the structurally rigid ways in which Anderson theorizes the process by which communities are imagined. In doing so, we center an alternative perspective for theorizing national belonging and affinity. As demonstrated below, we advocate for studying regimes of belonging from the theoretical anchors of home(land) and border(land). We argue that these anchors facilitate a more nuanced, grounded analysis of both belonging and non-belonging because they articulate the complex connections between territoriality, media and technology, and the narrative practice of constructing (non)belonging.

### **The Formal Separation of Race and Nation**

In the era of President Donald Trump’s solicitation of white nationalist identification, the UK’s decision to leave the European Union, and Myanmar’s “repatriation” of the Rohingya to Bangladesh, among a host of similar projects and practices of neo-nation building, it almost seems unimaginable that ethno-racism and nationalism could be theorized as separable ideological formations.<sup>23</sup> In fact, as mentioned above, many scholars who directly connect the two do so by referencing Anderson’s attention to official nationalism as “a nation-based paradigm of race.”<sup>24</sup> These studies attend to the intertwining of processes of racial and ethnic exclusion through law, policy, and mass media and the development of

official nationalism as a specifically racialized regime of national imagination.<sup>25</sup> However, despite the utility of thinking of the racialization of the nation through the paradigm of imagined communities, Anderson did not draw a necessary connection between the two ideological formations.

This separation was important to Anderson's fine-grained focus on both the early "creole" nationalisms in the Americas and the later "modular" nationalisms in decolonizing Asia and Africa. In these contexts, racism was not just a product of European colonization but also a way of wielding opposition to Europe by forging identification with the ruling elite of the colony instead of with Europe. For this reason, Anderson sees racism as derivative of the "pseudo-aristocracies" developed throughout the colonial world:

Dreams of racism have their origin in ideologies of class, rather than in those of nation: above all in claims to divinity among rulers and to 'blue' or 'white' blood and 'breeding' among aristocracies. No surprise...that on the whole, racism and anti-semitism manifest themselves, not across national boundaries, but within them. In other words, they justify not so much foreign wars as domestic repression and domination.<sup>26</sup>

For Anderson, racism developed within nationalist communities as a product of colonial ideologies of class that "appeared to confirm on a global, modern stage antique conceptions of power and privilege."<sup>27</sup> Late colonial empires "permitted sizable numbers of bourgeois and petty bourgeois to play aristocrat off center court: i.e., anywhere in the empire except at home."<sup>28</sup> For this reason, a class-derived conceptualization of race served the hybrid "upper-class" political project of "official nationalism." In this way, for Anderson, racism *serves* the dominant nationalist project of shoring up affective identification with the dominant national form. However, racism is not the cause of nationalism nor is nationalism the cause of racism; an already-existing racism merely articulates to nationalism in constructing a hegemonic national imaginary.

In support of his claim that racism and nationalism are separate, Anderson uses the example of apartheid-era South Africa's diplomatic relations with Black politicians in other nation-states: "South African racism has not, in the age of Vorster and Botha, stood in the way of amicable relations...with prominent black politicians in certain independent African states."<sup>29</sup> However, as Gilroy has argued, South Africa is a "curious example" for the separation of racism and nationalism because the homelands policy of the apartheid system essentially externalized "those 'internal' 'race' problems by representing them as the interaction of separate states which rest on distinct cultural and historical identities."<sup>30</sup> In other words, apartheid-era racial classification involved the creation of homelands (Bantustans) for Black natives, essentially turning

Indigenous peoples into separate, yet dependent “foreigners.” Gilroy argues that the kind of internal racist nationalism seen in Apartheid South Africa reflects a much more complex origin story of how communities come to be imagined as nations. If peoples who are already internal to the territorial boundaries of a nation are designated as foreign and external through discourses that support white supremacist racial hierarchies, then where does “nation” end and “race” begin?

Though South African Bantustans are relatively extreme examples of the intersection between the imagination of the nation-state and racism, Mae Ngai argues that even in countries with non-identarian birthright citizenship, such as the United States, select groups of native-born peoples throughout history have been legally and discursively cast not just as marginal or “other” but as “alien citizens” because of their racialized and immigrant ancestry.<sup>31</sup> Importantly, “alien citizens” are named just as frequently by explicitly racialized language—as in the US Constitution’s designation that Black people were 3/5 citizens or laws sanctioning the internment of Japanese-Americans during World War II—as they are through discourses that name racialized alienness through ideas and sentiments.<sup>32</sup> For example, in 2019 President Trump reminded the public that citizenship and belonging are still markedly racialized when he tweeted that four congresswomen of color should “go back where [they] came from” if they do not like the administration’s policies.<sup>33</sup> The fact that all of the congresswomen were US citizens and only one was born outside of the country did not stop Trump supporters from framing his tweet as a defense of “American values” and “ideas” and not as a racist attack on his opponents. However, the Trump administration’s claim that Trump was referring not necessarily to the congresswomen’s ethnicities but to the un-American nature of their platforms (i.e., universal healthcare, immigration reform, police and criminal justice reform) perfectly encapsulates the mutually constitutive connection between ideas about what a US citizen should think and feel and ideas about race and belonging to the nation.<sup>34</sup> Indeed, the implicit connection between whiteness, Americanness, and the rejection of the politics that matter to communities of color articulated in Trump’s tweet highlights the importance of theorizing race as not just a biological categorization with discursive hierarchies articulated to it. Although racialization is certainly rooted in bodies, its “fleshiness” extends outward, turning race into a complex set of “assemblages” or sociopolitical processes that already categorize what it means to be human by the time that nationalist discourses draw on racial imagery.<sup>35</sup>

While scholars have continuously argued that the dominant discourse of nationalism is constructed through racial difference—not just articulated to it—Anderson maintained throughout his career a firm distinction between racism and nationalism by separating their formal conditions of possibility. While nationalism is based in the plasticity of

language and media, racism is based in ideologies of biological bodies and lineage. Because nationalism is based in language, anyone can, in theory, learn the language of the nation they seek to join and through the process of naturalization anyone can become a citizen enjoying formal equality under its laws. While anyone can consume nationally circulated media by learning the nationally dominant language, as many scholars have argued, the flexibility of language does not preclude the racialization of language and, thus, nationalism. For example, Gilroy claims that Anderson's separation of national imagination and racism "simply does not apply in the English/British case" because "the discourses of nation and people are saturated with racial connotations."<sup>36</sup> Tracing how Black migrants and their UK-born children (and grandchildren) are described in public culture, Gilroy argues that in the UK context, the linguistic politics of race "not only blur the distinction between 'race' and nation, but rely on that very ambiguity for their effect."<sup>37</sup> Specifically, Englishness is not neutral; it is a racializing assemblage whose institutional and discursive mechanisms turn on an assumed whiteness. Gilroy argues that one of the main discursive mechanisms for constructing English nationality as distinctly white is the description of Black settlement through "military metaphors which offer war and conquest as the central analogies for immigration."<sup>38</sup> By the 1970s, the word "immigrant" had become synonymous with the word "Black" as politicians actively opposed the growing population of Black people by restricting immigration from former colonies in Africa and the Caribbean.<sup>39</sup> Similar to Trump's depiction of American versus un-American political values, in the UK's description of national threats, by the late 20th century "immigrant" and "Black" had collapsed into one another so that articulations of Englishness do not even need to use the discourse of race in signifying the nation; essentially, whiteness is already embedded in the nation because it was part of its construction in the first place. In other words, the dominant imagination of Englishness is constructed as white precisely because it is constructed as *not* foreign and, thus, *not* Black (or Brown).

Mexico's treatment of *mestizaje* as a core feature of its people's national identity similarly blurs the formal distinction between race and nation by literally figuring national identity as raceless. Though *mestizaje* has "different faces," as a national ideology, it holds that Mexicans are neither European nor Indigenous but distinctly Mexican, which is conceived as a fusion of European, Indigenous, and (sometimes) Black races.<sup>40</sup> Perhaps for this reason, Anderson locates the origins of modern nationalism in Latin America, where, he argues, colonial Spain's separation of Spaniard from "creole" allowed for the mediated creation of Mexicanness (as well as Chileanness, Peruvianness, etc.).<sup>41</sup> Citing the anti-colonial uprisings marking 19th century Latin America, he argued that only when people began to conceive of the "New World" as distinct national communities could "entities like Chile, Venezuela, and

Mexico” become “emotionally plausible and politically viable.”<sup>42</sup> Importantly, within these emerging creole nationalisms racial boundaries were blurred into national *mestizaje* and even “certain aborigines” became identified by the neologism “Peruvian”<sup>43</sup> (and “Mexican,” “Chilean,” etc.).

However, even though the ideology of *mestizaje* purports a national community that is not based in firm racial distinctions, scholars increasingly argue that the blurring of the boundaries between Indigenous, European, and Black encapsulated in the concept of *mestizaje* results in a visual and popular culture that consistently upholds the aesthetic supremacy of light skin, European facial features, and light-colored hair.<sup>44</sup> While Black people have largely been erased from the national imaginary encapsulated in *mestizaje*,<sup>45</sup> Mexico’s relationship to Indigeneity is often portrayed through the lens of folklore and nostalgia. Edward Telles’ Project on Race and Ethnicity in Latin America (PERLA) found that even the most contemporary depictions of *mestizaje* bore an ambivalent relationship to Indigeneity and Blackness because “nostalgic and romantic representations of indigenous people... perpetuated the idea that they were somewhat distant and peripheral to contemporary Mexico.”<sup>46</sup> In other words, while national museums and popular culture continuously celebrate Indigenous peoples as “true” Mexicans, the present and future of what Jose Vasconcelos celebrated as *la raza cosmica* remains indebted to the lightening project of racial mixture with European settlers. Actor Tenoch Huerta, who identifies as *prieto*, pointed out this paradox. He argued that the recent praise of the mainstream Mexican media for the dark-skinned Mixtec and Trique actress Yalitza Aparicio Martinez (*Roma*) as “la verdadera mexicana” (the true Mexican) was hypocritical since the same people praising the actress as an example of “verdadera belleza mexicana” actively discriminate against Mexico’s Indigenous population and still uphold the light-skinned “mestiza” as the archetype of national beauty.<sup>47</sup> As per Huerta, Mexico loves the *icon* of Indigeneity but not the actually existing millions of Indigenous peoples. Thus, similar to the English nation’s construction of whiteness through the depiction of migrant and native-born Black people as national threats, *mestizaje* constructs the Mexican nation as raceless only by erasing, denigrating, and ultimately relegating to the past both Blackness and Indigeneity.

Though each case is historically situated and contextually bound, together these US, English, and Mexican examples show that race and nation are not parallel ideologies that occasionally come into contact in order to shore up popular support; they are co-constitutive. Just as the English national imaginary is partly constituted through the exclusion of native-born and migrant Black and Brown people, Mexican *mestizaje* emerges through the erasure of existing Indigenous and Black identities. This connection between racism and nationalism leads



Gilroy to critique the theory of imagination underlying Anderson's thesis, claiming that

nationhood is not an empty receptacle which can be simply and spontaneously filled with alternative concepts according to the dictates of political pragmatism. The ideological theme of national belonging may be malleable to some extent but its links with the discourses of classes and 'races' and the organizational realities of these groups are not arbitrary.<sup>48</sup>

That is, national imaginaries come into being and are enlivened *through* their imbrication in racializing assemblages. Even if these assemblages change over time (i.e., who is considered white in the United States), they form part of the discursive and institutional fabric that stitches together the national imaginary.

### Print Capitalism and Media Circulation

Anderson's separation of racism and nationalism is premised on nationalism's imaginary foundations in the circulation of print capitalism and, more broadly, mass media. For Anderson, national imaginaries are products of the "interplay" of a "system of production and productive relations (capitalism), a technology of communications (print), and the fatality of human linguistic diversity."<sup>49</sup> Media emerging from print capitalism such as the novel and the newspaper facilitate the imagination of a limited sovereign community beyond face-to-face relations as it also envisions other limited sovereign communities residing beyond the border to one's own. As products of the clock, the calendar, and print media in general, the novel and the newspaper interpellate readers into what Anderson calls "homogenous empty time" so that they can imagine themselves as connected to strangers in a shared national time and space. Thus, after the displacement of the sovereign as an organizing figure of peoplehood in early modernity, bourgeois writers began to write nations into existence by telling stories that formally synchronized dispersed masses into limited and unified national territories.

On one hand, Anderson's thesis makes a lot of sense. After all, communication theorist James Carey holds that the construction of a nation-state only became possible with the development of communication and transportation technologies that could link national territory in space and time.<sup>50</sup> By building the infrastructure necessary for the telegram and the railroad, a regular and periodic system of communications connected diffuse populations that previously had little in common with one another.<sup>51</sup> Only after this infrastructure was put in place could a national community of politics and commerce come into existence. If the telegram and the railroad function as material conditions of possibility

for a nation, then the novel, the newspaper, and the television provide the discursive conditions for a coherent unified national imaginary. Indeed, media scholars such as David Morley support this thesis by arguing that

the ‘magic carpet’ of broadcasting technologies plays a fundamental role in promoting national unity as a symbolic level, linking individuals and their families to the ‘center’ of national life, offering the audience an image of itself and of the nation as a knowable community.<sup>52</sup>

In this way, the collective experience of reading the same events in the *New York Times* or watching the same narrative play out in *Game of Thrones* unites diverse bodies of people into a singular national time despite their diverse locations within national space.

However, just as people can be racialized as “foreign” within the territorial and discursive boundaries of the nation-state, communication technologies, including narratives, do not guarantee a seamless connection between media technology, circulation, and audience affinity. Since the publication of Anderson’s work, scholars have systematically noted that the distribution of media content throughout large territories does not guarantee a shared sense of national culture. For one, not everyone residing within the same territorial space consumes the same media. This fact not only encompasses the 21st century’s fragmented media ecology characterized by filter bubbles and endless choices.<sup>53</sup> As Silvio Waisbord has argued, in the case of 19th century Latin America, with its high rates of illiteracy and its lack of wide-scale capitalism, only the creole elites consumed and circulated the newspapers and novels that Anderson saw as formative to a sense of “Peruvianness” and “Mexican-ness.”<sup>54</sup> As mentioned above, a number of Latin American historians have similarly criticized this aspect of Anderson’s thesis because it elides the stark class and race distinctions that characterized literacy rates in Spanish America as well as underemphasizing the importance of family structures and private correspondence to the facilitation of shared national affinity.<sup>55</sup> While Waisbord attributes Anderson’s hasty portrayal of Latin American nation formation to an underlying technological determinism, other Latin Americanists perceive the imagined communities thesis as thoroughly elitist and reductionist in its portrayal of a unified nationalism based in literacy.<sup>56</sup>

Nevertheless, the disparity between the veracity of Anderson’s historical claims and the utility of his underlying theory of imagination has not led to the scholarly rejection of “imagined communities” as a concept. After all, just because Anderson’s claims regarding media consumption in colonial Latin America do not line up with other historian’s accounts does not mean that consumption and circulation practices making up a

public culture do not facilitate affective attachments that bind diffuse peoples together. While media circulation has not necessarily created the conditions for shared national affinities, scholars continuously stress that transnational media circulation *has* facilitated collective experiences through shared language and media that create “collective imaginings that are more powerful and far-reaching than the imaginative boundaries of the nation.”<sup>57</sup> Indeed, new demographic and cultural flows provide the grounds for new forms of belonging that are not necessarily articulated to states or to stable, discrete national territories. As Steve Wiley has argued, territorially defined national spaces face the threat of deterritorialization brought by the same methods of constructing the nation in the first place. In this way, scholars such as Arjun Appadurai and David Morley have extended Anderson’s thesis to argue that transnational identifications form through the global spread of media. In the era of global capitalism, “hip hop nations” and “anime nations” form around transnationally circulated media.<sup>58</sup>

However, by taking Anderson’s imagined communities thesis out of its context in the territorial nation-state, scholars risk blurring the boundaries between affinity and patriotism, belonging in general and belonging to a particular nation. For this reason, despite media’s undeniable ability to solicit identification across space and time, Waisbord still pushes against the tendency for Anderson-inspired scholars to “put the media cart before the horse of identity.”<sup>59</sup> Instead, Waisbord urges scholars to query how the circulation of ideas and images is taken up in local contexts, how they resonate with existing beliefs, and ultimately how and whether they are incorporated into the formation of *national* identities.<sup>60</sup>

Though this volume follows Waisbord’s advice in pushing against Anderson’s depiction of media as a nation builder par excellence, we do not aim to diminish the role of print capitalism in creating the spatio-temporal conditions for shared affinities. That is, we argue that understanding media consumption and circulation within global capitalism is immensely important to understanding national identification. However, we aim to problematize how the physical and spatial bounds of the *nation-state* that were central to his argument are overlooked in the (over)use of his work as a citational practice for more complex relations of belonging. That is, we urge scholars to distinguish between fandom and nationalism, or between the affinities created by shared media practices and the affinities that cohere into the kind of affective attachment to the territorial nation-state as described by Anderson. In this way, as will be explained below, we highlight the interconnections between legal, political, and territorial regimes of (non)belonging with the print (and digital) capitalism that circulates them alongside culturally specific contexts in which national imaginaries are disseminated and inevitably taken up, resisted, and reformed.

## Modular Nationalism and Homogenous Time

Media plays such a central role in Anderson's national imaginaries thesis because it is seen as a formal way of creating a shared sense of time and space, which leads Anderson to argue that the "modular form" of media consumption brought about by print capitalism allowed for the imagined community to spread across the decolonizing world. However, Anderson's construction of homogenous national space and time has been contested by postcolonial and decolonial scholars for its dubious historical veracity as well as its essentialist assumptions about belonging and subjectivity. For example, Thomas Biolsi argues that "as soon as one acknowledges the historicity of the nation-state form, however, one is immediately struck by the formidable number of counterexamples to this presumptively modularized and universalized political episteme."<sup>61</sup> Critiquing Anderson from the vantage of North American Indigenous peoples' orientation toward settler state and ancestral political spaces, Biolsi argues that Indigenous spatial practices continuously disrupt an official US national imaginary that assumes that US sovereignty coincides with its territory and its jurisdiction. He outlines four kinds of Indigenous space: (1) Indigenous nation sovereignty on reservation homelands; (2) co-management of off-reservation resources with tribal, state, and federal governments; (3) national Indigenous space where portable rights are exercised beyond reservations; (4) and hybrid political space where Indigenous peoples act as dual citizens.

Though Biolsi disputes Anderson's assumption that print capitalism lays the groundwork for the construction of a shared national space over which a single state exercises sovereignty, scholars such as Mark Rifkin would add that the correlation between national space, homogenous time, and media is also reductive.<sup>62</sup> In *Beyond Settler Time*, Rifkin argues that the "juridical time" imposed by the settler nation-state is only one possible way to be-in-time. Through readings of literature and film he shows that Indigenous peoples exercise "temporal sovereignty" in everyday acts of Indigenous resurgence that work against the dominant juridical time of the nation-state, which relegates Indigenous peoples and politics to the historical past.<sup>63</sup> In this way, both Rifkin and Biolsi dispute not only the historical facticity of Anderson's treatment of time and space in nation building but also his theoretical assumptions about how and why different peoples have enacted nationalism.

These overlapping time/spaces have a long history, beginning with the treaty diplomacy marking early 17th century settler-Indigenous political relationships. The Standing Rock Sioux's protests against the Dakota Access Pipeline (2016–2017) have recently illustrated the ongoing and, most of all, the ontological disparities between the dominant national imaginaries demarcating US political space and decolonial national imaginaries that refuse to seamlessly incorporate a "modular national form."

In these protests, the Hunkpapa Lakota, Sisasapa Lakota, and Yanktonai Dakota peoples who live in the Standing Rock Indian Reservation operate within a variety of national imaginaries and their corresponding territories.<sup>64</sup> First, they exercise sovereign authority over the Standing Rock Indian Reservation. However, the threat that the impending construction of the Dakota Access Pipeline posed to Standing Rock's water supply and burial grounds drove elders to set up a protest camp outside of Sioux jurisdiction. In this sense, Standing Rock elders aimed to protect the Sioux nation by disrupting the liminal space between the settler state's jurisdiction, Sioux jurisdiction, and "Indigenous peoples" jurisdiction.<sup>65</sup>

Hundreds of years of Indigenous peoples' spatial politics demonstrate that multiple and, most of all, antagonistic nationalisms exist within the territorial space and time of the nation-state, continuously disrupting any claim to a singular form of national imagination. Audra Simpson illustrates this conundrum when she claims,

built into sovereignty is a jurisdictional dominion over territory, a notion of a singular law, and a singular authority... But this ongoing and structural project to acquire and maintain land, and to eliminate those on it, did not work completely. There are still Indians, some still know this, and some will defend what they have left. They will persist, robustly.<sup>66</sup>

Indeed, from the perspective of land and geography, the fact of Indigeneity made manifest by the reservation/reserve system and the recognition of treaties makes the United States and Canada anything but coherent nation-states where the imagination of national jurisdiction seamlessly lines up with national territorial boundaries.

In a similar vein, Chatterjee famously disputed Anderson's claim that the feeling of homogenous empty time facilitated by print capitalism governed the organization of social space in decolonizing India. Instead, he argues that it functioned as a universalism that was not only incongruous to (post)colonial worlds but also actively contested. Though, certain novels and political treatises from postcolonial India make it *seem* as though Indians adapted the modular form of nationalism described by Anderson, Chatterjee points to counterexamples and paradoxical reading practices that highlight a persistent disconnect between the European imagination of nationhood and an Indian imagination of a spiritual nationalism. Thus, even when Indian scholars repeatedly used "the institutional terms of modern European civic and political life," they were "describing a set of activities that had to be performed on material utterly incongruous with that civil society."<sup>67</sup> As per Chatterjee, this spiritual nationalism is not a modification or a copy; it is premised on configurations of space and time that are entirely distinct from the public/private separation fueling European civil society.

The spatial-temporal gap illuminated by Biolsi, Simpson, and Chatterjee illustrates another problem with Anderson's national imaginary thesis: the *appearance* of a modular form of nationalism results from the imposition—not the willful adaptation—of European nationalism in decolonizing contexts. As Wiley claims, “the nation-state was an out-growth of colonization, the form through which European powers “exported modernity” to other regions, imposing an “involuntary modernity” on African, Asian, and American peoples.”<sup>68</sup> European colonization organized the world into distinct “nations” delineated by territorial borders and distinct temporal trajectories. Through this process, European societies were framed as “the archetypes of ‘modernity,’ and, in relation to Europe, other national spaces were portrayed a slacking or lagging behind.”<sup>69</sup> The role of force and violence in spreading the modular national form is why Stuart Hall has argued against Anderson's terminology of “translation.” For Hall, it is imposition and not translation that creates the national form, where European nationalism is imposed, albeit imperfectly, through the narratives, media technologies, and law enforcement mechanisms that constitute “the ‘outer face,’ the constitutive outside, of the European and then Western Capitalist modernity.”<sup>70</sup>

Anderson's depiction of national imaginaries perhaps glosses over internal contestations and incongruencies because he holds that “national identity is constructed to a significant degree by the mediated articulations of state leaders, historians and other advocates, especially when these articulations are disseminated on a mass scale.”<sup>71</sup> However, scholarship increasingly shows how national imaginaries emerge from vernacular spaces, existing in tension with one another within territorial states. While media polarization, or the consumption of different media, in part explains the tension within nations, even before the era of the filter bubble, “outlaw discourse”<sup>72</sup> and “counterpublicity”<sup>73</sup> contested and reshaped official national narratives. As Mirca Madianou has shown in relation to Greece, the discourses of identities at the local level frequently contrast with and compete with discourses about the nation on the national level.<sup>74</sup> These disjunctures are important sites of inquiry because they are frequently the site of bordering and the biopolitical regimes of classification and belonging inhering therein.

Homi Bhabha has explained these tensions by highlighting the “geopolitical mobility” characteristic of both “the restlessness internal to the nation-form” and the “circuitous and contingent networks of globalization.”<sup>75</sup> He argues that although “patriotic, nationalist discourse promotes an iconic ideal of ‘the people,’ *e pluribus unam*, conceived in a social space of consent and consensus, the territoriality of the nation as a place of belonging is an unsettled, anxious habitus.”<sup>76</sup> For this reason, borders proliferate alongside the increase of geopolitical mobility characterizing globalized capitalism in the 21st century. The increasing

militarization of not only the US-Mexico border but the physical, legal, and cultural borders separating gentrifying Atlanta from its historic Black population, white Parisians from majority Muslim *banlieues* in France, and Southeast Asian migrant workers from wealthy citizens in Abu Dhabi are manifestations of the national imaginary's anxiety. These boundaries do not just result from emerging national imaginaries; national imaginaries coevolve with and even produce these borders in order to take control of the racial, ethnic, gendered, and religious configuration of the national form. In other words, the circulation of media and other historic forms of nation-making borders do not just emerge from competing national imaginaries—competing national imaginaries emerge from legal, economic, and political bordering practices. Borders and the identities and mobilities that they configure are sites of contestation over the capacity to define the national imaginary.

In order to explain the proliferation of borders and their concomitant racialized regimes of belonging in the contemporary world, this volume heeds postcolonial and Indigenous studies' scholars' invitation to theorize the creation of imagined communities beyond Anderson's foundational work. Our goal with this collection is to take seriously the complexities that emerge in imagining community, not as a predetermined space where identities emerge, coalesce, and pushback, but as a constantly negotiated idea that rests on the constant manipulation and reimagining of socio-economic and political conditions. In doing so, we locate our analyses in the creation of "home." As will be demonstrated below, we see "home" as a productive site of investigation because "home" is both intimate and public, personal and political. Home transcends imaginative and territorial borders, functioning as "an enigma of arrival...an anxious striving for accommodation unsettled by cycles of loss and disoriented by processes of social transition and cultural translation."<sup>77</sup> Yet, as a limit between civil society and interior life, home is also constructed on territorial, legal, and affective fault lines. As Lisa Flores and Kent Ono have both argued, borders—both figurative and physical—define how peoplehood, nationalism, and belonging are able to be imagined.<sup>78</sup> Thus, interrogating the construction of "home" necessitates the interrogation of the borderlands that define and disrupt the homeland. The creation of borders around "home" is an important site of study because borders are at once material and symbolic, crystallizing how belonging is mediated by material relations of power, capital, and circuits of communication technology on the one side and representations of identity, nation, and homeland on the other.

We study the intersection of these processes in order to facilitate the imagination of more just and equitable homes. That is, if we continue to see national imaginaries as emerging from shared media practices and that media (including language) is plastic enough to include an endless horizon of people into the national community, then we will continue



to believe that equitable representation will solve the resurgence of nationalist violence characterizing the 21st century. We push against this fiction by analyzing how belonging emerges from an orientation to a homeland that is mediated through law and territoriality, through media consumption and print capitalism, and through narrative practices, all of which cohere in constructing metaphorical and physical borderlands of belonging.

### **(Re)Bordering Home: Diaspora, Mobility, and (Settler) Coloniality**

In studying the processes that coalesce into (non)belonging, we ask, when is the nation-state a *home*? Though crossing one national boundary into another or possessing legal status such as citizenship or residency grants a formal sense of belonging, often times these legal and physical attributes do not signal an internal or external sense of belonging. Given the paucity of these formal conditions of belonging, what kinds of feelings, schemes of representation, media ecologies, and material conditions link body and nation?

We locate home as a productive site for answering these questions because “home” is both “a physical presence—a geographical location” and “a metaphorical place—of comfort and belonging.”<sup>79</sup> It is created not only by one’s physical presence within territory but also through that place’s narratives, “dreams,” sights, and smells. In this way, home’s boundaries are distinct from those of the territorial nation-state and yet it is structured by the geopolitics in which it is situated. For example, Silva’s study of Southeast Asian migrants’ feelings about “home” after the terrorist attack on September 11, 2001 similarly shows that longing for “home” is a product of “racial relationships in the US that identifies non-white...as aliens and others who *should* go back home.”<sup>80</sup> One’s feelings about where and what home is, then, are intertwined with how law and public culture predetermine a sense of “home.” In this way, even though home can exist between and against the territorial nation-state, home is nevertheless situated firmly within the nation-state’s laws and politics.

The tie between “home,” belonging, and geopolitics informs Aileen Moreton-Robinson’s critique of postcolonial theories of home, which tend to privilege the metaphor of migrancy, which constructs home relative to “positionalities, multiplicities, and specificities of migration.”<sup>81</sup> She argues that

social constructions of home, place, and belonging depend not just on ethnicity and ties to an imagined homeland. They are conditional upon a legal and social status as well as the economic and political relations in the new country and its imperial legacy.<sup>82</sup>

Though home seems like a refuge from nation-state politics, its foundations are a product of those same politics: namely, dispossession. Speaking from Minjerribah (Stradbroke Island) in what is now Australia, Moreton-Robinson argues that for the majority of the population in Australia, belonging, home, and place are inextricably linked to dispossession because “the resonance of migrancy is compounded...by the twinning of the always having arrived with the willful forgetting of the nature of that arrival—of colonial conquest and racism.”<sup>83</sup> In this way, home is structured by a logic of (white) possession that undergirds how belonging can be imagined in settler coloniality. Home is always marked in contrast to another peoples’ imposition of home.

Despite the divergent orientation to mobility characterizing postcolonial and decolonial treatments of home, both sustain the underlying role of dispossession and of *not* being home in constructing the homeland. For example, in his exploration of Jamaican identity, Hall described the “homeland” as emerging from the imposition of

this New World... as place, a narrative of displacement, that gives rise so profoundly to a certain imaginary plenitude, recreating the endless desire to return to ‘lost origins,’ to be one again with the mother, to go back to the beginning.<sup>84</sup>

In this way, as Hall claims, the longing for returning to one’s home

is like the imaginary in Lacan—it can neither be fulfilled nor requited, and hence is the beginning of the symbolic, of representation, the infinitely renewable source of desire, memory, myth, search, discovery—in short, the reservoir of our cinematic narratives.<sup>85</sup>

Ojibwe scholar Scott Lyons makes a similar claim in his study of treaty signatures during the removal era in the United States—wherein Indigenous nations were dispossessed of their ancestral lands and forcefully relocated. He argues that the lasting legacy of dispossession has led to traditionalist imaginations of premodern and static Indigenous homelands to which Indigenous peoples must return.<sup>86</sup> Combining the history of the Ojibwe’s “first remove” in the year 900 with the forced removals of the 19th century, he highlights the negotiation of homelands in and against coercion, violence, and opportunity. Indeed, Moreton-Robinson argues that “colonization produced multiple contexts that shaped the construction of indigenous subjectivities that were and are positioned within discursive formations of history relative to a particular space, country, and time.”<sup>87</sup> Nevertheless, implicitly contradicting Lyons’ admitted modernism, Moreton-Robinson argues that “we [Minjerribah] are not migrants in the sense that we have moved from one nation-state to another...this is a different experience of migrancy to that of

the postcolonial subject.”<sup>88</sup> Instead of hybridity, she argues that the doubleness of dislocation and the ongoing ontological relationship to country—to earth as a place of dwelling—create a dialectical unity “between humans and earth” made up of subject positions premised on the centering of Indigenous worldviews.

The tension between decolonial and postcolonial studies in theorizing home demonstrates that home is never a monolith nor is it constructed through a singular medium or context. Despite the strong nostalgia for home, as Alana Vehaba shows in her study of second-generation Tibetan diaspora residing in India, both the nostalgia and the homeland itself are contested by those who participate in the homeland narrative. For this reason, even as home appears as having a “primordial aspect” that “fixes individuals to specific niches...where their memories are buried, and from where they can read the outside world and interact with it,”<sup>89</sup> home and the identities that it engenders are the product of mobility, dispossession, hybridity, and dialectic relationships between earth and spirit. Following postcolonial and decolonial scholars, we argue that home, in its groundedness in custom, zoning laws, and cement as well as in its ephemeral boundedness to the narratives that perpetuate it, is the site in which national imaginaries are made and unmade through the creation of the borderlands that define it.

### **Interventions: Or How to Read This Book**

The chapters in this volume extend and complicate the notion of imagined communities from perspectives centered on the problematic of borders, belonging, and homeland. The chapters convene around discussing and elucidating the myriad of ways in which homelands are simultaneously made and unmade, facilitating senses of (non)belonging in contemporary times. From the current global refugee crisis, to oral histories and literature, to mediated representations and contemporary politics in various geographies, each chapter uses a different case study to articulate the ways belonging is mapped to bodies and borders. As such, they work against the givenness of the nation-state as a territorial form that can be linked seamlessly through mediated and technological affinities and practices. Divided into two overlapping areas, the chapters demonstrate the ways identities and affinities of belonging are complex negotiations between the body and the border that go far beyond an imagined community or a coherent geography of belonging.

Part I, “Territories, Sovereignties, and Legal Geographies,” coheres around a concern for the power inherent to the ability to *mark* inside and outside. Focusing on the legal definitions of migrant, refugee, citizen, and criminal, the chapters ask how official boundaries are marked and how marginalized populations are materially and symbolically affected by these boundaries. For example, Magdalena Kmak, in Chapter One

“Migration Law as a State (Re)producing Mechanism,” unpacks the ways that migration laws and anti-immigrant sentimentalities are deployed as a response to weakening state boundaries in contemporary globalization. Because migration and mobility challenge the very construction of a nation-state that is made up of a coherent (ethnically and racially homogenized) citizenry, immigration laws and policies become devices to make this imaginary coherence real. Most recently Kmak’s assertions are evidenced in the ways that the 45th President of the United States calls on US citizens to go back to where they came from, based on perceptions of race and ethnicity. Turning to contemporary Europe, in Chapter Two “Migration: A Threat to the European Identities?” Carola Lingaas engages with international law and jurisprudence to look at the shifting “identity” of Europe and the European Union from one that welcomes immigrants to one that carefully orchestrates legal language and practice to exclude. Here, the language of law and the politics of rights based on managing borders are unpacked by Lingaas as a way to show how “us and them” becomes “us vs. them.”

Lingaas’ critique of the manipulation of law against the very ethos it proposes is taken up by Leah Perry in Chapter Three “Entitlement Warfare: Indigenous and Immigrant Welfare and Remapping Neoliberal National (B)orders.” Perry’s interrogation of entitlement reform builds on the notion that asylum law can function as a tool of social death by arguing that, during the Reagan era, welfare policy functioned as biopolitical and territorial boundary-keeper for neoliberalism, crystalizing in the competing tropes of vanishing Indigeneity and gendered, racialized immigrant respectability/criminality and hyper-fertility. A similar line of inquiry is also followed by China Medel and Yuridia Ramírez in Chapter Four “‘When Is a Migrant a Refugee?’: Hierarchizing Migrant Life” where they demonstrate how the anxious habitus of coherent belonging must be maintained through asylum laws that demarcate “good” migrant from criminal migrant. Focusing on unpacking the question “when is a migrant a refugee?” Medel and Ramírez unpack the ways that the law codifies “acceptable” violence for gaining refugee status, while ignoring the ways that violence itself is distributed among bodies—including trans, queer, female—in ways that may not fall within the legal definition but still render life precarious and untenable.

In Chapter Five “El país-de-en-medio, or the Plural Stories of Legalities in the US-Mexican Borderland,” Luis Gómez Romero and Maria de la Macarena Iribarne González take the analysis of legal boundaries in a new direction by mapping the relationship between embodiment, law, and literature. In their chapter, they engage with the disciplinary boundaries of jurisprudence and the cultural spaces that define normative experiences across the geopolitical and temporal border between Mexico and the United States. Specifically, they analyze these experiences through the lens of two novels, respectively written by Alejandro Páez Varela

(*Oriundo Laredo*) and Yuri Herrera (*Señales que precederán el fin del mundo*), which both delineate a third country between Mexico and the United States that has never been fully acknowledged by the hegemonic legal (and political) discourses developed at both sides of the border. This third country, which Páez Varela calls *el país-de-en-medio* (in-between country), is no longer Mexico, but has not fully become the United States yet. The authors' analysis of the third country in both novels highlights the perennial tension between subjection to intensely violent border powers and the struggle for autonomy and emancipation among the (legal) subjects who come across or live in the *frontera*. In conclusion, they argue that the realization of justice in the *frontera* demands a particular form of *juris-dictio*, that is, of speaking the law through storytelling by responding to oppression and exclusion at both sides of the *frontera*.

Romero and González, along with Kmak, Lingaas, and Medel and Ramírez, emphasize the reality that the body doesn't exist as a singular, agentic entity within or outside the nation-state. Instead, their work collectively shows that it is part of negotiated and historical processes of making and practicing the border that allows hierarchies of identity and belonging to be demarcated, produced, and practiced. Once we acknowledge that the border facilitates the production of identities, what then are the everyday circuitries of belonging that facilitate conditions of otherness and/or solidarity? What kind of affinities and disidentifications emerge from these movements and their calls to imagining a homeland? Chapters in Part II, "Narrating the Homeland, Mediating Belonging," address this when they collectively look to the intersection of law, territory, and sovereignty with autoethnographic narratives, media representations, and the transnational circulation of fiction, mobile technologies, and music to understand how the boundaries of the homeland are hardened and subverted through new modalities of communication.

The first two chapters in this part continue Romero and González's analysis of jurisprudence, violence, and embodiment by using autoethnography and personal narrative to understand the role of borderlands in soliciting (non)belonging. In Chapter Six "And Europe Said, Let There Be Borders: Autoethnographic Reflections on Border Crossings and Violence," Kalemba Kizito traces the relationship between contemporary border crossing and the history of colonial demarcations and border-making in the African continent that forces contemporary migrations. Turning to his own experiences growing up in Uganda in the midst of a civil war—a war created by the arbitrary demarcations of colonial mappings—Kizito traces borders onto borders to connect conquests of the past to empires of the present. Similarly connecting the juridical with the personal, Marjorie Florestal's evocative mediation between the past and the present, "Departures and Arrivals in a Columbian World", looks at the mundane and codified violence of identities left behind and reconstructed, because the new world demands a demonstration of affinity,

both judicial and personal. Weaving between Columbus' own departure from Spain and his arrival in the "new world," and Florestal's own departure from Haiti and arrival in New York, *Departures and Arrivals*, demonstrates how the stories we tell of ourselves and our histories are essentially negotiations between (constructed) borders and (the fictions of) nation.

Sneha Krishnan's chapter "Dreaming of Addis Ababa: In the Afterlives of Inter-War Christian Internationalism" continues the interrogation into the role of mobility, narrative, and fiction in soliciting (non)belonging in the ordinary and in the intimate spaces of family and domestic life. Krishnan's ethnography of Christian college girls in Chennai demonstrates how amidst the transnational circulation of fiction, dreamed and imagined landscapes—especially a religious cosmopolitanism emerging from colonialism and constructed through family narratives—allowed young women to resist and unsettle dominant national boundaries and rearticulate "home" within an internationalist imaginary. But such distant affinities are not always pleasurable. In Chapter Ten "'Never Come Back, You Hear Me?': Negotiating Bulgarianness and Homeland in Public Discourses on Emigration," Nadezhda Sotirova lays out the anxieties and discontents of forced and imagined affinities, and the daily struggles of that weight. Her study of blaming *daragavata* (or "blaming the state") in Bulgarian and diasporic Bulgarian media shows how consumption of mainstream media can also engender *disidentification* with the nation-state when state blaming becomes a pleasurable communication ritual. According to Sotirova, there is always a disjuncture between what might be called the official national imaginary and the conflicting vernacular imaginaries emanating from therein. In a similar vein, in Chapter Nine "'Politics Are Not for Small People': Expectations for Tibetan Youth, and the Question of Deviancy in Exile," Alana Vehaba's ethnography of exiled Tibetan youth living in India unpacks the complexity of divided loyalties of exile/refugee who is forced to remain loyal to a space of expulsion while remaining an outsider in the space of refuge. Certainly, how we tell and circulate the stories of our arrivals allow us to elevate or negate the border as the true arbiter of the nation-state.

Continuing to trace the tensions between identification and disidentification with hegemonic borderlands Svilen V. Trifonov's chapter "DREAMer Narratives: Redefining Immigration, Redefining Belonging" demonstrates this relationship between the borderland, "legitimacy," and personal narration. By turning to two different speeches given by DREAMers describing their arrival into the United States, Trifonov highlights the ways that "arrival narratives" can reinforce beliefs about the right kind of immigrant, who respects the givenness of border, vs. the wrong kind of immigrant who treats it disrespectfully. The last chapter, "Indigenous Sovereignty and Nationhood: The Standing Rock Movement," by Mahuya Pal and Ryan A. D'Souza turns to the Standing

Rock Sioux's use of social media to oppose the Dakota Access Pipeline from 2014 to 2016 to demonstrate how activists used digital and territorial space to put forth alternate national imaginaries that directly contest dominant narratives of nationhood in the United States. Turning to postcolonial theory to unpack the notion of hegemonic sovereignty, the authors look at how the dominant narratives of nationhood were challenged in the ways the Sioux actively created a national identity that was in direct contrast to the kind of environmental degradation endemic to practices that uphold the US national imaginary.

Collectively these chapters draw on interdisciplinary methods and case studies to push communication and media studies beyond the imagined communities paradigm. By attending to the complex interplay between law, territory, and sovereignty, on one hand, and imagination, narrative, and mediated circulation, on the other hand, the chapters ground their analyses of national (non)belonging in the various and contradictory borderlands that construct a sense of home. As such, the chapters collected in this book work against theorizing the nation-state as a territorial form that can be imaginatively linked seamlessly through the supposedly homogenizing power of media consumption and circulation. Though each is based in a particular case study and, thus, on a historically situated way of imagining homeland, together they highlight the complex processes of racialization, mobility, and narration that anchor hierarchies of belonging and their animating identifications and disidentifications. In taking an interdisciplinary approach, the chapters emphasize that the identities and affinities of belonging to a homeland arise from complex multimodal negotiations between embodiment and borderland that transcend the territorial and imaginative bounds of any one nation-state.

## Notes

- 1 Sandro Mezzadra and Brett Neilson, *Border as Method, or, the Multiplication of Labor* (Durham, NC: Duke University Press, 2013).
- 2 Polly Pallister-Wilkins, "Bridging the Divide: Middle Eastern Walls and Fences and the Spatial Governance of Problem Populations," *Geopolitics* 20, no. 2 (2015): 438–459.
- 3 Nasser Hussain, "Hyperlegality," *New Criminal Law Review: An International and Interdisciplinary Journal* 10, no. 4 (2007): 514–531.
- 4 Rashad Shabazz, *Spatializing Blackness: Architectures of Confinement and Black Masculinity in Chicago* (Urbana: University of Illinois Press, 2015).
- 5 Audra Simpson, *Mohawk Interruptus: Political Life across the Borders of Settler States* (Durham, NC: Duke University Press, 2014).
- 6 Etienne Balibar, *Citizenship* (London: Polity Press, 2015), 81–82.
- 7 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 1991).
- 8 *Ibid.*, 4.
- 9 Umut Ozkirimli, *Theories of Nationalism: A Critical Introduction* (New York: Palgrave Macmillan, 2010), 116.



- 10 Anderson, *Imagined Communities*, 6–7.
- 11 Charles Taylor's *Modern Social Imaginaries* (Durham, NC: Duke University Press Books, 2003) is one of the most influential applications of Anderson's national imaginaries thesis. Anderson's influence can also be seen in media studies of transnational fandom; see for example: Jeffrey Louis Decker, "The State of Rap: Time and Place in Hip Hop Nationalism," *Social Text*, no. 34 (1993): 53–84, doi:10.2307/466354; Murray Forman and Mark Anthony Neal, "Introduction," in *That's the Joint!: The Hip Hop Studies Reader* (New York: Routledge, 2004), 1–12; Istvan Csicsery-Ronay, Jr., Veronica Hollinger, and Joan Gordon, "Dis-Imagined Communities: Science Fiction and the Future of Nations," in *Edging into the Future: Science Fiction and Contemporary Cultural Transformation* (State College: Pennsylvania State University Press, 2002), 215–137; Lori Hitchcock Morimoto and Bertha Chin, "Reimagining the Imagined Community: Online Media Fandoms in the Age of Global Convergence," in *Fandom: Identities and Communities in a Mediated World*, ed. Jonathan Gray, Cornel Sandvoss, and Lee Harrington, 2nd ed. (New York: New York University Press, 2017), 174–190.
- 12 Pheng Cheah, "Grounds of Comparison," in *Grounds of Comparison: Around the Work of Benedict Anderson*, ed. Jonathan Culler and Pheng Cheah (New York: Routledge, 2003), 5.
- 13 Jonathan Culler, "Anderson and the Novel," in *Grounds of Comparison: Around the Work of Benedict Anderson*, ed. Pheng Cheah and Jonathan Culler (New York: Routledge, 2013), 30.
- 14 Miranda Joseph, *Against the Romance of Community* (Minneapolis: University of Minnesota Press, 2002); Homi K. Bhabha, *The Location of Culture* (New York: Routledge, 2004).
- 15 Manuel Castells, *The Power of Identity* (Malden, MA: Blackwell, 1997), 32.
- 16 Ibid.
- 17 Sara Castro-Klarén and John Charles Chasteen, eds., *Beyond Imagined Communities: Reading and Writing the Nation in Nineteenth-Century Latin America* (Baltimore: Johns Hopkins University Press, 2004); Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham, NC: Duke University Press, 1995); Thomas Biolsi, "Imagined Geographies: Sovereignty, Indigenus Space, and American Indian Struggle," *American Ethnologist* 32, no. 2 (2005): 239–259.
- 18 Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton: Princeton University Press, 1993).
- 19 Castro-Klarén and Chasteen, *Beyond Imagined Communities*.
- 20 See: Frantz Fanon, *Black Skin, White Masks*, trans. Richard Philcox (New York: Grove Press, 2008); Frantz Fanon, *The Wretched of the Earth*, trans. Richard Philcox (New York: Grove Press, 2005); Enrique Dussel, *Philosophy of Liberation* (Eugene, OR: Wipf & Stock Publishers, 2003); Walter D. Mignolo, *The Darker Side of Western Modernity: Global Futures, Decolonial Options* (Durham, NC: Duke University Press, 2011); Walter D. Mignolo and Catherine E. Walsh, *On Decoloniality: Concepts, Analytics, Praxis* (Durham, NC: Duke University Press, 2018); Fred Moten, *The Universal Machine (Consent Not to Be a Single Being)* (Durham, NC: Duke University Press, 2018); Chandra Talpade Mohanty, *Feminism without Borders: Decolonizing Theory, Practicing Solidarity* (Durham, NC: Duke University Press, 2003); Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed Books, 2012); Ngũgĩ wa Thiong'o, *Decolonising the Mind: The Politics of Language in African Literature*

- (Oxford: Heinemann, 2011); Gary Wilder, *Freedom Time: Negritude, Decolonization, and the Future of the World* (Durham, NC: Duke University Press Books, 2015); Boaventura de Sousa Santos, *The End of the Cognitive Empire: The Coming of Age of Epistemologies of the South* (Durham, NC: Duke University Press Books, 2018); Kathryn Yusoff, *A Billion Black Anthropocenes or None* (Minneapolis: University of Minnesota Press, 2018).
- 21 Paul Gilroy, *There Ain't No Black in the Union Jack: The Cultural Politics of Race and Nation* (London: Routledge, 2002); Stuart Hall, *The Fateful Triangle: Race, Ethnicity, Nation*, ed. Kobena Mercer (Cambridge, MA: Harvard University Press, 2017); Stoler, *Race and the Education of Desire*.
  - 22 We focus on communication and media because these disciplines are still widely accepting the national imaginaries thesis precisely because of its emphasis on the role of media and communication in providing the material and affective means for national affinity.
  - 23 “Myanmar Rohingya: What You Need to Know about the Crisis,” *BBC News*, April 24, 2018, sec. Asia, [www.bbc.com/news/world-asia-41566561](http://www.bbc.com/news/world-asia-41566561).
  - 24 Michael Omi and Howard Winant, *Racial Formation in the United States*, 3rd ed. (New York: Routledge, 2014), 95.
  - 25 Sunera Thobani, *Exalted Subjects: Studies in the Making of Race and Nation in Canada* (Toronto: University of Toronto Press, 2007).
  - 26 Anderson, *Imagined Communities*, 149.
  - 27 *Ibid.*, 137.
  - 28 *Ibid.*
  - 29 *Ibid.*, 150.
  - 30 Gilroy, *There Ain't No Black in the Union Jack*, 44.
  - 31 Mae M. Ngai, “Birthright Citizenship and the Alien Citizen,” *Fordham Law Review* 75 (2007): 2521–2530.
  - 32 Sara Ahmed, *The Cultural Politics of Emotion* (New York: Routledge, 2014); Sara Ahmed, *Strange Encounters: Embodied Others in Post-Coloniality* (London: Routledge, 2000); Lauren Berlant, *The Queen of America Goes to Washington City: Essays on Sex and Citizenship* (Durham, NC: Duke University Press, 1997); Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule, With a New Preface* (Berkeley: University of California Press, 2010); Margaret Franz, “Will to Love, Will to Fear: The Emotional Politics of Illegality and Citizenship in the Campaign against Birthright Citizenship in the US,” *Social Identities* 21, no. 2 (2015): 184–98, doi:10.1080/13504630.2015.1041016.
  - 33 Colin Dwyer and Andrew Limbong, “‘Go Back Where You Came From’: The Long Rhetorical Roots of Trump’s Racist Tweets,” NPR.org, July 15, 2019, [www.npr.org/2019/07/15/741827580/go-back-where-you-came-from-the-long-rhetorical-roots-of-trump-s-racist-tweets](http://www.npr.org/2019/07/15/741827580/go-back-where-you-came-from-the-long-rhetorical-roots-of-trump-s-racist-tweets).
  - 34 Nicky Ouellet and Olivia Reingold, “Trump’s Racist Comments Find Support in Montana,” NPR.org, July 17, 2019, [www.npr.org/2019/07/17/742574640/trumps-racist-comments-find-support-in-montana](http://www.npr.org/2019/07/17/742574640/trumps-racist-comments-find-support-in-montana).
  - 35 Alexander G. Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham, NC: Duke University Press, 2014).
  - 36 Gilroy, *There Ain't No Black in the Union Jack*, 60–61.
  - 37 *Ibid.*, 44.
  - 38 *Ibid.*, 45.
  - 39 *Ibid.*, 45–46.
  - 40 Edward Telles, *Pigmentocracies: Ethnicity, Race, and Color in Latin America* (Chapel Hill: The University of North Carolina Press, 2014), 59–64.

- 41 Anderson, *Imagined Communities*, 52.
- 42 Ibid.
- 43 Ibid.
- 44 For scholarship that pushes against the tendency to view mestisaje as a “raceless” national imaginary, see Marilyn Grace Miller, *Rise and Fall of the Cosmic Race: The Cult of Mestizaje in Latin America* (Austin: University of Texas Press, 2004); Estelle Tarica, *The Inner Life of Mestizo Nationalism* (Minneapolis: University Of Minnesota Press, 2008); Edward Telles, *Pigmentocracies*.
- 45 Alan Knight, “Racism, Revolution, and Indigenismo: Mexico, 1910–1940,” in *The Idea of Race in Latin America, 1870–1940*, ed. Richard Graham (Austin: University of Texas Press, 1990); Telles, *Pigmentocracies*.
- 46 Telles, *Pigmentocracies*, 69.
- 47 Instagram post from Tenoch Huerta from December 19, 2018. The entire post says:

“QUE CHINGON X ESTA CHAVA QUE ESTA REALIZANDO EL SUEÑO DE MUCHAS, ME ENCANTA VERLA, TIENE MUCHO ANGEL, MUCHA ACTITUD, ES SUPER FRESH... HACIA FALTA ALGUIEN NUEVO SIN LA MALICIA DE ESTE MEDIO..... PER- OOOOOO LO Q ME DA RISA, ROÑA MAS BIEN ES Q SEAN TA- AAAAAAN RIDICULAS TODAS POSTEANDO FOTOS DE QUE “LA VERDADERA MEXICANA” QUE ORGULLO, QUE WOW, QUE HONOR, NO MAMEEEEN SI A SUS MUCHACHAS LAS TRAEN UNIFORMADAS (empiecen a comprarles prada pues pinches ridiculas), NO LAS DEJAN NI HACER PIPÍ EN SUS PROPIOS BAÑOS XQ POS ES LA MUCHACHA.... DEJEN DE SER TAN DOBLE CARA, DIGAN WOW Q PADRE QUE TRIUNFO Y YA.... PERO NO SE SUBAN AL TREN DEL MAME CON QUE LA VERDADERA MEXICANA SI TODAS LE SACAN LA VUELTA A ESTAS MUJERES.... SI LES TOCA AL LADO EN UN AVION Y NO HA SALIDO EN LA MOVIE LES APUESTO Q HASTA SE CAMBIAN DE LUGAR.... PORQ ASI SON, SON CULERAS, PERO COMO YA ES UNA CHINGONA, YA SALE EN REVISTAS Y VA A LOS FESTIVALES DE CINE Y EL MUNDO LA AMA... YA ES EL ORGULLO, YA NOS REPRESENTA... NO MAMEN, APROVECHEN MEJOR EL MOVIMIENTO QUE HIZO ESTA CHAVA PARA QUE DEJEN DE SER RACISTAS CON LA GENTE MORENA (cuantas no me han puesto aqui PINCHE NEGRO, PRIETO, NACO) APROVECHEN PARA QUE DEJEN DE TRATAR A SUS EMPLEADAS COMO TRAPO, PARA QUE DEJEN DE DECIR “ushhh no puedo salir porq la pinche gata no vinoooo hoy”, APROVECHEN PARA Q EN LUGAR DE UNIFORME LES COMPREN ROPA BONITA PARA Q ANDEN TRABAJANDO SIN NECESIDAD DE ESTAR DISFRAZADAS.... NO MAMEN POR QUEDAR BIEN.... MEJOR HAGAN UN CAMBIO DE ACTITUD, QUE LA PELI SIRVA DE ALGO, NO NAMAS PA Q ANDEN MAMANDO CON QUE AMAN LA VERDADERA BELLEZA MEXICANA, QUE POR CIERTO ES LA MESTIZA, PA Q ESTUDIEN MAS TAMBIEN Y NO DIGAN PENDE- JADAS.... [#paqueandendignas](#) DE NAVIDAD APROVECHEN Y AR- REGLENLES EL CUARTO BONITOOOO, VIVEN EN UNA PINCHE MANSION Y A LAS EMPLEADAS LAS TIENEN DURMIENDO AL LADO DEL BOILER Y LA LAVADORA.... NO POS COMO AMAN A LAS VERDADERAS MEXICANAS... Y LAS QUE VIVEN EN

EDIFICIO CON ELEVADOR PARA EL SERVICIO....HAGAN UNA JUNTA PA QUE DEJEN DE USAR DOS ELEVADORES, ASI CONTAMINAN MENOS Y POS USAN EL MISMO ELEVADOR QUE LAS VERDADERAS BELLEZAS MEXICANAS Q TANTO AMAN EL DIA DE HOY....”

Retrieved at [www.instagram.com/tenochhuerta/](http://www.instagram.com/tenochhuerta/).

- 48 Gilroy, *There Ain't No Black in the Union Jack*, 60.
- 49 Anderson, *Imagined Communities*, 42–43.
- 50 James Carey, “Afterword: The Culture in Question,” in *James Carey: A Critical Reader*, ed. Eve Stryker Munson and Catherine A. Warren (Minneapolis: University Of Minnesota Press, 1997), 322.
- 51 Ibid.
- 52 David Morley, “The Geography of Television: Ethnography, Communications, and Community,” in *The Audience and Its Landscape*, ed. J. Hay, L. Grossberg and E. Wartella (Boulder, CO: Westview Press, 1996), 328.
- 53 Eli Pariser, *The Filter Bubble: How the New Personalized Web Is Changing What We Read and How We Think* (New York: Penguin Books, 2012).
- 54 Silvio Waisbord, “When the Cart of Media Is Before the Horse of Identity: A Critique of Technology-Centered Views on Globalization,” *Communication Research* 25, no. 4 (1998): 392.
- 55 Castro-Klarén and Chasteen, *Beyond Imagined Communities*.
- 56 Ibid.; William H. Beezley, *Mexican National Identity: Memory, Innuendo, and Popular Culture* (Tucson: University of Arizona Press, 2008).
- 57 Arjun Appadurai, *Modernity at Large: Cultural Dimensions of Globalization* (Minneapolis: University of Minnesota Press, 1996); Castells, *The Power of Identity*; David Morley and Kevin Robins, *Spaces of Identity: Global Media, Electronic Landscapes and Cultural Boundaries* (London: Routledge, 1995).
- 58 Jeffrey Louis Decker, “The State of Rap: Time and Place in Hip Hop Nationalism,” *Social Text*, no. 34 (1993): 53–84, doi:10.2307/466354; Murray Forman and Mark Anthony Neal, “Introduction,” in *That's the Joint!: The Hip Hop Studies Reader* (New York: Routledge, 2004), 1–12; Istvan Csicsery-Ronay, Jr., Veronica Hollinger, and Joan Gordon, “Dis-Imagined Communities: Science Fiction and the Future of Nations,” in *Edging into the Future: Science Fiction and Contemporary Cultural Transformation* (State College, PA: Pennsylvania State University Press, 2002), 215–37; Lori Hitchcock Morimoto and Bertha Chin, “Reimagining the Imagined Community: Online Media Fandoms in the Age of Global Convergence,” in *Fandom: Identities and Communities in a Mediated World*, eds. Jonathan Gray, Cornel Sandvoss, and Lee Harrington, 2nd ed. (New York: New York University Press, 2017), 174–190.
- 59 Waisbord, “When the Cart of Media Is Before the Horse of Identity,” 391.
- 60 Ibid., 392.
- 61 Biolsi, “Imagined Geographies,” 240.
- 62 Mark Rifkin, *Beyond Settler Time: Temporal Sovereignty and Indigenous Self-Determination* (Durham, NC: Duke University Press, 2017); Sarah Sharma, *In the Meantime: Temporality and Cultural Politics* (Durham, NC: Duke University Press, 2014).
- 63 Rifkin, *Beyond Settler Time*.
- 64 Nick Estes, *Our History Is the Future: Standing Rock versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance* (New York: Verso, 2019).

- 65 Renee Montaigne, Morning Edition, (November 2, 2016). [www.npr.org/2016/11/02/500331158/north-dakota-commissioner-standing-rock-souix-sat-out-the-state-process](http://www.npr.org/2016/11/02/500331158/north-dakota-commissioner-standing-rock-souix-sat-out-the-state-process).
- 66 Simpson, *Mohawk Interruptus*, 12.
- 67 Partha Chatterjee, "Anderson's Utopia," in *Grounds of Comparison around the Work of Benedict Anderson*, ed. Jonathan Culler and Pheng Cheah (New York: Routledge, 2003), 34.
- 68 Stephen B. Crofts Wiley, "Rethinking Nationality in the Context of Globalization," *Communication Theory* 14, no. 1 (2004): 85.
- 69 Ibid.
- 70 Hall, *The Fateful Triangle*, 8.
- 71 M. Lane Bruner, "Rhetorical Theory and the Critique of National Identity Construction," *National Identities* 7, no. 3 (2005): 319, doi:10.1080/14608940500201912.
- 72 Kent Ono and John Sloop, *Shifting Borders: Rhetoric, Immigration and Prop 187* (Philadelphia: Temple University Press, 2002).
- 73 Michael Warner, "Publics and Counterpublics," *Public Culture* 14, no. 1 (2002): 49–90.
- 74 Mirca Madianou, *Mediating the Nation* (New York: Routledge, 2012) doi:10.4324/9780203058817.
- 75 Homi K. Bhabha, "Introduction: On Disciplines and Destinations," in *Territories and Trajectories: Cultures in Circulation*, ed. Diana Sorensen (Durham, NC: Duke University Press, 2018), 2.
- 76 Ibid., 6.
- 77 Ibid., 3.
- 78 Lisa A. Flores, "Constructing Rhetorical Borders: Peons, Illegal Aliens, and Competing Narratives of Immigration," *Critical Studies in Media Communication* 20, no. 4 (2003): 362–87, doi:10.1080/0739318032000142025; Kent A. Ono, "Borders That Travel: Matters of the Figural Border," in *Border Rhetorics: Citizenship and Identity on the US-Mexico Frontier*, ed. Robert DeChaine (Tuscaloosa: University of Alabama Press, 2012), 19–32.
- 79 Kumarini Silva, "Oh, Give Me a Home: Diasporic Longings of Home and Belonging," *Social Identities* 15, no. 5 (2009): 695.
- 80 Ibid., 694.
- 81 Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (Minneapolis: University Of Minnesota Press, 2015), 9.
- 82 Ibid.
- 83 Ibid., 11.
- 84 Hall, *The Fateful Triangle*, 236.
- 85 Ibid.
- 86 Scott Richard Lyons, *X-Marks: Native Signatures of Assent* (Minneapolis: University of Minnesota Press, 2010).
- 87 Moreton-Robinson, *The White Possessive*, 13.
- 88 Ibid.
- 89 Michel S. Laguerre, "State, Diaspora, and Transnational Politics: Haiti Reconceptualized," *Millennium: Journal of International Studies* 28, no. 3 (1999): 637.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

Part I

# Territories, Sovereignties, and Legal Geographies





Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

# 1 Migration Law as a State (Re)producing Mechanism

*Magdalena Kmak*

## Introduction

This chapter addresses the recent overspill of migration law into other areas of law, in particular criminal law<sup>1</sup> and citizenship law.<sup>2</sup> With reference to a Deleuzoguattarian ontology of machinic production,<sup>3</sup> it claims that the overspill enables the state to both reproduce and reinvent itself through positing migration at its center. In particular, the chapter challenges the views pronouncing the weakening of state sovereignty or decoupling sovereignty from the nation-state in globalized world, and instead argues that migration law by itself, as well as through its colonization of the other areas of law, constitutes a crucial element of a strengthened state and a state sovereignty. Migration and mobility as a primary social force<sup>4</sup> both challenge the stasis of statehood and allow for its reproduction through creating and perpetuating distinctions between citizens and migrants and developing the mechanisms of their management. Therefore, the processes of bordering strengthen state sovereignty and function as state (re)producing mechanisms.<sup>5</sup> Essentially, because political sovereignty only rules over what it is able to appropriate, it requires the existence of borders that delimit the internal space to be governed in particular way.<sup>6</sup> This means that mobility, or in Thomas Nail's words, the phenomenon of "social pedesis" defined as the "irregular movement of a collective body," predates the stasis of geographically delimited statehood.<sup>7</sup> State is therefore not a reason for, but rather a result of, the processes of bordering, of controlling and arranging mobility into particular form.

## Borders

According to Nail, "[s]ociety is first and foremost a product of the borders that define it and the material conditions under which it is dividable. Only afterwards are borders (re)produced by society."<sup>8</sup> State identity and sovereignty then are created and maintained through the perpetuation of the machinic processes of production, dissolution, and (re)production of different types of borders. The crucial role of borders

for the emergence and perpetuation of the state over time explains the strong position of the state in a globalized world. According to Saskia Sassen, proliferation of the processes of bordering has been a prominent feature of globalization, contributing to construction of capacities of nation-states operating not only on international scale but also on national and local scales. These bordering capacities occur therefore on different levels of societal organization, including also national territorial and institutional domains.<sup>9</sup> In the international legal perspective, one of the main lines of distinction resulting from the creation of borders is the distinction between citizens and foreigners. International borders construct two distinct groups—citizens (those who belong within the geographically bordered nation-state) and migrants (those who come from the outside and continually challenge the sedentary character of a nation-state)—and create the needs for their governing and management. At the same time, this management is (re)constitutive to statehood and state sovereignty. This is visible in the development of the immigration control measures aiming to strengthen the state sovereignty at the very moment when national borders seem much less relevant.<sup>10</sup> In the words of Nancy Wonders:

(...) nation-states are currently engaged in border reconstruction projects as a way to reconstitute sovereignty in a globalized world; these include the use of rhetorical and cultural borders to separate insiders from outsiders, physically reinforcing geographical borders through border securitization and militarization, and the de-territorialization of borders.<sup>11</sup>

In other words, borders expand from their traditional geographical locations and bordering practices become embedded in political, social, and cultural spheres. One of the concrete examples of contemporary processes of bordering contributing to the reinvention of statehood through migration is the overspill of migration control into criminal law and into citizenship law.

### **Crimmigration Law**

Crimmigration involves a multifaceted interlinkage between migration and criminal law or, as described by Aas and Bosworth, between “the bordered” and the “the ordered” that results in such a level of hybridity that it can be considered as a new form of control—a crimmigration control.<sup>12</sup> Crimmigration has been often described as a two-pronged relationship between “the bordered” and “the ordered”: criminalization of immigration law and immigrationalization of criminal law.<sup>13</sup> The former, which has been traditionally understood as representative of crimmigration, concerns situations where migration law acquires preventive

role (for instance when migration offences are considered crimes).<sup>14</sup> The latter phenomenon of immigration law into criminal law is characterized by the overspill of immigration law into criminal law, which in result acquires a role of border control. This happens for instance when common crime constitutes a basis for immigration detention<sup>15</sup> or more broadly when criminal law measures are used in order to facilitate the deportation of a foreigner.<sup>16</sup> Such crimmigration practices often reveal differing state responses to crime and crime prevention depending on a person's immigration status,<sup>17</sup> contributing to broadly understood processes of bordering.

One of the examples of the immigration law into criminal law is the Secure Communities program developed in the USA in the late 2000s. The main objective of the program was to, by the use of the law enforcement databases, identify removable non-citizens among arrestees by the local law enforcement authorities.<sup>18</sup> The spillover of migration law into criminal law could be seen in this case in the way how the criminal databases, as well as the local criminal law enforcement resources, were used for immigration enforcement purposes.<sup>19</sup> Upon arrest, the individual's fingerprints were submitted, not only to the FBI and Department of Homeland and Security databases as previously but also to the Immigration and Customs Enforcement database. The latter one included additionally civil immigration warrants that would identify not only detainee's criminal acts but also civil immigration violations.<sup>20</sup> In consequence, arrestees were often held in detention on the basis of immigration warrant, even when the criminal authority to detain them has lapsed.<sup>21</sup> The program was found unconstitutional and replaced by the Priority Enforcement Program in 2014. Even though the new program limits the discretion of low-level enforcement authorities and prioritizes immigration enforcement based on the degree of the security threat posed by the non-citizen,<sup>22</sup> it still uses the criminal law for the purpose of immigration enforcement.

Another example of immigration law into criminal law is the practice of distinguishing between national and foreign prisoners, or non-deportable and deportable prisoners in the prison system in some of the European countries. In their recent article on crimmigration trends in prison polices in England, Wales, and Norway, Pakes and Holt describe the practice of setting up prisons designed for foreign national prisoners only. The authors see these prisons as "ante-chambers of deportation," with deportation being considered as the ultimate crime solutions.<sup>23</sup> The authors use this example not only to describe crimmigration as a fusion of criminal and migration law but to "point" their bordering qualities. As they write, the result "is the discovery of the prison as a key place in which a captive audience can be identified, separated and subsequently ejected."<sup>24</sup> Both cases are examples of what Katja Franko Aas calls bordered penalty. As she writes "[t]he absence of formal membership

is the essential factor contributing towards shifting the nature of penal intervention from reintegration into the society towards territorial exclusion, and towards the development of a particular form of penalty, termed hereby bordered penalty.”<sup>25</sup> In this particular context, the role of penal system is to guide not only “society’s moral boundaries” but also territorial boundaries, to act as a border control measure.<sup>26</sup> In this understanding prisons, detention institutions or the acts of arrest become borderlands of the future,<sup>27</sup> where different types of justice are applied—depending on the color of the passport and the membership status of the person in question.<sup>28</sup> Through deportation—its final outcome—bordered penalty becomes an expression of a territorial ideal of sovereignty and, at the same time, through the further dispatch of persons to their countries of origin, a part of a global mobility regime rooted in the system of nation-states.<sup>29</sup>

### Citizenship Law

The relationship between migration law and citizenship law is different from criminal law, as both deal with the question of belonging and rights. In international law, citizenship is based on the link between the person and the state, which either derives from birth or is developed later through particularly lengthy residence, language, and citizenship tests, giving basis for naturalization. Naturalization, similarly to birth-based citizenship, allows an access to political and social rights and welfare benefits that previously may not have been available, limiting at the same time access to resources to those without strong links with the state. Recent citizenship practices however show changes in understanding of citizenship as being based on granting access to rights to those with strong link to the state. These changes can be characterized as immigrationalization of citizenship law, where citizenship law takes the role of border control.<sup>30</sup> The overspill of migration practices into citizenship practices is characterized by two phenomena—commodification of citizenship and precarization of citizenship.<sup>31</sup> In both, the citizenship acquires a role normally held by migration law—by selectively admitting desired foreigners to the country through the various investment schemes and removing citizens not considered as desired through practices of revocation of citizenship and subsequent expulsion. In such practices, legal and normative contours of citizenship are dependent on the measures to control migration, such as deportation and detention.<sup>32</sup> The first phenomenon, a citizenship through investment, is not a new practice and was implemented in the Caribbean already in the 1980s.<sup>33</sup> Nowadays a different version of this practice exists, however, in a number of countries, including Canada, the USA, the UK, Belgium, Austria, Hungary, Cyprus, and Singapore.<sup>34</sup> Granting citizenship is usually based on the discretionary decision of authorities

or through special investment programs. In some countries, the investor is allowed to acquire citizenship without the residency requirement or without any link with the country in question.<sup>35</sup> In Cyprus, lack of residency requirement is even coupled with lack of the requirement of good behavior.<sup>36</sup> In these practices, the decision of who can acquire the membership in the country is based mainly on the financial resources the person is willing to invest in the state, and the citizenship acquires a form of a business contract.<sup>37</sup> The practices of revocation of citizenship, however, also have been recently on a rise as number of countries have either adopted them or at least discussed their introduction. For instance, the program Operation Janus initiated in the USA in 2016 aims to review naturalization decisions of those citizens whose fingerprints were not earlier included in digitalized repositories in order to identify possible frauds in obtaining citizenship.<sup>38</sup> Similarly, the legislation currently in force in the UK, in particular bills of 2006 and 2014, allows for removal of citizenship in cases of various types of frauds or in the unspecified and broad range of situations when the removal of a person concerned is conducive to the public good,<sup>39</sup> also when in result of denationalization the person would become stateless.<sup>40</sup> The overspill of immigration into citizenship law has been here confirmed for instance by a statement in the House of Commons during introduction of the 2006 changes: “[t]his Bill is about immigration, asylum and nationality law, and the new clauses are about changes to that law in terms of what is happening now in our wider counter-terrorism initiative.” Revocation of citizenship and deportation has been used against persons who were suspected of but never convicted or charged with criminal offences, which points not only to immigrationalization of citizenship law but also to anti-terrorist law.<sup>41</sup> These citizenship practices, similar to the crimmigration practices, clearly display bordering qualities. Here, however, the distinction is not only between citizens and foreigners but also between good and bad citizens (citizens by birth and by naturalization)<sup>42</sup> as well as between the rich and the poor. Statehood reinforces itself as a space where belonging depends on the good behavior and a benefit the person can generate for the state, a characteristic of a global regime of unequal mobility.

### **Conclusions: (Re)invention of a Nation-State through Migration**

The bordering practices described in this chapter perpetuate distinctions between citizens and foreigners that in result become embedded in the areas of law, the purpose of which has traditionally been different than border control. These practices create at the same time the need for the sovereign apparatus of management of these distinctions. The more areas of law are linked with migration, the stronger sovereign apparatus

is needed, and the more migration is moved to the center of the nation-state activities. By describing the practices of overspill of migration law into criminal law and citizenship law, this chapter has tried to show how it is rather a nation-state with immigration at its core that dominates as a form of societal organization. Brexit constitutes a notable example of this phenomenon. The nation-state, through the overcoding of various branches of law with migration law and (re)framing its actions as migration-related, reinforces its sovereignty and regains “identity” (again, Brexit), through perpetuating and strengthening distinctions between citizens and migrants or good and bad citizens. Through expulsion and further allocation of people to their proper sovereigns,<sup>43</sup> these processes also support the political division of the world into nation-states, serving the revitalization of the nation-state system, with the immigration as a core of the nationalizing activities.

## Notes

- 1 Katja Franko Aas and Mary Bosworth, *The Borders of Punishment: Migration, Citizenship, and Social Exclusion*, 1st ed. (Oxford: Oxford University Press, 2013).
- 2 Sandra Mantu, *Contingent Citizenship: The Law and Practice of Citizenship Deprivation in International, European, and National Perspectives* (Nijmegen, 2014).
- 3 Gilles Deleuze and Felix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia*, trans. Robert Hurley, Mark Seem, and Helen Lane, 6th printing (London: The Athlone Press, 2003).
- 4 Thomas Nail, *The Figure of the Migrant*, 1 ed. (Stanford: Stanford University Press, 2015).
- 5 Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages*, (Princeton, N.J.: Princeton University Press, 2008).
- 6 See also Patton, *Deleuze and the Political* (London; New York: Routledge, 2000)
- 7 Nail, *The Figure of the Migrant*, 13, 223.
- 8 Nail, *Theory of the Border* (Oxford; New York: Oxford University Press, 2016), 4.
- 9 Sassen, *Territory, Authority, Rights*, 416.
- 10 Mary Bosworth and Mhairi Guild, “Governing through Migration Control Security and Citizenship in Britain,” *British Journal of Criminology* 48, no. 6 (1 November 2008): 714, doi:10.1093/bjc/azn059.
- 11 Nancy A. Wonders, “Sitting on the Fence – Spain’s Delicate Balance: Bordering, Multiscalar Challenges, and Crimmigration,” *European Journal of Criminology* 14, no. 1 (1 January 2017): 9, doi:10.1177/1477370816640140.
- 12 Katja Franko Aas, “The Ordered and the Bordered Society: Migration Control, Citizenship, and the Northern Penal State,” in *The Borders of Punishment: Migration, Citizenship, and Social Exclusion* (Oxford: Oxford University Press, 2013), 25.
- 13 Maartje A. H. van der Woude, Joanne P. van der Leun, and Jo-Anne A. Nijland, “Crimmigration in the Netherlands,” *Law & Social Inquiry* 39, no. 3 (1 September 2014): 507, doi:10.1111/lsi.12078.
- 14 Teresa Miller, “Blurring the Boundaries between Immigration and Crime Control after September 11th,” *Boston College Third World Law Journal*



- 25, no. 1 (2005): 81–123; Mary Bosworth and Mhairi Guild, “Governing through Migration Control Security and Citizenship in Britain,” *British Journal of Criminology* 48, no. 6 (1 November 2008): 703–719, doi:10.1093/bjc/azn059; Anna Aliverti, “Making People Criminal: The Role of the Criminal Law in Immigration Enforcement,” *Theoretical Criminology* 16, no. 6 (2012): 417–434, doi:10.1177/1362480612449779; Jonathan Simon, *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (Oxford: Oxford University Press, 2007).
- 15 Juliet P. Stumpf, “The Process Is the Punishment in Crimmigration Law,” in *The Borders of Punishment: Migration, Citizenship and Social Exclusion* (Oxford: Oxford University Press, 2013), 66–68.
- 16 Aliverti, “Making People Criminal: The Role of the Criminal Law in Immigration Enforcement.”
- 17 Magdalena Kmak, “Crimmigration and Othering in the Finnish Law and Practice of Immigration Detention,” *No Foundations Journal (Forthcoming)*, June 2018.
- 18 Juliet P. Stumpf, “D(e)volving Discretion: Lessons from the Life and Times of Secure Communities,” *American University Law Review* 64, no. 5 (2015): 1268.
- 19 *Ibid.*, 1271.
- 20 *Ibid.*, 1268.
- 21 *Ibid.*, 1269.
- 22 *Ibid.*, 1281.
- 23 Francis Pakes and Katerine Holt, “Crimmigration and the Prison: Comparing Trends in Prison Policy and Practice in England & Wales and Norway,” *European Journal of Criminology* 14, no. 1 (1 January 2017): 74, doi:10.1177/1477370816636905.
- 24 *Ibid.*, 73.
- 25 Katja Franko Aas, “Bordered Penalty: Precarious Membership and Abnormal Justice,” *Punishment & Society* 16, no. 5 (December 2014): 521, doi:10.1177/1462474514548807.
- 26 *Ibid.*, 530.
- 27 Pakes and Holt, “Crimmigration and the Prison,” 65.
- 28 Aas, “Bordered Penalty”, 532.
- 29 *Ibid.*, 531–532.
- 30 Mantu, *Contingent Citizenship*.
- 31 Magdalena Kmak, “Mnogość Obywatelstw: Studium Nad Dominującymi i Mniejszościowymi Dyskursami Prawnymi,” in *O Prawach Człowieka. Księga Jubileuszowa Profesora Romana Wieruszewskiego* (Warszawa: Wolters Kluwer, 2017), 395–408.
- 32 Bridget Anderson, Matthew J. Gibney, and Emanuela Paoletti, “Citizenship, Deportation and the Boundaries of Belonging,” *Citizenship Studies* 15, no. 5 (2011): 553–554, doi:10.1080/13621025.2011.583787.
- 33 <http://stkitts-citizenship.com> (accessed 18 November 2016).
- 34 Jelena Dzankic, “Citizenship by Investment: Can Money Buy Citizenship?” *European Union Democracy Observatory on Citizenship* (blog), 15 February 2012, <http://eudo-citizenship.eu/news/citizenship-news/583-citizenship-by-investment-can-money-buy-citizenship>.
- 35 Jelena Dzankic, “The Pros and Cons of Ius Pecuniae: Investor Citizenship in Comparative Perspective” (Florence: European University Institute, Robert Schuman Centre for Advanced Studies, EUDO Citizenship Observatory, 2012), 1.

- 36 Nicos Trimikliniotis, "Report on Citizenship Law: Cyprus" (EUDO Citizenship Observatory, 2015).
- 37 Jelena Dzankic, "Investor Programs: Attempting to Cure the Struggling European Economies? I," *Citizenship in Southeast Europe* (blog), 14 December 2012, [www.citsee.eu/blog/investor-programs-attempting-cure-struggling-european-economies](http://www.citsee.eu/blog/investor-programs-attempting-cure-struggling-european-economies).
- 38 U.S. Department of Homeland Security, "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records," 2016, [www.oig.dhs.gov/assets/Mgmt/2016/OIG-16-130-Sep16.pdf](http://www.oig.dhs.gov/assets/Mgmt/2016/OIG-16-130-Sep16.pdf) (accessed 8 November 2018)
- 39 UK Border Agency 2006.
- 40 David Anderson Q.C., Citizenship removal resulting in statelessness. First report of the independent reviewer on the operation of the power to remove citizenship obtained by naturalisation from persons who have no other citizenship, 2016.
- 41 Sandra Mantu, "Deprivation of Citizenship in the United Kingdom," *Enacting European Citizenship* (Centre for Citizenship, Identities and Governance, Faculty of Social Sciences, The Open University, UK, 2009), 20, 22.
- 42 Kmak, "Mnogość Obywatelstw," 395–408.
- 43 William Walters, "Deportation, Expulsion, and the International Police of Aliens," *Citizenship Studies* 6, no. 3 (2002): 265–292, doi:10.1080/1362102022000011612.

## 2 Migration

### A Threat to the European Identity? A Legal Analysis of the Borders and Boundaries of the European Homeland

*Carola Lingaas*

Remaining true to our values is a matter of law as much as of ethics and identity.<sup>1</sup>

#### Introduction

Deepening the solidarity between the peoples of Europe was an explicit goal of the Maastricht Treaty,<sup>2</sup> by which in 1992 the Member States of the European Community created a common European Homeland: the European Union (EU). Committed to the respect for human rights and fundamental freedoms as well as to the rule of law, the treaty assured to uphold the European peoples' history, culture, and traditions, while at the same time aiming at ending the division of the European continent. The Maastricht Treaty broadly constructed the European identity to embrace all European peoples. Its vision was a united "us."

A quarter of a century later, the hope of "creating an ever-closer union among the peoples of Europe" (Art. A of the Treaty of Lisbon)<sup>3</sup> seems to be fading. Coinciding with an ostensible global trend, increasing pernicious nationalism, and populism cast a dark shadow over the solidarity between Europe's peoples.<sup>4</sup> Notwithstanding a drastic decrease of migrants in recent months, migration still remains the major concern for Europeans.<sup>5</sup> "Migration is a deeply emotional issue that gets under everyone's skin and polarizes society," emphasizes Stefan Lehne, pointing out that migration touches "on the sense of identity of groups and nations, it mobilizes solidarity in some people but triggers fear and hate in others."<sup>6</sup> Has the sense of belonging to Europe, defined by the common outer boundaries of all the participating nation states, vanished in favor of an ever increased sense of inner borders, within which "we" have to stand united against "them"?<sup>7</sup> Framed by this question, this chapter will discuss how Europe is seemingly turning away from its original idea of an all-inclusive society, to adopting a more exclusive, hostile attitude toward "others."<sup>8</sup> Using a combination of legal analysis, and social science research on identity and othering, this chapter attempts to answer

the question whether Europe can resist the attacks on its fundamental values of a common identity—or whether we are inadvertently trapped in the vortex of this hostile storm against human rights, increasing in force with every further case of migration. In doing so, it raises doubts whether law is at all an appropriate tool to pave the way to a common understanding of “us and them” rather than “us versus them,” considering that the legal foundation for human rights has remained largely unchanged for the past several decades.

### **A Bulwark of Boundaries? The European Convention on Human Rights**

Not only is perhaps the sense of belonging to a common Europe fading; the normative effect of European rights and freedoms may also be on the decline. Formally, the rights and freedoms of the Convention for the Protection of Human Rights and Fundamental Freedoms—better known as the European Convention on Human Rights (ECHR)—are firmly entrenched in all the Member States of the Council of Europe and of the EU. In its preamble, the ECHR expressly reiterates the “common heritage of political traditions, ideals, freedom and the rule of law,”<sup>9</sup> emphasizing the idea of a shared European identity. Yet, the gap between the jurisprudence on human rights and actual justice for “others” is growing. This is particularly true for those considered of a lesser value, in terms of both their lesser economic status and their belonging to a group outside of the (imagined) European norm, migrated from beyond the (imaginary) European boundaries.<sup>10</sup> This development effectively leads to the obliteration of human rights, especially of the principle of non-discrimination. In view of this apparent decline of human rights protection, can a more effective interpretation of the ECHR strengthen the existing legal framework to the benefit of a more inclusive and peaceful Europe? Or, is the gateway to human rights protection politics rather than law?

### **Boundaries: Legal and Others**

Boundaries are drawn to include and exclude. Boundaries exist between nation states and at the regional level, where groups of states extra-territorialize their boundaries with the aim of controlling the movement of people from outside their designated territories. The European refugee crisis in recent years tested the boundaries of the European homeland.<sup>11</sup> But already long before the refugee crisis in 2016–2017, a popular slogan was “We did not cross borders, borders crossed us!”<sup>12</sup> Thus, borders create the category of “migrants.” Consequently, if there were no borders, there would be no migrants, only mobility, scholars from the social sciences point out.<sup>13</sup> As such, the establishment of common European borders also created the notion of “outsiders,” who are not members

of “our” group. Yet, the externalization of the “others,” who come from beyond “our” borders, is not the sole cause for othering.<sup>14</sup> Apart from visible external borders that designate the territorial boundaries of states, there exist also non-visible internal borders. The prime example in Europe are the Roma, who regularly face marginalization and discrimination, even though most are citizens of Europe.<sup>15</sup> Both types of borders comprise a negative association: the “others” are perceived as unwanted and as “different,” hence justifying their exclusion and expulsion.

Obviously, the creation of “others” by means of borders is not solely a matter of perception. The distinction of those who fall within and those who fall outside is embossed in the law: external borders, on the one hand, fall under the sovereignty of the respective state. European regional law grants EU citizens the right to freedom of movement within these external borders.<sup>16</sup> The internal “invisible” borders, on the other hand, are delimited by the principle of non-discrimination, a core international and regional human right, and a principle of the EU.<sup>17</sup>

Arguably, the creation of objective and generalized categories of people by the law further reinforces the perceptions of otherness. In the age of globalization, digitalization, deregulation of common markets and free trade, how can fixed legal categories encompass the fluid identities of migrants? Legally speaking, the term “migration” includes profoundly distinct and fluid groups, ranging from (regular) working migrants to (irregular) economic migrants and to refugees, all of which fall under different legal regimes. Each group pertains to a categorization that the law provides, “in a domain that generally eschews classification.”<sup>18</sup> Law deals with peoples’ identity at one particular point in time and place; different rules apply to migrants from within Europe or from beyond, to refugees, asylum seekers, regular and irregular migrants, victims of trafficking, or children, just to name a few. This raises the question whether fixed legal categories can reflect a migrant’s changing identity. Research indicates that the move of people between migrant categories (so-called status flows) is in fact more important than geographical flows between different countries.<sup>19</sup> This confirms that geographically constructed legal categories cannot accurately capture the situation of the individual migrant.<sup>20</sup>

## The Construction of a European Identity

With the creation of the EU, a re-distribution of sovereignty between local, national, and regional political institutions occurred: citizenship is now also linked to the membership of a regional institution that confers rights that are not necessarily located in a confined nation state. Importantly, this diffusion also led to a redefinition—and reinvention—of identities to embrace exclusionary narratives and violent vocalization of anti-migrant groups. Already more than 20 years ago, researchers were

stupefied by the paradox of insurgent nationalism in a time of European integration and unity: changes in citizenship and nationality within the EU had a correlation to xenophobia against Muslims and an aversion of East Europeans moving westward.<sup>21</sup> Anthony Smith points out that the problem of identity has played a major part in debates of the possibility and the legitimacy of a European identity.<sup>22</sup> According to Smith, an inchoate sense of the “outsider,” directed against immigrants, is one of the elements that defines a perceived European identity.<sup>23</sup>

The law defines the external boundaries of Europe and, in doing so, the outsiders against which we Europeans construct our own identity. As such, European law, as any other law, inevitably contains certain values and interests.<sup>24</sup> Courts, in turn, interpret the respective legislation by reference to the preparatory work in order to determine these underlying values.<sup>25</sup> The question arises whether the courts, in their legal reasoning, revert to values beyond the ones expressly stated by the drafters, such as inherent “European values” that imply a difference between us Europeans and the others from beyond our borders.

### **How the European Courts Deal with Otherness**

Hand in hand with the increasing codification and proliferation of human rights in Europe in the post-war era, domestic courts progressively applied human rights law in their decisions on the treatment of minorities and migrants. These decisions expanded the rights of foreigners, immigrants, and minorities and, as such, challenged the national order of distributing rights: universal human rights replaced national rights.<sup>26</sup> Yet, it appears that the more the courts expanded the rights of the migrants, the stronger the pushback was against an acceptance of these “others” in society. Hence, despite their universality and cross-national effects, human rights do not per se lead to more open and integrating societies: the increasingly restrictive immigration policies of the EU and the current case law of the courts suggest the opposite.<sup>27</sup>

The law in and by itself will not make an immediate difference for individuals, migrants, and others. Two additional factors have to be taken into consideration: first, the law’s application by the courts ultimately defines its contours and, second, the respective societies’ understanding and acceptance of the law and jurisprudence influences their behavior toward the “others.” Thus, albeit its noble intention, the European human rights regime is to a large extent dependent on the judiciary and the public. This (at times unfavorable) dependency seems to be reflected in more recent jurisprudence, where the European courts in general constrain the attribution of rights and thereby adjusted to expectations and perceptions of their constituency.<sup>28</sup>

As to the European Court of Human Rights (ECtHR) in particular, research has documented an increased willingness to depart from its

standard jurisprudence in order to accommodate the shifts in attitude of its fractured national audience.<sup>29</sup> Whether this adjustment occurs as a response to the backlash against the Court or is an expression of a new realist jurisprudential attitude has yet to be determined. The ECHR, as the legal foundation of the European human rights regime, is commonly considered a “living instrument.”<sup>30</sup> Interconnected, the ECtHR is renowned for its evolutive jurisprudence, by which case law continuously adjusts to current developments or societal changes.<sup>31</sup> Until recently, this dynamic interpretation of human rights was understood as one of the core assets of the Court in that it could interfere in the internal affairs of sovereign states and expand the protection of individuals at the expense of the member states of the Council of Europe.<sup>32</sup> In newer times, however, it could appear as though solely “we” with the proper European values benefit from this dynamic interpretation, while the legal privileges and rights of “the others” from beyond the—imagined or real—borders are increasingly confined.

The increasing push of elected European governments to the far right of the political specter, coupled with a discourse of populism and nationalism, points toward a change of values at the level of the European electorate.<sup>33</sup> If a change of values occurs within the national constituencies, which in turn is mirrored in the respective elected governments, will the courts adjust their interpretation of the law accordingly, in order to accommodate “contemporary” ideas? What if these contemporary ideas contradict the original high standards of protection of human rights and fundamental liberties—and, as such, are detrimental to the rights of migrants? These questions challenge the European system as a whole and demand an answer as to whether there exists a hierarchy between the political and the legal system and whether the EU as a political organization (and its EU law) is ranked higher than the ECtHR (and its ECHR). In times of crisis, in which we arguably are,<sup>34</sup> will law prevail or make way to politics? Ultimately, if the courts cannot or do not independently and impartially decide on matters brought before them, the rule of law is at stake.<sup>35</sup>

With regard to migration, scholars have pointed to the incoherence and disharmony between a value-led polity and the respect of national, European, and international law that is central to the EU’s values. These researchers have identified a tendency of increasingly restrictive legislation that “seem to pay lip service to largely shared fundamentals of international law (...), while instead serving the EU’s interests.”<sup>36</sup> Not only is there a politicization of the law, but also of the jurisprudence: the intrinsic value narrative of many a political document will be reflected in the case law of the Court by way of reference. Thus, the value question will become part of the legal interpretation of human rights law.<sup>37</sup> The following section will further examine the connection of politics and law.



## The Connection of Politics and Law

Unlike earlier strategic documents, the EU Global Strategy treats migration as a challenge and reveals the internal crisis that the EU is facing due to migration inflows.<sup>38</sup> The Global Strategy provides different narratives of migration, for instance in connection with purported values. In emphasizing that “remaining true to our values is a matter of law as much as of ethics and identity,” the Global Strategy recognizes the inherent connection between values, identity, and law.<sup>39</sup> Importantly, these value narratives are indicators of the community’s understanding of social relations and factors legitimizing political decisions.<sup>40</sup> Thus, the value system of strategic documents can influence the European polity, and, arguably, also its judiciary. Research has yet to direct its attention to this matter, namely, how and when the European courts refer to political documents in their case law. It should be assumed that if the legal argumentation of judgments is underpinned by references to policy documents, then the narratives of migration contained therein will, in all probability, be reflected in the case law of the courts.

By way of example, an (unverified) internet search returned 457 instances of case law of the ECtHR that contain a reference to “Committee of Ministers” in connection with a violation of Art. 14 (prohibition of discrimination).<sup>41</sup> The judgment of *Shindler v. The United Kingdom* (2013) illustrates this broad involvement of the Court with political fora and decisions: in the approximately first 20 pages of the judgment, miscellaneous political decisions and recommendations (albeit not legally binding) are discussed in detail, before the Court turns to examining the actual law (on significantly less than 20 pages). The content and values of these political decisions do, without a doubt, influence the judgment and, consequently, the legal outcome for the concerned individual.

## Conclusion

External and internal borders demarcate who the “other” is. Rules on state sovereignty and immigration laws both create and limit the othering of foreign individuals who do not share “our” European identity, while the prohibition of non-discrimination mitigates the othering of internal “others.” Geography and territory become markers of belonging, which do not correspond to the fluidity of migrants’ identities. Yet, European regional and national law is constructed upon such objective categories. In sealing off our European borders, the “others” are held outside our territorial boundaries.

Human rights law, with its cross-national effect that is not limited by geographical borders, has long been considered the bulwark against excessive exercise of state sovereignty. However, in its recent jurisprudence, the ECtHR is constricting the rights of migrants in Europe. Migrants are considered alien “others” who present a threat to the alleged

common European value system and, hence, our identity.<sup>42</sup> This judicial treatment is reprehensible for running counter to a human rights approach, which positions all humans on an equal level, independent of their origin, nationality, or citizenship. The fact that the ECtHR frequently discusses and refers to policy documents rather than only to the strictly binding law is an indication that its judgments reflect changing political attitudes. The values contained in policy documents are mirrored in the Court's judgments by way of reference. In times of populism and nationalism, the outcome of human rights cases can consequently experience a push to the far right, with serious consequences for the migrants, who are perceived as "others" and, as such, a threat to the European identity.

Can this trend be reversed and, if so, how? In its conclusion, this chapter urges more research into the connection of law and politics and its influence on the human rights jurisprudence. Interrelated, we ought to raise the issue of the relevance and contemporaneity of the law itself, considering that the European human rights regime was drafted in the aftermath of the Second World War, in a time of refugee rather than migrant movements.

## Notes

- 1 European Union, *Shared Vision, Common Action: A Stronger Europe – A Global Strategy for the European Union's Foreign and Security Policy*, June 2016, p. 15 (hereafter: EU Global Strategy).
- 2 Official Journal of the European Communities, No. C 191/01, 29. July 1992, preamble.
- 3 Official Journal of the European Union, No. C 306/01, 17. December 2007, preamble.
- 4 Stefan Lehne, "The EU Remains Unprepared for the Next Migration Crisis," 3 April 2018, all webpages last accessed 14 November 2018 at <https://carnegieeurope.eu/2018/04/03/eu-remains-unprepared-for-next-migration-crisis-pub-75965>.
- 5 European Commission, Standard Eurobarometer 88, First Results, Public opinion in the European Union, November 2017, p. 4, at <http://ec.europa.eu/commfrontoffice/publicopinion/>.
- 6 Lehne, "The EU Remains Unprepared for the Next Migration Crisis."
- 7 See similar reflections by: Pertti Joenniemi, "Re-Negotiating Europe's Identity: The European Neighbourhood Policy as a Form of Differentiation," *Journal of Borderland Studies* 23 (2008): 84, 87.
- 8 One of the more recent examples of hostile attitudes against migrants was the refusal of a ship with migrants to dock at Italian ports. The later acceptance of the ship by Spain was considered a victory for Italy. See [www.theguardian.com/world/2018/jun/11/un-calls-for-migrant-ship-to-be-allowed-to-dock-in-italian-port?CMP=Share\\_iOSApp\\_Other](http://www.theguardian.com/world/2018/jun/11/un-calls-for-migrant-ship-to-be-allowed-to-dock-in-italian-port?CMP=Share_iOSApp_Other).
- 9 [www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf).
- 10 On the alleged judicial activism of the ECtHR in the field of migration: Laurens Lavrysen, "Is the Strasbourg Court Tough on Migration?," 5 December 2012, at <https://strasbourgobservers.com/2012/12/05/is-the-strasbourg-court-tough-on-migration/>.

- 11 Although the apex of migrants was reached in 2016, the migration crisis is still a burden for Europe: <http://thehill.com/opinion/immigration/375610-the-migrant-crisis-is-still-a-growing-burden-for-europe>
- 12 Quoted in: Julija Sardelić, “How do Borders ‘Cross’ Roma,” [www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/05/how-do-borders](http://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/05/how-do-borders).
- 13 Étienne Balibar, *We, the People of Europe? Reflections on Transnational Citizenship* (Princeton: Princeton University Press, 2004), 5–10; Nicholas De Genova, “We Are of the Connections: Migration, Methodological Nationalism, and ‘Militant Research,’” *Postcolonial Studies* 16 (2013): 253.
- 14 Related discussion in: Joenniemi, *supra* n. 7, p. 85.
- 15 Sardelić, *supra* n. 12.
- 16 Art. 45 of the Treaty on the Functioning of the European Union (Lisbon Treaty), developed by EU secondary legislation and the case law of the Court of Justice. For the contents of Art. 45, see [www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-the-functioning-of-the-european-union-and-comments/part-3-union-policies-and-internal-actions/title-iv-free-movement-of-persons-services-and-capital/chapter-1-workers/187-article-45.html](http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-the-functioning-of-the-european-union-and-comments/part-3-union-policies-and-internal-actions/title-iv-free-movement-of-persons-services-and-capital/chapter-1-workers/187-article-45.html).
- 17 On the European level, the principle was affirmed by Art. 21 of the 2000 Charter of Fundamental Rights of the European Union (as enacted by the Treaty of Lisbon) and has been included into primary Union law via Article 6 TEU. On a human rights level, discrimination is proscribed by Art. 14 ECHR and by most UN human rights treaties and conventions (e.g. Art. 2 of the Universal Declaration of Human Rights or Art. 26 International Covenant on Civil and Political Rights).
- 18 Michaela Ceccorulli and Sonia Lucarelli, “Migration and the EU Global Strategy: Narratives and Dilemmas,” *The International Spectator* 52 (2017): 96.
- 19 Anna Triandafyllidou, “Irregular Migration in Europe in the Early 21st Century,” in *Irregular Migration in Europe: Myths and Realities*, ed. Anna Triandafyllidou (Farnham: Ashgate, 2010), 8.
- 20 See related discussion in: Joenniemi, *supra* n. 7, p. 84.
- 21 David Cesarani and Mary Fulbrook, ‘Introduction’, in *Citizenship, Nationality and Migration in Europe*, eds. David Cesarani and Mary Fulbrook (London: Routledge, 1996), 3.
- 22 Anthony D. Smith, “National Identity and the Idea of European Unity,” *International Affairs* 68 (1992): 56.
- 23 *Ibid.*, 69.
- 24 See e.g. *Biao v. Denmark*, App. No. 38590/10, ECtHR Judgment (2016), Dissenting Opinion of Judge Yudkivska, 84.
- 25 Recourse to the drafting history of a treaty is a recognized manner of legal interpretation and, as such, also acknowledged by Art. 32 of the Vienna Convention on the Law of Treaties.
- 26 Başak Çaltı, “Coping with Crisis: Whither the Variable Geometry in the Jurisprudence of the European Court of Human Rights,” *Wisconsin International Law Journal* 35, no. 2 (2018): 20, 23.
- 27 See related: Joenniemi, *supra* n. 7, p. 84.
- 28 *Ibid.*, 22. See also Marie-Bénédicte Dembour, *When Humans Become Migrants* (Oxford: Oxford University Press, 2015), 117–119.
- 29 Çaltı, *supra* n. 26, pp. 22, 44.
- 30 See *Rantsev v. Cyprus and Russia*, App. No. 25965/04, ECtHR Judgment, 7 January 2010, para. 277.
- 31 For a discussion, see Alastair Mowbray, “The Creativity of the European Court of Human Rights,” *Human Rights Law Review* 5 (January 2005):

- 57–79; Kanstantsin Dzehtsiarou, “European Consensus and the Evolutive Interpretation of the European Convention on Human Rights,” *German Law Journal* 12 (2011): 1730 et seq.
- 32 Similarly: Dembour, *supra* n. 28, pp. 36, 38.
- 33 The most recent example is the Italian government: [www.thelocal.it/20180601/italy-prepares-to-swear-in-first-fully-populist-government](http://www.thelocal.it/20180601/italy-prepares-to-swear-in-first-fully-populist-government).
- 34 Paul James Cardwell, “Tackling Europe’s Migration ‘Crisis’ Through Law and ‘New Governance,’” *Global Policy* 1 (February 2018): 73 on the fact that migration is presented as a crisis, and less a humanitarian one than a security threat. Similarly: Pieter Boeles et al., *European Migration Law*, 2nd ed. (Cambridge: Intersentia, 2014), 28.
- 35 Dembour, *supra* n. 28, pp. 119, 136 and 504, convincingly argues that in the ECtHR case law it is the right of the state, which is typically considered first, rather than the human rights perspective.
- 36 Ceccorulli and Lucarelli, *supra* n. 18, p. 94. See also Cardwell, *supra* n. 34, pp. 68–69.
- 37 See value discussions e.g. in: *Selmouni v. France*, App. No. 25803/94, ECtHR Judgment (1999), para. 101; *Christine Goodwin v. the United Kingdom*, App. No. 28957/95, ECtHR Judgment (2002), para. 71. See also: Marta Cartabia, “The European Court of Human Rights: Judging Nondiscrimination,” *I·CON* 9 (2011): 808–814. Note that also the personalities, sensibilities, and experiences of the individual judges play a role in the interpretation of the law (see Dembour, *supra* n. 28, p. 148).
- 38 EU Global Strategy, 15.
- 39 *Ibid.*
- 40 See Ceccorulli and Lucarelli, *supra* n. 18, p. 84.
- 41 Related see *Samsonnikov v. Estonia*, App. No. 52178/10, ECtHR Judgment (3 July 2012), para. 53, discussing a Recommendation of the Committee of Ministers of the Council of Europe on migrants prior to discussing the law.
- 42 Dembour, *supra* n. 28, p. 504. See also Marie-Bénédicte Dembour, ‘Migrants’ Avoidance of the European Court of Human Rights Concerns Us All,’ 29 February 2016, [www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/02/migrants%E2%80%9999](http://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/02/migrants%E2%80%9999); Laurens Lavrysen, *supra* n. 10.

### 3 “Entitlement” Warfare

## Indigenous and Immigrant Welfare and Remapping Neoliberal National (B)orders

*Leah Perry*

#### Introduction

Grace Hong asserts that “neoliberalism is a structure of disavowal... it claims that protected life is available to all and that premature death comes only to those whose criminal actions and poor choices make them deserve it.”<sup>1</sup> Ronald Reagan is often associated with the onset of neoliberalism and with the kind of personal responsibility politics to which Hong alludes. This chapter demonstrates how Reaganism crystallizes the premature death that, in connection with personal responsibility politics, draws the borders necessary to make neoliberalism thrive. Specifically, building on a long history of colonial gendered violence toward Indigenous peoples and racialized immigrants, the Reagan years (re) mapped the territorial and biopolitical boundaries of the nation with welfare reform.

In the 1980s, President Ronald Reagan proffered two brands of national identity that indexed the neoliberal biopolitical and territorial redrawing of the boundaries of the United States via welfare reform: America was the homeland of the cowboy, the emblematically free, independent, Westward expanding individual, and the “nation of immigrants.” He fetishized a sense of himself as the former. As an actor he repeatedly pleaded with Warner Brothers for Western roles,<sup>2</sup> and hosted and acted in *Death Valley Days*, a television series about true stories of the American West, from 1963 until 1966, when he won the California governorship, for which he campaigned in cowboy attire on horseback. As president, he quoted popular film dialogue from actors such as Clint Eastwood, saying it was easier to solve a problem when he had a “horse between his knees.” Reagan’s Secret Service codename was “Rawhide,”<sup>3</sup> and he spent 345 days of his presidency at Rancho del Cielo (one of four ranches he owned in his lifetime).<sup>4</sup> Reagan’s cowboy independence was visually epitomized in a poster for his successful 1980 “Let’s Make America Great Again” presidential campaign. The poster, designed to cast him as a government outsider in touch with the common man,<sup>5</sup> offered Reagan Country voters the national imaginary of a wild, untamed West, land awaiting development, i.e., extending colonial settlement.

The image also emblemized Reagan’s frontier ethic of development as the means to restore American pride and prosperity following the Vietnam War and stagflation; he advocated anti-federalism via deregulation, privatization, liberalization, and integration of global markets, consumerism, and increasing Cold War defense spending.<sup>6</sup> At the heart of his patriotism was the notion that the reasonable and capable individual rather than the government was the locus of social responsibility; the racialized and feminized welfare state was anathema to the American exceptionalism and financialized individualism that his white male cowboy ideal epitomized.

This national mythology and the nation itself rested on Indigenous dispossession. But in the 1980s, Indigenous peoples were largely excluded from conversations about national belonging and borders that remapped the United States as a neoliberal multicultural democracy. Despite neoliberalism’s imagination of a borderless frontier (and as visualized in the campaign poster), immigration issues were centered in policy debates and media and in spectacles such as the profligate 1986 Statue of Liberty Centennial celebration. In another iconic image, Reagan stands at a podium, First Lady Nancy at his side, with the symbol of American inclusivity and abundance, Lady Liberty, rising majestically behind. The United States was powerfully reframed as an exceptional multicultural neoliberal democracy in contrast to the “evil empire” of the USSR with the Reaganite “nation of immigrants” trope—the idea of the United States as an inclusive, abundant refuge for the immigrant who worked hard, sans government aid, to provide their heteropatriarchal family with a better life. Popular films and TV shows like *Moscow on the Hudson*, *Perfect Strangers*, and *Golden Girls* featured lovable, successful, patriotic white immigrants. Yet even as free market economists wanted a pool of inexpensive Mexican immigrant laborers, the Reagan Administration claimed the country was experiencing an “immigration emergency” given increased documented and undocumented immigration from Latin America and Asia. Latinx immigrants were targeted in Reagan’s “War on Drugs” and Latina migrants were cast as hyper-fertile exploiters of the welfare state. News media, films, and TV shows about Latinx drug dealers and gang bangers like *Scarface*, *Ft. Apache*, *The Bronx*, *Colors*, and *Miami Vice* and films about unfit, criminal Latina mothers like *Mi Vida Loca* also proliferated. These gendered and racialized immigration debates, culminating with the Immigration Reform and Control Act of 1986 (IRCA), underpinned the neoliberal idea of democracy.<sup>7</sup>

Even though Indigenous peoples did not figure widely in these debates, neoliberal multiculturalism is built on and operationalized through settler colonialism. The invisibility of Native Americans<sup>8</sup> at this moment of immigrant hyper-visibility continued the colonial trope of the “vanishing Indian,” long used to justify ongoing attempts to seize Indigenous

lands and resources,<sup>9</sup> and to preserve the mythology of the United States as an inclusive liberal democracy despite such attempts. Film and TV froze Native Americans in a pre-1900 context, from *Stagecoach* (1939) and *Death Valley Days* to 1990s box-office hits *Dances with Wolves* and *The Last of the Mohicans*. As in the Reagan poster, the “vanishing Indian” is also referenced in an “untamed,” “wild,” available landscape<sup>10</sup> awaiting an American cowboy to develop it.

Welfare policy as a biopolitical and territorial boundary-keeper for neoliberalism crystalized in the competing tropes of vanishing Indigeneity and gendered, racialized immigrant respectability/criminality and hyper-fertility. Some immigrants might look to Reagan’s white, heterosexual, male cowboy ideal for a model of Americanness, even as his administration’s assault on other immigrants (and women of color), through cutting welfare and “entitlements,” occurred in tandem with the slashing of federal funding for Indian programs, including health-care, water, sanitary facilities, and education: a “termination by accountants.”<sup>11</sup> The rationales for these distinct cuts ranged from accusations that always already Black “welfare queens” and undocumented Latinas abused the system, to the assertion that, in an appropriation of Indigenous struggles for self-determination, the federal government must “liberate” Indians through austerity measures so that they could ascend in the free market. Maria Josefina Saldaña-Portillo argues that shifting colonial ways of perceiving Indianness—the nomadic savage brute, the vanishing Indian, and the Indigenous subject capable of freely alienating land—are the conditions of possibility for the emergence of the United States and Mexico. They function heterotemporally as ongoing historical and geographical processes in the (b)ordering of national space and belonging; national racial geographies are “Indian given.”<sup>12</sup>

I argue that through neoliberal welfare reform, the territorial and biopolitical boundaries of the nation were redrawn; gendered, racialized welfare discourse about “Indians” and immigrants (re)mapped neoliberalism as a new mode of settler colonialism. As many scholars have shown, settler colonialism and immigration have been intimately connected throughout US history. While settler colonialism uses genocide, spatial removal, and biological and cultural assimilation to eliminate the native as native,<sup>13</sup> immigration to the United States has been perpetuated by and celebrated as the taking of Indigenous land. Indeed, “immigrant” is “a particularly celebrated American gloss for ‘settler.’”<sup>14</sup> Acquiring to Indigenous land was “the central factor that has shaped the relationships between Indigenous peoples and immigrant.”<sup>15</sup> Even immigrants of color often participate in this “colonizing fantasy” despite their intended exclusion.<sup>16</sup> Nevertheless, colonialism and racial capitalism developed in tandem and “are of necessity together confronted by Indigenous peoples and the racially subordinated.”<sup>17</sup>

In its analysis of Reagan-era welfare reforms, this chapter illuminates the connections between gendered systemic violence toward Indigenous



peoples and racialized immigrants. Although the justifications for welfare cuts varied, each excluded Indigenous peoples and racialized immigrants from national belonging and borders, functioning eugenically in/with (neo)liberal state formation. Inseparable from women’s healthcare and reproduction, welfare is a life and death, multigenerational matter that reveals the high stakes of the links between body, nation, and colonialism. In exploring these connections, I begin by tracing the interplay between the Indian policy that established and perpetuated settler colonialism and anti-immigration law. Then, I turn to how welfare and welfare reform function as extensions of the boundary-making performed by settler coloniality and anti-immigration. In the end, I return to the question of premature death and the ultimate cost of neoliberalism’s remapping.

### Original Aliens

Settler colonialism necessitates border policing. Dispossession Indian law and racialized immigration law have long been used to justify one another: “Indians were, from the earliest days of European settlement, treated like aliens.”<sup>18</sup> This was solidified with the Marshall Trilogy, the Supreme Court decisions (1823–1832) that are the basis of federal Indian law and *some immigration law*. Cheryl Harris argued that whiteness is the full property of US citizenship derived in colonial uses of the law, legally defining persons as free or slave, conferring tangible economic benefits. Aileen Moreton-Robinson names the heteropatriarchal white possessive logics underpinning settler colonialism. Whiteness is a possession.<sup>19</sup> Saldaña-Portillo elaborates, “if the property of whiteness was emblemized by the capacity to buy and hold property, then the property of indigeneity was emblemized by the capacity to hold and relinquish land.”<sup>20</sup> Against the backdrop of the Naturalization Act or Free White Persons Act (1790) which declared that only free white people of good moral character could become citizens,<sup>21</sup> the trilogy codified Indigenous dispossession with the racialized “doctrine of discovery” by framing Indigenous peoples as wards of the state and by subjecting Indigenous peoples to federal law. The stereotype of savagery and thus inferiority—used to justify colonial extermination and “civilization” of Indigenous peoples and enshrined in the Declaration of Independence—also underscored foundational rulings about Indigenous rights and land.<sup>22</sup> Incidentally *Dred Scott* (1857) referenced the foreign status of Native Americans—their alienage—to justify the ruling against Black citizenship.<sup>23</sup> Mass internal westward deportation under Andrew Jackson’s Indian Removal Act (1830) was also underway.

By the late 19th century, “legal Indian removal was a well-accepted and well-understood conceptual model” for the exclusion and removal of racialized immigrants.<sup>24</sup> For example, the Chinese Exclusion Act (1882)<sup>25</sup> prohibited naturalization for all Chinese and the entry of Chinese laborers, who were considered “a menace to our civilization.”<sup>26</sup> Tactics used

to dispossess and eliminate Indigenous people were re-used: segregation, terrorism, destroying Chinese settlements, and expulsion with “round-ups” from 1850 to 1900. Local and state laws barred Chinese from owning land and businesses.<sup>27</sup> Later, in *Lone Wolf v. Hitchcock* (1903), the Supreme Court cited Chinese Exclusion to delineate plenary power: Congress had unilateral power to make decisions about Indigenous land and rights and could violate treaties just as it could pass laws that violated treaties made with foreign nations.<sup>28</sup>

Before policy rendered Mexicans as “immigrants”—and the quintessential “criminal aliens”—they too were managed in ways that intersected with Indigenous dispossession (many Mexicans are Indigenous) and immigration control. Following the Treaty of Guadalupe Hidalgo (1848), in which Mexican territory in what is now California and Texas was annexed and Mexicans, who were considered a feminized “degraded race” of Indigenous, European, and African ancestry, were granted citizenship, taxation and privatizing communal grazing lands were used to dispossess their land.<sup>29</sup> Policing constructed and reflected the idea of a wild border area near Mexico, akin to the shaping of the frontier and its Native inhabitants as “savage” and in need of taming.<sup>30</sup> The Texas Rangers, the model for the Border Patrol, formed in 1873 to push Apaches and Comanches back into Mexico or onto reservations. Composed of Anglo men, the Rangers acquired a reputation for vigilantism and aggression, particularly toward women.<sup>31</sup> In 1904, the Bureau of Immigration installed its first wave of mounted inspectors on the Mexican and Canadian borders, tasked primarily with keeping Chinese and Southern European would-be immigrants out.<sup>32</sup> Thus, Indigenous peoples were the Original Aliens, whose treatment provided the blue print for border patrol and immigration restrictions. Settler colonialism was expanded through border policing.

As the next section will show, this border policing increasingly took on a biopolitical form, or a modern form of power premised on the institutional management of life instead of on the rule of law as voiced by the sovereign. Michel Foucault theorized that modern nation-states control subjects through biopower, or through “technologies of power that construct populations as political problems to be managed at the level of the embodied and the biological.”<sup>33</sup> Alongside the growth of biopower in modernity, colonial gendered violence toward Indigenous peoples and racialized immigrants continued via the (re)mapping of the territorial and biopolitical boundaries of the nation with welfare reform.

## Welfare as Biopolitical Warfare

The gendered organization of the US economy and government around Black slavery and the expropriation of Native Americans and Mexicans also guided the formation of the welfare state from the 17th century.<sup>34</sup>

Harris showed that welfare and other government payments do not count as legal property. Indigenous peoples and people of color who receive welfare are therefore further distanced from whiteness.<sup>35</sup> Welfare has also been a sphere of women’s resistance. And Native Americans have a distinct relationship to the welfare state; they were arguably the first welfare recipients through treaty agreements and Indian programs, i.e., *federal obligations meant to support sovereign nations*, thus distinct from general welfare that both Native and non-Native citizens are eligible for. Both forms are entwined in the redrawing of national boundaries. Therefore, like the history of immigration law, the history of welfare begins with Indigenous peoples.

Federal obligation to Indian nations was the genesis of programs such as the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA), now called Indian Affairs (IA). But welfare/healthcare has long been deployed as a biopolitical tool, beginning with Lord Jeffrey Amherst’s desire to send smallpox-infected blankets to Native people.<sup>36</sup> The federal government first addressed Indigenous peoples’ healthcare through the War Department, which housed the BIA, formed in 1824.<sup>37</sup> Vaccines and other procedures were used on Indigenous people in proximity to military outposts and soldiers to prevent infectious diseases. In 1832, a treaty between the Winnebago and the US government was the first to include medical services.<sup>38</sup> In the early 20th century, the BIA created a distinct health division. By 1958, all were housed at IHS. Although IHS doctors increased from the 1960s, a low ratio of medical professionals to Native Americans continued into the 1980s, and IHS has always been severely underfunded.<sup>39</sup>

The first general welfare program for non-Indigenous people, the Mothers’ Pension program (1911), was designed for white widows.<sup>40</sup> Certain white immigrants were, however, managed with eugenics, the pseudoscience of race betterment. From 1882, “Likely to Become a Public Charge” (LPC) provisions, used to exclude immigrants who authorities believed would need welfare because of a mental or physical disability,<sup>41</sup> regulated “white ethnic” women from eastern and southern Europe.<sup>42</sup> The racialized management of the influx of these often Jewish or Catholic, “darker-skinned, more visibly ethnic”<sup>43</sup> immigrants, who were considered useful for domestic and factory labor but inclined toward crime, laziness, fecundity, and unethical behavior—unfit to populate the nation—reached its zenith with the Johnson-Reed Act (1924). A hierarchy of “white races” codified in nation-based quota ceilings ensured that white Anglo Saxon Protestants would remain the majority.<sup>44</sup> All Asian nations were also barred from immigration; meanwhile, Western Hemisphere migration was unrestricted. Yet a quarantine at the US-Mexican border, which made entry dependent on standards of health and cleanliness, also racialized Mexican immigrants in connection with disease, providing another and quite literal

example of the connections between colonial medicine, eugenics, and border control.<sup>45</sup>

Welfare as a form of biopolitical and territorial border policing also materialized in more direct eugenics. Prominent eugenicist Paul Popeno averred that natural selection rather than systemic genocide was “appropriately leading to the extinction of decadent races such as the American Indian.” He called for sterilization to hasten natural selection among groups deemed “a burden to the race.”<sup>46</sup> Many states passed compulsory sterilization laws (upheld by the Supreme Court in 1927).<sup>47</sup> Numerous women of color, poor women, and disabled women were forcibly sterilized, often in connection with welfare receipt.

In the late 20th century, eugenics was rebranded in connection with welfare and border policing. As ostensibly watershed antiracist laws such as the Civil Rights Act (1964) and the Immigration and Nationality Act (INA) (1965), which equalized quota limits for all nations (including the Western Hemisphere) and prioritized family reunification, Lyndon Johnson’s War on Poverty reflected fear that American resources were insufficient for the future population. Additionally, the “ethnic revival” revamped white supremacy, casting white ethnics as the victims rather than perpetrators/beneficiaries of white supremacy and canonizing a national mythology of the hardworking immigrant who pulled themselves up by their bootstraps to succeed<sup>48</sup> (the prototype for the Reaganite “nation of immigrants” trope, the foil to the criminal/hyper-fertile Latinx migrant trope). However, substantial federal welfare under New Deal programs—which helped white ethnics acquire property while denying people of color the same benefits—enabled white ethnics to claim full inclusion into whiteness.<sup>49</sup> By the 1970s, INA, poverty in immigrant-sending nations (often due to US austerity policy), demand for cheap immigrant labor, and war made especially Mexican and Latin American, Caribbean, and Asian immigrants the most prevalent groups, and more women migrated. Although only the race and gender—not *volume*—of immigrants changed, Richard Nixon’s Commissioner of Immigration, Leonard F. Chapman, declared an undocumented immigration crisis.<sup>50</sup>

In this context, while mainstream white “second-wave” feminist demands for reproductive autonomy centered on accessing birth control, non-white women’s reproductive autonomy included challenging stereotypes that they were fecund bad mothers who burdened the welfare state. The 1965 Moynihan Report famously pathologized Black families and especially Black mothers. Anthropologist Oscar Lewis similarly pathologized Mexican and Puerto Rican families.<sup>51</sup> Indigenous women too were viewed as bad mothers who had excessive birth and poverty rates, especially on reservations.<sup>52</sup> Into the 1970s, Indigenous children were consequently removed from the home at staggering rates.<sup>53</sup>

Importantly, the 1970s also brought an unprecedented period of Indigenous activism and media visibility. The concept of Indigenous self-determination (self-rule, economic self-sufficiency, and cultural survival) was formulated through collective Indigenous resistance to termination (ending all federal support and treaties, with the intent of assimilation) via organizations like the National Congress of American Indians (NCAI) and American Indian Movement (AIM).<sup>54</sup> Media covered the occupation of Alcatraz and Wounded Knee; Sacheen Littlefeathers famously declined Marlon Brando’s award for *Godfather* at the 1973 Academy Awards in order to raise awareness of Indigenous issues. Struggles for sovereignty resulted in the passing of some legislation.

Yet white liberal counterculture fetishized supposed Indigenous mysticism, environmentalism, and unity;<sup>55</sup> pan-Native American dress, arts, and culture supplanted a “costumed affiliation” with Indigeneity for Indigenous legal claims and rights to governance, territories, and cultures.<sup>56</sup> Directly eliminative settler colonial efforts persisted in the Nixon Administration’s appropriation of Indigenous self-determination with ongoing gendered, heterosexualized juridical dispossession.<sup>57</sup> Republican “New Federalism” removed federal barriers to the fiscal autonomy of local communities. While Nixon declared an end to termination and his Indian Policy has been celebrated as a positive sea change, termination continued through financialization and in connection with welfare receipt.

The Family Planning Act (1970) prioritized and funded family planning and related health services for low-income people, including sterilization. Women’s sterilization increased 350 percent between 1970 and 1975; approximately one million American women were sterilized annually.<sup>58</sup> Underpinned by the stereotype of Indigenous inferiority that included a predisposition to addiction, recklessness, and poverty to rationalize ongoing paternalism,<sup>59</sup> numerous Indigenous women were coercively or forcibly sterilized, often pressured by physicians and healthcare professionals to agree to sterilization *under the threat of losing their welfare benefits or custody of their children*.<sup>60</sup> Latina immigrants and citizens were also coercively or forcibly sterilized through agencies that dispersed federal family planning funds. Californians fretted over Mexican women allegedly crossing the border to have babies and “illegally” exploit welfare benefits; media exposes warned the public about “pregnant pilgrims.” The stereotype of Latina and especially Mexican-origin women as “hyper-fertile baby machines” who abuse welfare and other social services emblemized fears of the increasing numbers and political and market power of Latinx.<sup>61</sup>

Broadly, women’s activism engendered change. In 1970, Norma Jean Serena (Creek/Shawnee) filed the first civil suit in connection with coerced sterilization. While she received some damages, her children were not

returned to her until 1974.<sup>62</sup> Women of All Red Nations (WARN) connected bodily and geopolitical sovereignty in their activism, and Indigenous women from multiple nations mobilized to demand reproductive justice.<sup>63</sup> For instance, in 1972, Dr. Constance Redbird Pinkerton-Uri, a physician with the IHS in Oklahoma (Choctaw/Cherokee ancestry), was galvanized by her patients' reports of coerced sterilizations. Her lobbying engendered a Government Accounting Office (GAO) study that found 3,400 instances of coerced sterilization,<sup>64</sup> which would be equivalent to sterilizing 452,000 non-Native American women in the same time span.<sup>65</sup> Though extremely inadequate given its regional narrowness (it covered only four IHS areas), the GAO report confirmed the pervasiveness of the problem and also contributed to the cessation of widespread sterilization abuse. Responding to complaints made by Puerto Rican women in New York City, in 1975 Dr. Helen Rodrigues-Triad founded the Committee to End Sterilization.<sup>66</sup> In *Madrigal v. Quilligan* (1978) Mexican-origin women sued the Women's Hospital at the University of Southern California/Los Angeles County General Hospital for nonconsensual sterilizations.<sup>67</sup> Reports of coerced sterilization dwindled, yet the Hyde Act (1976) cut most federal funding for abortion while 90 percent reimbursement to hospitals and doctors for sterilization was maintained and incentivized.<sup>68</sup> The violation of Indigenous women's and Latinas' bodies *in connection with welfare receipt* set the stage for the Reaganite (re)mapping of the United States as a neoliberal democracy with welfare reform.

### *Mourning in America: Reagan's Wild West Welfare*

Reagan campaigned on welfare cuts first during his 1970 bid to be re-elected governor of California; in his 1976 presidential campaign he relentlessly told the story of a woman arrested for welfare fraud. The "welfare queen," Black Chicago resident Linda Taylor, became "the symbolic embodiment of welfare fraud for legislative conservatives who were trying to reduce welfare costs."<sup>69</sup> Black women's activism drove progressive welfare reform in the 1970s<sup>70</sup> and although Reagan did not mention race, photographs of Taylor circulated widely. His obsession with welfare, pejoratively coded as Black and female, carried into his presidency. In a 1986 State of the Union address, Reagan averred that "welfare culture" caused the "breakdown" and "crisis" of the family, evident in "female and child poverty, child abandonment, horrible crimes, and deteriorating schools" and "sinful waste of human spirit and potential" in "the spider's web of dependency."<sup>71</sup> His administration's drastic cuts first to Indian programs, then immigrant welfare, then general welfare inaugurated a gendered, racialized neoliberal welfare regime that functioned as gatekeeper for national boundaries.

In his zeal for welfare cuts, Reagan negotiated the gains of the civil rights movement and “second-wave” feminism, which included generating good Cold War PR in ways that are now identifiable as quintessentially neoliberal. He cosmetically diversified his administration, nominating Sandra Day O’Connor to the Supreme Court, adding Clarence Thomas to his Cabinet,<sup>72</sup> and appointing Kenneth L. Smith (Wascoe) as Assistant Secretary on Indian Affairs.<sup>73</sup> Yet many of his appointees, like Thomas and Smith, were conservative “Reagan Revolution” foot soldiers. Inclusion also bolstered the neoliberal siren song of “personal responsibility”—the rationale for austerity—that Reagan solidified. Direct backlash against multiculturalism, feminism, and Indigenous sovereignty came in conservative cries to protect “family values” via opposition to the Equal Rights Amendment, affirmative action, and welfare; a racialized crime “epidemic” and consequent “War on Drugs,” and austerity framed as self-determination when reservations were already poverty-stricken, underfunded, and suffering from inadequate healthcare, sanitation, and access to water. “Personal responsibility,” enshrined in the “nation of immigrants” trope and embodied by white ethnics and successful individual “minorities,” was the answer to systemic violence and inequality.

Reagan also balanced neoconservative “family values” with the “modern” ideas of celebrity culture and consumerism connected to “vanishing” Indigeneity. Consumerism cultivated a sense of national unity as atomizing individualism, self-sufficiency, and a “wild west” (deregulated) market became the new normal. Although *Broken Rainbow* (1985), a film about the forced removal of Navajos in the Southwest so that their land could be strip-mined, won the Oscar for Best Documentary, and sympathy for “the Indians’ plight” and multiculturalism was normalized, most mainstream representations of Native Americans, few and far between in the 1980s, circulated stereotypes and paternalism. A remake of *Stagecoach* (1986) was patronizing; *The Emerald Forrest* (1985) fetishized Native Americans as natural ecologists; “sympathetic” 1990s blockbusters *Dances with Wolves* and *The Last of the Mohicans* reinvigorated the “vanishing Indian.”<sup>74</sup> A conglomerated New Age “pan-Indianness” was deployed as a prop for white quests for individual “authenticity,” perhaps in response to Reaganite consumerism, but certainly also as a core, invisible backdrop to Reagan’s brand of Americanism; as in his campaign poster, “Indianness” was the foundation of ongoing white patriarchal possessiveness. At the same time, Reagan’s “termination by accountants” hinged on his rhetorical invitation to Native Americans to participate in consumer nationalism.

Reagan’s neoliberal coupling of self-determination and termination centered on “freeing” Native people from federal dependence by helping them develop their natural resources. This was not the direct eugenics of coerced sterilization, but rather the more subtle limitation or denial of



all forms of welfare, especially those that make life livable. He centered Indigenous “personal responsibility” in his brand of New Federalism, a precursor to subsequent administrative welfare cuts.<sup>75</sup> In a special issue of *Social Text*, titled *Dispossession: Indigeneity, Race, Capitalism*, the editors state:

When we perceive financialization as always already predisposed and configured by settler colonialism and empire, today’s austerity becomes legible as a new civilizing discourse, another iteration of appropriation, a civilizationism redux for neoliberal times...Austerity discourse recycles and modifies repertoires of racialization, heteropatriarchy, and colonialism by articulating them in registers of economic necessity.<sup>76</sup>

Reagan’s 1982 budget proposal called for massive cuts to Indian programs: a \$136.9 million decrease in IHS funding, a \$72.9 million decrease in BIA funding, terminating funding for constructing reservation water and sanitary facilities, phasing out HUD funding by 1983, slashing the Business Enterprise Fund from \$2.4 million to \$1.3 million, and ending funding for employment training programs. Employment programs were not automatically ended, but with cuts implemented from 1980 to 1982, unemployment on reservations rose from 40 to 80 percent. Education funding would be reduced from \$285 million to \$217 million. BIA closed numerous schools, sometimes without warning.<sup>77</sup> When Congress blocked some cuts, the administration implemented internal BIA changes that hindered access to (remaining) Indian programs with strict blood quantum requirements (another thread of colonial biopower<sup>78</sup>) and demands for federally recognized tribal affiliation.<sup>79</sup>

Reagan’s Indian policy statement on January 24, 1983 reiterated the connection between colonialism and the neoliberalization of welfare policy. He outlined a plan to reduce self-determination to a matter of private sector development. “Excessive regulation and self-perpetuating bureaucracy,” he said, “have stifled local decision-making, thwarted Indian control of Indian resources, and promoted dependency rather than self-sufficiency.”<sup>80</sup> As he called on Congress to officially repudiate termination, his administration decimated Indian programs, excluding Indigenous peoples—with the exception of kindred spirits like Smith—from the decision-making processes, trampling sovereignty, destroying and usurping natural resources, and failing to support even his own financialized spin on self-determination. For example, the government acquired \$10 million in seed money for reservation economic projects. Many nations did not have resources to develop, and with over 283 federally recognized nations in 1983, \$10 million was insufficient.<sup>81</sup> Budget cuts persisted as waves of private industry invaded reservations, often to extract nations’ natural resources rather than help develop them. The

BIA budget was cut from \$1.5 billion in 1983 to \$923 million in 1987. The IHS budget was reduced by \$88 million in 1986, and by an additional \$85 million in 1987. By 1986 the NCAI was cut.<sup>82</sup> In 1977, IHS facilities included 51 hospitals, 86 health centers, and other health facilities. By 1984, hospitals and health centers dropped to 48 and 79, respectively.<sup>83</sup> Again, IHS was already massively underfunded, with facilities inadequate in terms of personnel, equipment, and accessibility. Neoliberal logic updated the “implacable logic of the white man’s burden” for both speak the

language of delay, of the need for people cut off from circuits of capital accumulation to develop their capacities, to adjust to the standards of the more advanced world, to reform their backward ways. In this way, through the alibis of debt and scarcity, austerity regimes produce commensurability for dispossession.<sup>84</sup>

After gutting Indian programs, the Reagan Administration decimated immigrant and general welfare, applying austerity to racialized immigrants and citizens. To navigate tensions between the “nation of immigrants” and “immigrant emergency” tropes—the latter hyper-visible as the Latinx Threat in media<sup>85</sup>—IRCA included amnesty that captured a pool of cheap Mexican male laborers, welfare restrictions, sanctions for employers of undocumented immigrants, and border militarization. To mitigate fears that amnesty—explicitly designed to address Mexican “illegality”—would burden the already beleaguered welfare state,<sup>86</sup> newly legalized aliens were disqualified for five years from need-based federal programs. Food stamps, some Medicaid, and programs that provided assistance to families with dependent children were cut. Immigrants remained eligible for emergency and prenatal services.<sup>87</sup> LPC provisions were expanded to examine immigrants’ pasts and demonstration of current self-sufficiency.<sup>88</sup> Although immigrants do not drain public resources,<sup>89</sup> and public assistance for US-born children of undocumented parents is legal under *jus soli*, INS used welfare restrictions to exclude Latinas from amnesty. In *Zambrano vs. INS* (1988) Latina immigrants with dependents argued that implementation of welfare restrictions targeted undocumented mothers. Seventy percent of amnesty recipients were Mexican, over 20 percent Central American and Caribbean; over 68 percent were male.<sup>90</sup>

Finally, all forms of welfare were cut. With the Family Support Act (1988) developed by none other than Moynihan, poverty aid programs such as Aid to Families with Dependent Children (AFDC), school lunch programs, and Medicaid were turned over to states; entitlement programs such as Social Security and Medicare were subject to market values.<sup>91</sup> Eligibility requirements were multiplied and work incentives and requirements added.

In the 1990s, laws built on this gendered, racialized precedent. California's Proposition 187 (1994) barred undocumented immigrants from all medical services including prenatal care and explicitly targeted Latina immigrant mothers.<sup>92</sup> A federal version, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) (1996), severely limited welfare for documented immigrants, unwed teenage mothers, and children born to mothers on welfare. Temporary Assistance to Needy Families (TANF) replaced AFDC, giving states more control over welfare, capping lifetime receipt to five years, and requiring most adult recipients to work after two years.<sup>93</sup> The transition to "workfare" was complete. Family caps, illegitimacy bonuses for states that lowered non-marital births without increasing abortion rates, and sterilization incentives for the poor were included.<sup>94</sup> Congress allocated \$250 million for states with "abstinence only" public school programs.<sup>95</sup> State and local governments were barred from providing all services except emergency care to undocumented immigrants, including prenatal care. Half of the \$54 billion savings the law accrued came from denying aid to undocumented immigrants and restricting food stamps and supplemental security income (SSI) for documented immigrants.<sup>96</sup> Dorothy Roberts observed that policies that target immigrant women function eugenically, harming "not only the immigrants themselves, but also their descendants."<sup>97</sup> The territorial and biopolitical boundaries of the neoliberal nation were thus redrawn via the "administrative violence"<sup>98</sup> of gendered Reaganite welfare reform that began with Indigenous dispossession and was quickly extended to racialized immigrants and citizens.

## Conclusion

Characterizing government support of Indians as "abusive," James Watt, Reagan's Secretary of the Interior appointee, claimed in a 1983 radio interview that "socialistic government policies on Indian reservations" exacerbated rampant "drug abuse, alcoholism, unemployment, divorce and venereal disease" for

...Indians were "trained through 100 years of government oppression to look to the government as the creator, as the provider, as the supplier, and have not been trained to use the initiative to integrate into the American system...if we had treated the black in America like we're now treating the Indians...there would be a social revolution that would tear the country."<sup>99</sup>

Watt linked ending all forms of welfare for Indigenous peoples, including the reservation system, and the anti-Blackness underpinning "family values" as menaced by the "welfare queen" stereotype. An anti-environmentalist

who supported unlimited development of public—and Indigenous—lands, hardline assimilationist, and overt racist, Watt advocated neoliberal(ized) termination: welfare recipients, whether Indigenous or Black (or Latinx), were characterized as lazy and feckless threats to the state, their own children, and themselves. “Personal responsibility” was the cure. Watt dismissed Indigenous sovereignty while erasing the ongoing systemic violence toward Indigenous and Black people that the Reagan Administration was exacerbating.

Watt’s intertwining of anti-Blackness, xenophobia, and anti-sovereignty encapsulates the role of racism in neoliberal disavowal. Ruthie Gilmore named racism as “the state-sanctioned or extra-legal production and exploitation of group-differentiated vulnerability to premature death.”<sup>100</sup> Welfare reform inaugurated by the Reagan administration functioned as biopolitical and territorial warfare that neoliberalized settler colonial border control with disavowal; “personal responsibility” obscured and operationalized ongoing settler colonialism and white supremacy. This gendered precarization of Indigenous people and racialized immigrants (and citizens) via welfare reform persists as Reagan Country has (d)evolved into Trump Country.

## Notes

- 1 Grace Kyungwon Hong, *Death Beyond Disavowal: The Impossible Politics of Difference* (Minneapolis: University of Minnesota Press, 2015), 17.
- 2 Lou Cannon, *President Reagan: The Role of a Lifetime* (New York: Simon & Schuster, 1991), 464.
- 3 Michael Schaller, *Reckoning with Reagan: America and Its President in the 1980s* (New York: Oxford University Press, 1992), viii, 4.
- 4 Cannon, *President Reagan*, 464.
- 5 Kathryn Henderson, “10 Iconic Political Posters,” *Complex* November 5, 2012, accessed May 18, 2018, [www.complex.com/style/2012/11/10-iconic-political-posters/](http://www.complex.com/style/2012/11/10-iconic-political-posters/).
- 6 Robert C. Rowland and John M. Jones, *Reagan at Westminster: Foreshadowing the End of the Cold War* (College Station: Texas A&M University Press, 2010).
- 7 Leah Perry, *The Cultural Politics of U.S. Immigration: Gender, Race, and Media* (New York: New York University Press, 2016).
- 8 Following Roxanne Dunbar-Ortiz and Dina Gilio-Whitaker, I use the terms “Indigenous,” “Native American,” and “Native” interchangeably. “Indian,” sometimes viewed as pejorative, is included as used in federal policy and direct quotations. Roxanne Dunbar-Ortiz and Dina Gilio-Whitaker, *All the Real Indians Died Off* and *20 Other Myths about Native Americans* (New York: Beacon Press, 2016), xi. While I use the word “welfare” to describe the array of federal services that citizens, immigrants, and Indigenous peoples may receive, rejecting heteropatriarchal and racist associations with welfare receipt, throughout this essay I address the unique government-to-government relationship between the federal government and Indigenous nations that underscores the federal supports such as healthcare provided to Indigenous people. *Ibid.*, 110.
- 9 *Ibid.*, 9–10.

- 10 Mark Rifkin, *Settler Common Sense: Queerness and Everyday Colonialism in the American Renaissance* (Minneapolis: University of Minnesota Press, 2014).
- 11 C. Patrick Morris, "Termination by Accountants: The Reagan Indian Policy," in *Native Americans and Public Policy*, eds. Fremont J. Lyden and Lyman H. Lagters (Pittsburgh: University of Pittsburgh Press, 1992), 63–69.
- 12 Maria Josefina Saldaña-Portillo, *Indian Given: Racial Geographies across Mexico and the United States* (Durham: Duke University Press, 2016), 8–11.
- 13 Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (December 2006): 388; J. Kēhaulani Kauanui, "A Structure, Not an Event: Settler Colonialism and Enduring Indigeneity," *Lateral* 5, no. 1 (Spring 2016), accessed April 11, 2017, <http://csalateral.org/wp/issue/5-1/forum-alt-humanities-settler-colonialism-enduring-indigeneity-kauanui/#fnref-351-13>.
- 14 Haunani-Kay Trask, "Settlers of Color and 'Immigrant' Hegemony: 'Locals' in Hawai'i," *Whose Vision? Asian Settler Colonialism in Hawai'i*, Candace Fujikane and Jonathan Okamura, eds., special issue, *Amerasia Journal* 26, no. 2 (2000): 1–24.
- 15 Dunbar-Ortiz and Gilio-Whitaker, "All the Real Indians Died Off," 7.
- 16 Corey Snelgrove, Rita Kaur Dhamoon, and Jeff Corntassel, "Unsettling Settler Colonialism: The Discourse and Policy of Settlers, and Solidarity with Indigenous Nations," *Decolonization: Indigeneity, Education & Society* 3, no. 3 (2014): 1–32, 6.
- 17 Jodi A. Byrd, Alyosha Goldstein, Jodi Melamed, and Chandan Reddy, "Predatory Value: Economies of Dispossession and Disturbed Relationalities," in *Introduction to Dispossession: Indigeneity, Race, Capitalism*, eds. Jodi A. Byrd, Alyosha Goldstein, Jodi Melamed, and Chandan Reddy, special issue, *Social Text* 135, 36, no. 2 (June 2018): 1–18, 2. Elsewhere, Jodi Byrd uses the term "arrivant" to describe racialized people forced into the Americas by European and Anglo-American colonialism and imperialism. Jodie Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011). Kindle version. See also Leigh Patel, "Nationalist narratives, Immigration and Coloniality," *Decolonization: Indigeneity, Education, and Society* September 15, 2015, accessed on February 15, 2017, <https://decolonization.wordpress.com/2015/09/17/nationalist-narratives-immigration-and-coloniality/>; Tiffany King, "Labor's Aphasia: Toward Antiblackness as Constitutive to Settler Colonialism," *Decolonization: Indigeneity, Education, and Society* June 10, 2014, accessed on February 15, 2017, <https://decolonization.wordpress.com/2014/06/10/labors-aphasia-toward-antiblackness-as-constitutive-to-settler-colonialism/>.
- 18 Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge: Harvard University Press, 2007), 64.
- 19 Cheryl I. Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (June 1993): 1726. See Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (Minneapolis: University of Minnesota Press, 2015).
- 20 Saldaña-Portillo, *Indian Given*, 63.
- 21 The Act later provoked debate around immigrant whiteness. In 1922, Takao Ozawa, a Japanese migrant, and Bhagat Singh Thind, an Indian immigrant, each unsuccessfully argued before the Supreme Court on the basis of the 1790 law that they were white. See Ian F. Haney Lopez, *White By Law: The Legal Construction of Race* (New York: New York University Press, 1996), 79, 90.

- 22 Dunbar-Ortiz and Gilio-Whitaker, “*All the Real Indians Died Off*,” 38–39, 130.
- 23 Kanstroom, *Deportation Nation*, 68.
- 24 *Ibid.*, 64.
- 25 *Ibid.*, 63–64.
- 26 *Chinese Exclusion Case* 130 U.S. 581 (1889).
- 27 Evelyn Nakano Glenn, “Settler Colonialism as Structure: A Framework for Comparative Studies of U.S. Race and Gender Formation,” *Sociology of Race and Ethnicity* 1(1) 2015: 65.
- 28 Kanstroom, *Deportation Nation*, 74.
- 29 Rosa Linda Fregoso, *MeXicana Encounters: The Making of Social Identities on the Borderlands* (Berkeley: University of California Press, 2003), 127.
- 30 Rifkin, *Settler Common Sense*.
- 31 David Montejano, *Anglos and Mexicans in the Making of Texas, 1836–1986* (Austin: University of Texas Press, 1987), 117–120.
- 32 Alexandra Minna Stern, *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern America* (Berkeley: University of California Press, 2005), 73.
- 33 Foucault cited in Jodi Byrd, “Variations Under Domestication: Indigeneity and the Subject of Dispossession,” *Economies of Dispossession: Indigeneity, Race, Capitalism*, eds. Jodi A. Byrd, Alyosha Goldstein, Jodi Melamed, and Chandan Reddy, special issue, *Social Text* 135, 36, no. 2 (June 2018): 123–141, 126. See Michel Foucault, *The History of Sexuality, Volume I: An Introduction* (New York: Vintage, 1990); Michel Foucault, *Society Must Be Defended* (New York: Picador, 1997).
- 34 Gwendolyn Mink, “The Lady and the Tramp: Gender, Race, and the Origins of the American Welfare State,” in *Women, the State, and Welfare*, ed. Linda Gordon (Madison: University of Wisconsin Press, 1990), 92–122.
- 35 Harris, “Whiteness as Property,” 1726–1727.
- 36 Vine Deloria and Clifford Lytle, *American Indians, American Justice* (Austin: University of Texas Press, 1983), 244.
- 37 C.L. Henderson, “From War to Self-Determination: A History of the Bureau of Indian Affairs,” *ArNet*, June 20, 2014, accessed March 7, 2018, [www.americansc.org.uk/Online/indians.htm](http://www.americansc.org.uk/Online/indians.htm).
- 38 Jane Lawrence, “The Indian Health Service and the Sterilization of Native American Women,” *American Indian Quarterly* 24, no. 3 (Summer 2000): 400.
- 39 *Ibid.*
- 40 Grace Chang, *Disposable Domestic: Immigrant Women Workers in the Global Economy* (Cambridge: South End Press, 2000), 70–71.
- 41 Edward P. Hutchinson, *Legislative History of Immigration Policy, 1798–1965* (Philadelphia: University of Pennsylvania Press, 1981).
- 42 Deirdre M. Moloney, “Women’s Sexual Morality and Economic Dependency in Early U.S. Deportation Policy,” *Journal of Women’s History* 18, no. 2 (2006): 95–122.
- 43 Alison Landsberg, *Prosthetic Memory: The Transformation of Remembrance in the Age of Mass Culture* (New York: Columbia University Press, 2004), 52.
- 44 Matthew Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, MA: Harvard University Press, 1998).
- 45 Stern, *Eugenic Nation*, 57–81.
- 46 *Ibid.*, 50–52.
- 47 Sally J. Torpy, “Native American Women and Coerced Sterilization: On the Trail of Tears in the 1970s,” *American Indian Culture and Research Journal* 2 (2000): 1–22.



- 48 Matthew Jacobson, *Roots Too: White Ethnic Revival in Post-Civil Rights America* (Cambridge: Harvard University Press, 2005).
- 49 Claudia Sadowski-Smith, *The New Immigrant Whiteness: Race, Neoliberalism, and Post-Soviet Migration to the United States* (New York: New York University Press, 2018), 13.
- 50 Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants since 1882* (New York: Hill and Wang, 2004), 119–220; Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (New York: Russell Sage Foundation, 2006), 340.
- 51 Patrick Moynihan, *The Negro Family: The Case for National Action* (Washington, DC: Office of Policy Planning and Research, Department of Labor, March 1965); Oscar Lewis, *The Children of Sanchez: Autobiography of a Mexican Family* (New York: Vintage, 1963); Oscar Lewis, *La Vida: A Puerto Rican Family in the Culture of Poverty—San Juan and New York* (New York: Vintage, 1966).
- 52 Lawrence, “The Indian Health Service and the Sterilization of Native American Women,” 405.
- 53 Pauline Turner Strong, “What is an Indian Family? The Indian Child Welfare Act and the Renaissance of Tribal Sovereignty,” *American Studies* 46, no. 3–4 (2005): 205–231.
- 54 Vine Deloria and Clifford Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (New York: Pantheon Books, 1984), 216.
- 55 Philip J. Deloria, *Playing Indian* (New Haven: Yale University Press, 1998), 159–161; Jacquelyn Kilpatrick, *Celluloid Indians: Native Americans and Film* (Lincoln: University of Nebraska Press, 1999), 67.
- 56 Joanne Barker, “Introduction: Critically Sovereign,” in *Critically Sovereign: Indigenous Gender, Sexuality, and Feminist Studies*, ed. Joanne Barker (Durham: Duke University Press, 2017), 2–3.
- 57 See Robert A. Williams, *Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America* (Minneapolis: University of Minnesota Press, 2005); Mark Rifkin, “Around 1978: Family, Culture, and Race in the Federal Production of Indianness,” in *Critically Sovereign: Indigenous Gender, Sexuality, and Feminist Studies*, ed. Joanne Barker (Durham: Duke University Press, 2017), 169–207.
- 58 Torpy, “Native American Women and Coerced Sterilization.”
- 59 Dunbar-Ortiz and Gilio-Whitaker, “All the Real Indians Died Off,” 130–136.
- 60 Comptroller of the United States, *Investigations of Allegations Concerning Indian Health Services* (Washington, DC: Government Printing Office, November 4, 1976).
- 61 Elena Gutierrez, *Fertile Matters: The Politics of Mexican-Origin Women’s Reproduction* (Austin: University of Texas Press, 2008), xi, 53.
- 62 Torpy, “Native American Women and Coerced Sterilization.”
- 63 Meg Devlin O’Sullivan, “Informing Red Power and Transforming the Second Wave: Native American Women and the Struggle against Coerced Sterilization in the 1970s,” *Women’s History Review* 25, no. 6 (2016): 965–982; 965–966.
- 64 Comptroller of the United States, *Investigations of Allegations Concerning Indian Health Services*, 3–4.
- 65 Bill Wagner, “Lo the poor and sterilized Indian,” *America* 136 (1977): 75.
- 66 Stern, *Eugenic Nation*, 200–203.
- 67 Nine of the ten plaintiffs were poor migrants from rural Mexico. Alicia Schmidt Camacho, *Migrant Imaginaries: Latino Cultural Politics in the U.S.—Mexico Borderlands* (New York: New York University Press, 2008), 176–178.



- 68 Torpy, “Native American Women and Coerced Sterilization.” Furthermore, settler nations have continued to use coerced and forced sterilization as a biopolitical and territorial boundary-keeper. Although beyond the scope of this analysis, at the time of writing at least 60 Indigenous women in Canada were pursuing a class-action lawsuit in response to forced or coerced sterilizations they underwent in the past 20–25 years. The (settler) colonial violation of Native women’s bodies via forced and coerced sterilization, which as in the United States began in the early 20th century and was investigated and ostensibly remedied in the 1970s, is indeed ongoing. “Indigenous women kept from seeing their newborn babies until agreeing to sterilization, says lawyer,” *cbc.ca*, November 13, 2018, accessed November 22, 2018, [www.cbc.ca/radio/thecurrent/the-current-for-november-13-2018-1.4902679/indigenous-women-kept-from-seeing-their-newborn-babies-until-agreeing-to-sterilization-says-lawyer-1.4902693?fbclid=IwAR3FRIsPXzRIM6fw53FK\\_9Xvf8DGDVvMgFTTFkItgaottN\\_-BUzTYEvZ1kk](http://www.cbc.ca/radio/thecurrent/the-current-for-november-13-2018-1.4902679/indigenous-women-kept-from-seeing-their-newborn-babies-until-agreeing-to-sterilization-says-lawyer-1.4902693?fbclid=IwAR3FRIsPXzRIM6fw53FK_9Xvf8DGDVvMgFTTFkItgaottN_-BUzTYEvZ1kk)
- 69 Cannon, *President Reagan*, 456–457.
- 70 Teresa L. Amott, “Black Women and AFDC: Making Entitlement out of Necessity,” in *Women, the State, and Welfare*, ed. Linda Gordon (Madison: University of Wisconsin Press, 1990), 288–289.
- 71 Ronald Reagan, “State of the Union Address, February 4, 1986,” transcript, accessed June 10, 2016, [www.reagan.utexas.edu/archives/speeches/1986/20486a.htm](http://www.reagan.utexas.edu/archives/speeches/1986/20486a.htm).
- 72 Gil Troy, *The Reagan Revolution: A Short Introduction* (New York: Oxford University Press, 2009), 83.
- 73 Though when Reagan took office, BIA preferential hiring of Native Americans was already standard. Samuel R. Cook, “Ronald Reagan’s Indian Policy in Retrospect: Economic Crisis and Political Irony,” *Policy Studies Journal* 24, no. 1 (Spring 1996): 19.
- 74 Kilpatrick, *Celluloid Indians*, 101–103; Neil Diamond (Filmmaker), Catherine Bainbridge, Jeremiah Hayes, Christina Fon, and Linda Ludwick, *Reel Injun* (New York: Lorber Films, 2010).
- 75 Cook, “Reagan’s Indian Policy in Retrospect,” 13, 15.
- 76 Byrd, Goldstein, Melamed, and Reddy, “Predatory Value,” 9.
- 77 Cook, “Reagan’s Indian Policy in Retrospect,” 14–16.
- 78 Kim Tallbear, *Native American DNA: Tribal Belonging and the False Promises of Genetic Science* (Minneapolis: University of Minnesota Press, 2013).
- 79 Cook, “Reagan’s Indian Policy in Retrospect,” 14–16.
- 80 Ronald Reagan, “Statement on Indian Policy,” January 24, 1983, *The American Presidency Project*, accessed October 1, 2017, [www.presidency.ucsb.edu/ws/?pid=41665](http://www.presidency.ucsb.edu/ws/?pid=41665).
- 81 Cook, “Reagan’s Indian Policy in Retrospect,” 17.
- 82 *Ibid.*, 18–19.
- 83 Torpy, “Native American Women and Coerced Sterilization.”
- 84 Byrd, Goldstein, Melamed, and Reddy, “Predatory Value,” 10.
- 85 Leo R. Chavez, *The Latino Threat: Constructing Immigrants, Citizens, and the Nation* (Stanford: Stanford University Press, 2008).
- 86 U.S. Congress, Joint Hearings, Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary House of Representatives and Subcommittee on Immigration and Refugee Policy of the Committee on the Judiciary United States Senate, *Immigration Reform and Control Act of 1982: Hearing before the Subcommittee on Immigration, Refugees, and International Law and Subcommittee on Immigration and Refugee Policy*, 97th Cong., 2nd sess., 1982.

- 87 *The Immigration Reform and Control Act of 1986*, Public Law 99–60 (1986), accessed September 17, 2008, <http://library.uwb.edu/static/USimmigration/100%20stat%203359.pdf>.
- 88 Charles Wheeler and Beth Zachovic, “The Public Charge Ground of Exclusion for Legalization Applicants,” *Interpreter Releases* 64 (September 14, 1987): 35; Christina Gerken, *Model Immigrants and Undesirable Aliens: The Cost of Immigration Reform in the 1990s* (Minneapolis: University of Minnesota Press, 2013).
- 89 California Health and Welfare Agency, “A Survey of Newly Legalized Persons in California” (San Diego: Comprehensive Adult Student Assessment System, 1989); Douglas S. Massey, “The New Immigration and Ethnicity in the U.S.,” *Population and Development Review* 21, no. 3 (September 1995): 631.
- 90 Daniels, *Guarding the Golden Door*, 229.
- 91 Manfred B. Steger and Ravi K. Roy, *Neoliberalism: A Very Short Introduction* (New York: Oxford University Press, 2010), 34–35.
- 92 Robin Dale Jacobson, *The New Nativism: Proposition 187 and the Debate over Immigration* (Minneapolis: University of Minnesota Press, 2008); Eithne Luibheid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002).
- 93 *The Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, Public Law 104–93, 110 (1996).
- 94 Gregory Acs, “Does Welfare Promote Out-of-Wedlock Childbearing?” in *Welfare Reform: Analysis of the Issues*, ed. Isabel V. Sawhill (Washington, DC: Urban Institute, 1995), 3.
- 95 Chang, *Disposable Domestic*, xv.
- 96 *Ibid.*, 8.
- 97 Dorothy E. Roberts, “Who May Give Birth to Citizens? Reproduction, Eugenics, and Immigration,” in *Immigrants Out! The New Nativism and the Anti-Immigrant Impulse in the United States*, ed. Juan E. Perea (New York: New York University Press, 1997), 205.
- 98 Jodi Melamed, “Administrative Violence, Part II: The Open Secret of Racial Capitalist Colonizing Violence,” *The Here and Now of Dispossession: A Social Text Symposium*, Yale University, New Haven, CT, September 21, 2018.
- 99 Robert Sangeorge, “Interior Secretary James Watt Called Reservations ‘an example of the failure of socialism,’” *United Press International*, January 18, 1983, accessed October 1, 2017, [www.upi.com/Archives/1983/01/18/Interior-Secretary-James-Watt-Tuesday-called-Indian-reservations-an-2653411714000/](http://www.upi.com/Archives/1983/01/18/Interior-Secretary-James-Watt-Tuesday-called-Indian-reservations-an-2653411714000/).
- 100 Ruthie Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 28.

## 4 “When Is a Migrant a Refugee?”

### Hierarchizing Migrant Life

*China Medel and Yuridia Ramírez*

#### Introduction

In June of 2018, Attorney General Jeff Sessions announced that domestic and gang violence would no longer be sufficient cause for asylum and refugee status in the United States.<sup>1</sup> This announcement quickly would be overshadowed by the even more egregious and appalling formation of Sessions’ and the Trump administration’s “zero tolerance” policy toward undocumented migration: the separation of children from their parents during detention and federal, criminal trial at the US-Mexico border.<sup>2</sup> These two policies became the latest attacks in a longstanding war on migrant life in the United States. Coupled together, they indicate what might best be thought of as a “gloves off” approach to the production of valueless life in the borderlands of US immigration enforcement.

The change to the policy regarding refugee status came out of Sessions’ ruling on a domestic violence case, in which the Attorney General overturned an immigration court’s ruling in the case of a Salvadoran woman fleeing sexual, physical, and emotional intimate partner violence. According to Sessions, private violence does not qualify as persecution, undoing Obama-era changes in policy that opened the asylum process up to a larger group of individuals experiencing different forms of violence.<sup>3</sup> Sessions’ ruling subjects the interpretation of refugee status through a binary opposition between public and private forms of violence, an opposition that excludes structural and social forms of violence—like poverty, homophobia, gendered violence, and gang violence—from recognition. Even though escaping many of the ways in which, as poet Warsan Shire writes, “home is the mouth of a shark,” Central American migrants are deprived access to the protection of refugee status.<sup>4</sup> The public/private violence binary becomes a way, we claim, of articulating *and* disavowing the racialized calculus of value through which would-be refugees must be appraised. Through this binary of public/private violence, or what we might call instead legitimate/illegitimate violence, the United States simultaneously filters unwanted bodies *and* guarantees its status as grantor and protector of life.

Through the prism of granting a migrant refugee status, we see how the maintenance of the neoliberal state depends on the inextricable relationship between the United States and the world. The United States is at once a magnetic force that draws millions to its borders while simultaneously restricting those very subjects' access to it. As historian Paul Kramer argues, "modern state boundaries are best imagined not as walls but as filters, usually seeking less to block human movement entirely than to select, channel, and discipline it."<sup>5</sup> If we understand empire as "a way of seeing," as Kramer suggests, we can come to understand refugee status as a colonial project of empire that sees and weighs the desirability of humans through a racist system of value.<sup>6</sup>

We will look closely at Central American migrants in this chapter, articulating the ways in which those who seek refuge in the United States do so as vulnerable subjects who must assert their personhood through legal regimes defined by heteronormative systems dominated by whiteness. Lisa Marie Cacho's work on social death and racialized rightlessness is a particularly helpful theoretical framework through which we can problematize the way in which refugee status imposes a racialized system of value upon migrant bodies. Staking claims about their humanity within a politics of worth, Central American migrants must position themselves in relation to other types of migrants. In much the same way, race should also be understood as a relational system that positions these brown migrant bodies as vying for recognition from a state that does not place innate value on their humanity or worth.<sup>7</sup> By seeking recourse to "refugee" status, the recognition, or lack thereof, of Central American migrants as refugees inevitably depreciates the worth of other migrants of color and their reasons for migrating to the United States.

While global threats of violence, persecution, and unsafety necessitate the transnational movement of peoples through the logics of the asylum seeker and the refugee, what we claim in this chapter is that the category of refugee works as a bordering device itself, delimiting and restricting the vectors and possibilities for movement. The strategy of refugee status works to draw lines between different forms of protectable life. Carving out distinctions between valuable and valueless life, refugee status works to establish who *temporarily* has value and who does not. It is value that always can be withdrawn and taken away as the person may be forced to return to their homelands of violence and unsafety.

Within the terrain of immigrant rights organizing in the United States, we see refugee and asylum status mobilized as a tactic of protection, but one which re-iterates a methodology of borderization by drawing a line between legitimate and illegitimate subjects and their reasons for migrating and seeking sanctuary. In drawing these lines and filtering these acceptable subjects, the liberal, humanitarian state re-asserts its own boundaries through the liminal and exceptional figure of the refugee. The state thus performs control over its borders and guarantees

its sovereignty through the careful selection based on the exceptional violence represented by the refugee.<sup>8</sup>

Framed by the ongoing actions by the current administration and the larger logics of racialized valuation that structure immigration and refugee policy, this chapter attempts to reframe the question raised by journalist Eyder Peralta (2016), “When is a migrant a refugee?” through the framework of what activists from the organization Mijente term “the circle game.” The circle game is the strategy by which the circle of who is an acceptable immigrant and who is not is widened incrementally to include more acceptable subjects.<sup>9</sup> In this chapter, we call for abolishing the circle game and erasing the borders between migrants who count and those who do not. Refugee status, while an effective tactic in fighting for the lives of migrants, also works to hierarchize forms of violence and reifies the production of valuable/valueless migrants and legitimate/criminal reasons and modes of migration. To be clear, this chapter does not intend to claim that asylum claims are invalid. Rather, it intends to problematize the ways in which the category of the refugee and asylum seeker, within the larger struggle of migrant rights and movements in the United States, works to hierarchize and de-legitimize forms of migration, the migrants who move, and the kinds of violences they flee. Dismantling the border is, for us, about dismantling all borders confining migration and the will to make life in the face of the violence of racial capitalism.

### **What Makes a Refugee? Central American Claims for Protection**

As Aihwa Ong shows, the category of the refugee emerges out of post-World War II turns toward global governance and as a direct response to the Holocaust and the Cold War.<sup>10</sup> Adopted in 1951 as a post-World War II instrument, the United Nations Convention relating to the Status of Refugees remains the foundation of refugee policy today. It recognized “refugees” as those who were fleeing events occurring before January 1, 1951, within Europe. Refugees, broadly, were people unable or unwilling to return to their country of origin “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”<sup>11</sup> The temporal and geographic restrictions ensured that those most readily accepted as refugees were Europeans fleeing communist regimes. The 1967 Protocol, an amendment to the 1951 Convention, removed these restrictions of time and space, intending to grant the policy universal coverage. At the crux of determining whether people were refugees or economic migrants was distinguishing what types of violences migrants were fleeing. The world wars and political instability of the mid-20th century led international political arbiters to deliberate the question of whether someone was the

“right” type of person fleeing the “right” type of violence in order to be recognized as a refugee. In this moment, the refugee was white, educated, and middle class, a “symbolic freedom fighter” against communism and fleeing the violence of the Cold War. Deemed worthy of the state’s provisional benevolence, the refugee became, as Gil Loescher and John A. Scanlan put it, a “calculated kindness.”<sup>12</sup>

Migrants from Central America, however, rarely have been considered “refugees” by the standards established by global powers. Though Central Americans mostly had migrated internally and throughout Central America before 1970, working in agricultural production, domestic service, and construction, migration further north was less common, though some transnational communities of Guatemalans, Salvadorans, and Hondurans did reside in US cities like Washington DC, San Francisco, Los Angeles, Miami, and New York. Even if they did not migrate to the United States, Central Americans were inscribed within the US empire of influence, control, and power. The United States had millions of dollars in investments in the region, encouraging the US government to ensure that Central American administrations secured US economic interests and authorized US political involvement. When the US role within Central America was threatened by democratically elected governments, the US government sponsored military interventions and civil wars that destabilized the region in the late 20th century, supporting authoritarian politicians that promised to protect US interests while overturning democratically elected leaders. In the wake of such instability, thousands of Central Americans were displaced, leading to a refugee crisis that no one anticipated.<sup>13</sup>

In the 1980s, during and after the US-sponsored military interventions in Central America, Central Americans sought refuge in the United States in record numbers. While the United Nations High Commissioner for Refugees advocated for a more lenient response to refugees in the wake of the Central American refugee crisis—recommending, for example, that all Salvadorans who had fled their country since 1980 be considered refugees—the United States was reluctant to grant them asylum.<sup>14</sup> Yet, the 1980 US Refugee Act, which finally implemented the UN’s expanded definition of refugee set by the 1967 Protocol, actually undermined any attempt for Central Americans to be granted asylum. Proving a “well-founded fear” became a political and nearly impossible feat since the US government was allied with the right-wing authoritarian regimes that had destabilized the region and murdered and silenced their enemies. Instead of recognizing those fleeing from Central America as refugees, the US government recognized this migration as economically driven. To acknowledge them as refugees would have implicated the US government in financially supporting—with billions of dollars each year—the Central American regimes that were terrorizing their own citizens.<sup>15</sup>

The process through which people seek refugee status intentionally has been structured to impose a racialized system of value upon migrant bodies. As Ong writes, the refugee must be an “ethical figure.” That is, subject to the right kinds of violence, the refugee must also embody, or be disciplined into embodying, the right kinds of behaviors and norms of neoliberal citizenship.<sup>16</sup> They shall not be criminals, welfare recipients, too brown, too Black, or too Muslim. As an ethical figure, the refugee not only performs the ethics of the desirable citizen but also highlights the state’s role as guarantor of freedom. Central Americans of this generation did not meet the profile of “symbolic freedom fighter” fleeing Communism, and they were also “too brown,” rendering them almost indistinguishable from other “criminal” migrants who had preceded them. The profile that Central Americans embodied as brown migrants from the Third World did not meet the standards of value established by the United States to qualify as a refugee. In comparison with the innate value held by earlier European migrants fleeing communist governments, who almost unquestionably received asylum, Central Americans’ bodies were different, their racialization a visible marker of their undesirability. Politicians and political elites did not design the institutional structures of the US government in ways that allow for Central American migrants to be judged “of value,” especially when regarding state protection. Migrants of color always will be “ineligible for personhood” within the US citizenship regime, argues Lisa Marie Cacho, just as people of color have been for most of US history.<sup>17</sup>

As Central Americans arrived at the US border in search of asylum throughout the 1980s, religious, immigrant, and activist organizations pushed the US government to grant refugee status to those fleeing oppressive regimes. In what became known as the Sanctuary Movement, these activists called on the government to disregard political and economic interests and foreign policy in the region, and instead focus on the humanity of those seeking refuge. Religious advocates especially felt called by a higher authority to challenge unjust laws and nation-states that ignored refugees. The value of life should not, they argued, be dependent on whether their country’s oppression was the product of US-sponsored violence.<sup>18</sup> Concerned with the ability of Central Americans to claim refugee status and seek asylum, lawsuits like *Orantes Hernandez v. Meese* and *Perez-Funes v. District Director* mandated that the Immigration and Naturalization Service (INS)—the precursor of US Citizenship and Immigration Services (USCIS), US Immigration and Customs Enforcement (ICE), and US Customs and Border Protections (CBP)—allow Salvadorans to seek counsel in asylum cases. It required that INS refrain from coercing migrants to not seek asylum, and to afford juveniles seeking asylum the same treatment.<sup>19</sup>

While the Sanctuary Movement generated broad public appeal for Central American refugees, it did not necessarily call attention to the



plight of millions of undocumented migrants living in the United States. Passed in 1986, the Immigration Reform and Control Act (IRCA) legalized the status of millions of undocumented people, while also implementing employer sanctions for those who knowingly hired undocumented workers and increasing border security and enforcement. For those who could prove that they had lived continuously in the United States since 1982, or had worked at least 90 days as a farmworker, IRCA was an opportunity to obtain legal status for themselves and their families.<sup>20</sup> However, for those migrants who could not apply for IRCA, they would be increasingly vulnerable to racist employment practices, abuse, and discrimination.

The differentiation between migrants with authorized status and those who were criminalized grew increasingly important following IRCA. The possibility for Central American migrants to seek asylum in the United States pitted migrants against each other, even if unintentionally. Because undocumented migrants are inherently “criminal,” Central American migrants had to assert that their reasons for seeking refuge in the United States were not like those of others who fled abject poverty or aspire to a better future. Rather, Central American migrants had to assert that they were escaping types of danger and harm that were legible to white power structures. Those migrants unable to seek refugee status were committing a misdemeanor by crossing the border, while their Central American counterparts might be granted asylum for fleeing similar kinds of instability and violence. IRCA carved another borderline between valuable and valueless migrants.

While seeking asylum is a fundamental human right, the borders between acceptable and unacceptable migrants continue to be drawn, taking place through racialized, gendered, and classed categories. In the summer of 2014 hundreds of Central American children arrived at the border, sent to dubious safety in *el norte* by their parents. In desperate attempts to protect their children from gang violence and extreme poverty, parents in Honduras, El Salvador, and Guatemala decided, in the words of poet Warsan Shire, that “the water was safer than the land.”<sup>21</sup> Signaling another crisis at the border, the “unaccompanied minors” were shuffled into immigration detention centers. Many of them were young, adolescent boys, often terrorized and targeted as recruits by gangs. Yet, in the winter of 2016, then President Barack Obama authorized raids across the country targeting teenagers who came after the 2014 pardon of unaccompanied minors.<sup>22</sup> Locked up in detention centers and forced to fight desperate asylum cases while they were fast tracked for deportation, these teenagers experienced double criminalization; they were criminalized both as undocumented migrants and as potential gang members. As men who were undocumented, brown, adolescent, and often young, they were perceived as innate criminals, what Cacho describes as a “de-facto status crime” in which “a person’s

status is the offense in and of itself.”<sup>23</sup> When seen as “private” violence, the act of migrants fleeing gang violence becomes an ultimate “de-facto status crime” in which—coupled with their racialized criminalization—implicates those fleeing as somehow complicit through association. They are guilty and illegitimate through their very quality of being.

Central American women also have been disenfranchised by the unjust system of value placed upon migrant bodies entering the United States. In a landmark case decided by the Board of Immigration Appeals on August 26, 2014, women fleeing domestic violence were eligible to apply for asylum once in the United States. The case had settled a long debate on whether asylum should be granted to a person who had experienced danger, discrimination, persecution, etc., within the “private” sphere. However, as noted earlier, on June 11, 2018, Attorney General Jeff Sessions overturned the decision, announcing that survivors of domestic violence and gang violence generally would not be granted asylum. Sessions sustained that survivors of domestic violence were not necessarily members of “a particular social group”—rather, as survivors of domestic abuse, according to Sessions, they were abused because of a personal, intimate relationship, and not necessarily because they were women. Because their husbands were only violent to them, and not to all women, these women would no longer be able to seek asylum as survivors of domestic abuse.<sup>24</sup>

That women and girls who were survivors of domestic violence would no longer be granted asylum in the United States came at a particularly crucial global moment. The #MeToo movement emerged in 2017–2018 as an international movement against sexual harassment and assault. Throughout the United States, actors, comics, and journalists, among many other professionals, made public their stories of abuse at the hands of men, generating widespread attention and outrage, and—at times—heated debate and controversy. Yet despite the positive outcomes and discussions that began in the wake of the movement, Central American women were not afforded the same reactions. According to Sessions, Central American survivors of domestic violence had endured a private misfortune, and thus they did not merit asylum in the United States. Sessions’ new requirements for victims of crime to qualify for asylum meant that thousands of women would be deemed unworthy by the US government, and, consequently, might die as a result.

Sessions’ decision was a marked statement about the types of women who would be protected by this type of public outcry. Central American women seeking asylum realized that the violence they had experienced was not worthy—and did not matter—to the US immigration system. Within the hands of immigration officials, women experienced “social death,” and their inevitable deportation would put them in danger of physical death. “To be ineligible for personhood is a form of social death,” Cacho argues. “[I]t not only defines who does not matter, it also

makes mattering meaningful.”<sup>25</sup> Domestic violence—as feminist advocates have pointed out for decades—also calls into question the distinction Sessions makes between public and private violence.<sup>26</sup> Excluding intimate partner violence from the legitimate causes for seeking asylum, Sessions’ policy established which kinds of violence count and which do not, or put another way, survivors who matter and those who do not.

Subject to a similar calculus of value, Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) migrants—and especially transgender migrants—also have been caught in the (in)distinction between public and private violence, blocking from legitimacy the ways in which home, for queer and transgender people, is—as Shire puts it—“the mouth of the shark.”<sup>27</sup> In the summer of July 2017, the *Caravana de Resistencia* of LGBTQ would-be asylum seekers from Central America made its way from Nicaragua to the US-Mexico border. Nicknamed the *Arcoiris 17*, the 11 trans and queer migrants arrived at the US-Mexico border together to petition the state for asylum on the basis of being targeted for their sexual and gender identities. In the words of *Arcoiris 17* participant Joselyn, “We voluntarily turned ourselves in because we are fleeing, and we are conscious that we need legal protection.” Upon turning themselves in, the 11 members were sent to two separate detention centers in New Mexico, where they were housed in one of the only detention centers with an exclusive trans-pod.<sup>28</sup> After experiencing abuse inside of the detention center, including time in solitary confinement, most of the *Arcoiris 17* were released as a result of the relentless community organizing taking place while their asylum cases were being pursued. Even so, four gay men were deported despite their open asylum cases.<sup>29</sup>

The stories of the *Arcoiris 17* are not unique. Latinx trans people face violence on multiple fronts in their home countries, including intimate partner violence, physical and psychological violence, and poverty due to their gender identities and sexualities. According to a report by the TransLatin@ Coalition, 23 percent of transwomen interviewed said they were fleeing violence, 66 percent said they were fleeing violence and seeking economic opportunities, while only 2 percent cited economic opportunities as the sole reason for migrating.<sup>30</sup> Violence is a quotidian experience for trans-Latina women; 78 percent of those interviewed said they experienced random attacks, and 69 percent said they knew of another transwoman who was murdered because she was trans. Often channeled into what are known as “crimes of survival,” like sex work and petty theft, transwomen face poverty, criminalization, and economic violence that consequently makes them more vulnerable to physical assault and murder. These statistics show that intimate partner, trans, and homophobic violence are not inseparable from poverty and lack of economic opportunity. These two entangled experiences of poverty and gendered violence combine to make life unlivable as the distinction between economic migration and asylum seeking breaks down.

Violence, for trans-Latina women, is not neatly situated into one area of life, but rather extends through and permeates multiple domains. As undocumented transpeople, often engaged in sex work and other crimes of survival, they do not easily fit into Ong's ethical figuration of the refugee. Trans-migrants seeking asylum face violences that blur the distinctions between public and private, and they dwell on the fringes of heteronormative modes of citizenship.

The arrival of the migrant caravans of 2018 poignantly re-affirms the myriad ways Central Americans are ineligible for asylum status based on racialized binaries between private and public violence. Though US and international law guarantees the safety of those seeking refugee status, those in the Central American migrant caravan were classified first as "criminal," thereby undermining the possibility for migrants to position and present themselves as "ethical refugees" deserving and worthy of state protection. The migrants' experiences at the Guatemalan-Mexico border, moving through Mexico, and at the US-Mexico border have positioned them as racially disavowed and unacceptable subjects. In Mexico, it became crucial for the state and its citizens to differentiate themselves from the migrants, as they engaged in acts that publicly demonstrated their superiority. State officials in Mexico tear-gassed and fumigated Central Americans, while Mexican citizens led marches to publicly ostracize Central American migrants' presence.<sup>31</sup> Drawing on the president's "Make American Great Again" red campaign caps, Tijuana mayor Juan Manuel Gastélum was photographed with a matching one that read "Make Tijuana Great Again," making clear his political inclinations; Gastélum's subsequent comments regarding the "avalanche" of "bums" headed to Tijuana demonstrated his sentiments regarding their impending arrival.<sup>32</sup> At the US-Mexico border, US federal agents fired rubber bullets, tear gas, and smoke grenades at the Central American refugee and asylum seekers.<sup>33</sup> Both throughout Mexico and at the US door, those in the Central American migrant caravan were racialized and criminalized, denied the possibility of personhood, and stripped of their human value. As the caravan participants' claims made clear, the violence from which Central Americans flee does not fit neatly into a public/private binary, but rather permeates and structures everyday life. As a result, they do not qualify for protection from the US government, especially in this current moment. In truth, the private/public violence that resulted in the fleeing of thousands was rendered irrelevant upon Central Americans' construction as "criminal" migrants.

When looking at the continual lack of recognition of Central American migrants as refugees and the types of violences that they flee as legitimate, we see the way refugee and asylum status thus becomes a formation of what Sandro Mezzadra and Brett Neilson show is a global logic of border proliferation. It is "an epistemological device," they write, one which "focuses on the tense and conflictual ways in which borders

shape the lives and experiences of subjects who, due to the functioning of the border itself, are configured as bearers of labor power.”<sup>34</sup> Borderization does not exist only at the geopolitical line, but works to produce subjects based on their value, as labor, as criminals, as ethical figures, or as “symbolic freedom fighters.” The border works as a method of carving out different forms of valuable and valueless life.

Borders have as their core operation the articulation and enforcement of valuable and valueless life. The category of refugee and asylum seeker is racialized and classed; their status articulates a border between different kinds of migrants is a method of valuation based on racial differentiation. As Foucault writes, as a mode of racial differentiation, it works to introduce “a break into the domain of life that is under power’s control: the break between what must live and what must die.”<sup>35</sup> As we mournfully see with four-year-old Jakelyn Améi Rosmery Caal Maquin, a Guatemalan child who was separated from her family at the US-Mexico border and died from dehydration while in ICE detention, the racialized break between life and death is continually reinforced.

## Conclusion

The mobilization of asylum claims and refugee status for migrants to the United States has been an important turn in the fight for the right to migrate. Coming amid a global refugee crisis from war- and famine-torn nations in the Middle East, South Asia, and parts of Africa, and amid growing concerns over the future of forced climate migration, it has emerged in solidarity with other sites and forms of violence. The Cold War set a precedent for the type of immigration enforcement that would manage the mobility of foreigners and those seeking asylum within the United States. Understood as a person “forced to flee their country by violence or persecution,” the refugee is typically reduced to survivors of war, natural disaster, and political violence and persecution.<sup>36</sup> Since the rise in nativism and hardening of immigration enforcement following September 11, 2001, the logic of refugee status has enabled migrants seeking shelter, respite, sanctuary, and lives safe from various kinds of violence, to make cases for asylum, allowing them to carve out lives in the United States. Yet, because these migrants enter an unjust terrain, they are forced to compete for legibility through a racialized, classed, and gendered system of value that recognizes only some types of danger and persecution. The logic and claim of refugee status—even as its saliency for many would-be migrants to the United States is now systematically unwoven by Sessions and the Trump Administration—creates a typology not only of the right kind of migrant but also of the right kind of violence. The circle, as Mijente reminds us, is widened incrementally to include new, acceptable subjects, made so through their exposure to the “right kinds” of violence. In this chapter, we advocate for the erasure

of these circles and the abolition of “the circle game” in an effort to agitate for the global right to migrate.

Using the language of “the right kind” is a strategic polemic amid our recognition that refugees are, in the words of Hannah Arendt, still “technically enemy aliens” and are generally criminalized and treated as undesirables.<sup>37</sup> It is a gesture toward the ways that the language and tactic of refugee and asylum seeker works to generate a specific profile of personhood that makes migrants fleeing violence legible and acceptable within a borderized world intrinsically intertwined with patterns of migration, diaspora, and displacement.

However, the categorization of “refugee” is itself a bordering device, a framing that recognizes migrants that have value and legitimacy and therefore merit protection. Those granted asylum are considered exceptional, as the production of their personhood becomes legible to the nation-state. Migrants *become* refugees when they are able to articulate the violences and dangers they have suffered within a system of value established by empire-driven geopolitical and economic machinations. That is, when their personhood and value is successfully produced.

Meanwhile, other migrants who seek refugee status never attain it. Within the terrains of immigration law and immigrant rights struggles in the United States, the logic of refugee status places some violences and survivors of that violence on a hierarchy of value, making those survivors legible to the imperial nation-state, while weighing their humanity against those of other brown and black migrants. In doing so, the logic of refugee status justifies some migration while unintentionally criminalizing the movement of others. As we have examined in this chapter, young men, women, and LGBTQ migrants—and especially trans-migrants—are inscribed outside of the bounds of legible personhood. Though these migrants experience many and varied types of violence and danger, their criminalized, gendered, and sexualized states of being do not translate into being desirable or valuable. The attacks on their personhood are rendered as “private” events, though their systemic disenfranchisement is part and parcel of daily, public life. As people racialized and criminalized through the act of being—being young men within a complex system of gang and criminal organizations, being women who are survivors of intimate partner abuse, and being an LGBTQ or trans person—these undesirable migrants experience the double reification of their valueless lives, decided first within their sending country that could not or would not protect them, and then second by the United States that deems them as valueless migrants.

Moreover, by situating the worth of migrants in relation to each other, as people of color competing for legibility within a racialized and hierarchical state, the work of whiteness and white actors recedes from view. Central American migrants seeking refuge in the United States become pawns within various scales of empire. Their humanity

is suspended, as their desirability is weighed against racialized, criminalized, gendered, and sexualized stereotypes. Indeed, the white, heteronormative system that dictates whether migrants be granted asylum in the United States allows the nation-state to ensure its footing as a global and imperial power that subordinates its subjects both within and outside of the country. Racialized as an undesirable migrant, the Central American refugee is visible, vulnerable, and deportable. Even as an asylee, these migrants are always situated within a vulnerable and temporary space. Through the figure of the refugee subject, we witness the most effective border policing of the nation-state, setting in relief the way immigration and criminal law intertwine within this transnational, liminal space.

We call for a reframing, then, of the system that places migrants on a hierarchy of value. Rather than pitting migrants against each other in a never-ending “circle game,” we ask that the focus be redirected at the imperial nation-state that has established these racist and heteronormative practices and institutions. The abolition of ICE and CBP is the only way to ensure that the violences that force migrants to cross international borders to begin with are not perpetuated upon their arrival in the United States. We must resist the power and control these institutions and practices have and struggle to dismantle the various scales of bordering—at the local, state, federal, and discursive levels—that seek to disempower and divide those who move in search of freedom.

## Notes

- 1 Benner, Katie and Caitlin Dickerson. “Sessions Says Domestic and Gang Violence Are Not Grounds for Asylum,” *The New York Times*, November 6, 2018. [www.nytimes.com/2018/06/11/us/politics/sessions-domestic-violence-asylum.html](http://www.nytimes.com/2018/06/11/us/politics/sessions-domestic-violence-asylum.html).
- 2 “Attorney General Announces Zero-Tolerance Policy for Criminal Illegal Entry,” Office of Public Affairs. Washington, DC: The United States Department of Justice, April 6, 2018. [www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry](http://www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry); “Why Are Families Being Separated at the US Border?” *The Guardian*, June 18, 2018. [www.theguardian.com/us-news/2018/jun/18/why-are-families-being-separated-at-the-us-border-explainer](http://www.theguardian.com/us-news/2018/jun/18/why-are-families-being-separated-at-the-us-border-explainer).
- 3 Benner and Dickerson. “Sessions Says Domestic and Gang Violence Are Not Grounds for Asylum.”
- 4 Warsan Shire, “Home,” 2015. <http://seekershub.org/blog/2015/09/home-warsan-shire/> Last accessed 7/24/2018
- 5 Paul A. Kramer, “The Geopolitics of Mobility: Immigration Policy and American Global Power in the Long Twentieth Century,” *The American Historical Review* 123, no. 2 (2018): 399.
- 6 Ibid.
- 7 Lisa Marie Cacho. *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012).
- 8 For a discussion of sovereignty and its control over the freedom of movement see, Nicholas De Genova and Natalie Puetz, *The Deportation Regime*:



- Sovereignty, Space and the Freedom of Movement* (Durham, NC: Duke University Press, 2010).
- 9 Peralta, Eyder, "Why a Single Question Decides the Fate of Central American Migrants," National Public Radio. 25 February 2016. [www.npr.org/2016/02/25/467020627/why-a-single-question-decides-the-fates-of-central-american-migrants](http://www.npr.org/2016/02/25/467020627/why-a-single-question-decides-the-fates-of-central-american-migrants). The framework for the circle game comes from personal notes during a workshop led by Mijente organizers in the summer of 2015. I am grateful to activists from Mijente, especially Marisa Franco, Tania Unzueta, and B. Loewe for providing this important analysis and framework.
  - 10 Aihwa Ong, *Flexible Citizenship: The Cultural Logics of Transnationality* (Durham, NC: Duke University Press, 1999).
  - 11 Maria Cristina Garcia, *Seeking Refuge: Central American Migration to Mexico, the United States, and Canada* (Berkeley: University of California Press, 2006), 33.
  - 12 Gil Loeschner and John A. Scanlan, *Calculated Kindness: Refugees and America's Half-Open Door 1945-Present* (New York: Simon and Schuster, 1998), quoted in Ong, Aihwa, *Buddha is Hiding: Refugees, Citizenship, The New America* (Berkeley, CA: University of California Press, 2003), 81.
  - 13 Maria Cristina, *Seeking Refuge: Central American Migration to Mexico, the United States, and Canada*, 31–32.
  - 14 *Ibid.*, 33.
  - 15 *Ibid.*, 87–88.
  - 16 Ong, *Buddha Is Hiding*, 83–85.
  - 17 Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012).
  - 18 Maria Cristina Garcia, *Seeking Refuge: Central American Migration to Mexico, the United States, and Canada* (Berkeley: University of California Press, 2006), 13–14.
  - 19 Jennifer Carcamo. "Timeline: 1985." Central American Resource Center (CARECEN) en Español, February 20, 2015. <http://espanol.carecen-la.org/1985>.
  - 20 Alan Simpson, Immigration Reform and Control Act of 1986, Pub. L. No. 99–603 (1986).
  - 21 In the poem, Shire writes "No one puts their children in a boat, unless the water is safer than land." Warsan Shire, "Home." <http://seekershub.org/blog/2015/09/home-warsan-shire/>.
  - 22 See, Pamela Constable, "Deportation Raids to Continue, Despite Outcry," *Washington Post*, January 8, 2016, and Josh Gerstein and Seung Min Kim, "Obama Administration Kicks Off Family Deportation Raids," *Politico*, January 4, 2016.
  - 23 Cacho, *Social Death*, 43
  - 24 Benner and Dickerson. "Sessions Says Domestic and Gang Violence Are Not Grounds for Asylum."
  - 25 *Ibid.*, 6.
  - 26 See Ching-In Chen, Jai Dulani, Leah Lakshmi-Piepzna Samarasinha (eds.), *The Revolution Starts at Home: Confronting Intimate Violence in Activist Communities* (Chico, CA: AK Press, 2016), and INCITE: Women of Color Against Violence, *Color of Violence: The INCITE Anthology* (Durham, NC: Duke University Press, 2016).
  - 27 See also Eithne Luibheid, *Queer Migration: Sexuality, US Citizenship, and Border Crossing* (Minneapolis: University of Minnesota Press, 2005).
  - 28 [www.thecaravanofresistance.com/rainbow17](http://www.thecaravanofresistance.com/rainbow17). Last accessed 24 July 2018. Note: website no longer exists.

29 Ibid.

30 The remaining 11 percent of Trans Latina migrants came to the United States to reunite with family.

Padron, Karla & TransLatin@ Coalition. *TransVisible: Transgender Latina Immigrants in U.S. Society*. Los Angeles: University of California, Los Angeles, 2016. [www.chicano.ucla.edu/files/news/transvisiblereport.pdf](http://www.chicano.ucla.edu/files/news/transvisiblereport.pdf).

31 Por Jaque. "Policía Federal Rocía Con Gas Lacrimógeno a Niños Migrantes," *Regeneración*, October 19, 2018; Angeles Mariscal, "'Fumigan' a Migrantes, Incluidos Niños, Que Dormían En Huixtla," *Aristegui Noticias*, October 24, 2018; "¡Fuera Hondureños!: Las Protestas En Tijuana Contra Los Migrantes de La Caravana," November 19, 2018, *BBC*. [www.bbc.com/mundo/noticias-america-latina-46264542](http://www.bbc.com/mundo/noticias-america-latina-46264542).

32 Sarah Kinoshian, "'Tijuana First!': Protests Grow against Migrant Caravan in Mexico," *The Guardian*. November 19, 2018. [www.theguardian.com/world/2018/nov/19/mexico-protests-grow-in-tijuana-against-migrant-caravan](http://www.theguardian.com/world/2018/nov/19/mexico-protests-grow-in-tijuana-against-migrant-caravan).

33 Megan Specia and Rick Gladstone, "Border Agents Shot Tear Gas into Mexico. Was It Legal?" *The New York Times*, November 30, 2018. [www.nytimes.com/2018/11/28/world/americas/tear-gas-border.html](http://www.nytimes.com/2018/11/28/world/americas/tear-gas-border.html).

34 Sandro Mezzadra and Brett Neilson. *Border as Method, or, the Multiplication of Labor* (Durham, NC: Duke University Press, 2013), 20.

35 Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France 1975–1976* (New York: Picador, 1997), 254.

36 "What Is a Refugee? Definition and Meaning." USA for UNHCR: The UN Refugee Agency. [www.unrefugees.org/refugee-facts/what-is-a-refugee/](http://www.unrefugees.org/refugee-facts/what-is-a-refugee/).

37 Hannah Arendt, "We, Refugees." *Altogether Elsewhere: Writers on Exile*. ed. Marc Robinson (Boston: Faber and Faber, 1994), 112.

## 5 El país-de-en-medio, or the Plural Stories of Legalities in the US-Mexican Borderland

*Luis Gómez Romero and María de la Macarena Iribarne González*

### Introduction

The Spanish term *frontera* cannot be easily translated into English. It conveys both the idea of a border (a limit, margin or edge) and a frontier (the malleable ultimate boundaries of understanding, established knowledge or culture).<sup>1</sup> The *frontera* is bilateral or multilateral (it necessarily entails multiple perspectives that transcend the simplicity of a single line), artificial (it denotes separation where one might not otherwise notice it), and regulatory (it embodies norms that define those who are entitled or have prohibited to cross it) though contestable (crossing it may eventually result in its erasure).<sup>2</sup> The *frontera* therefore is, as Gloria Anzaldúa has pointed out, a borderland—that is, both “a vague and undetermined place created by the emotional residue of an unnatural boundary” and “a constant state of transition.”<sup>3</sup> This chapter is an attempt at probing two specific *fronteras*: first, the disciplinary boundaries of jurisprudence by acknowledging law as literature and literature as law—in reference to the discursive structures and interpretive strategies that inform both modes of knowledge—and second, the cultural spaces that define normative experiences across the geopolitical border between Mexico and the United States (US).

In Anglophone academia, literature has been considered a suitable companion of law for several decades. The origins of the *Law and Literature* movement can be traced back to the early 1970s.<sup>4</sup> Its characteristic methodology—most eloquently defended by Martha Nussbaum<sup>5</sup>—pursues to place these two disciplines next to each other so as to teach us about the social realities or moral values that sustain and edify legal norms.<sup>6</sup> In other words, the *Law and Literature* movement has largely conceived of literature either as a repository of information on facts that are relevant in terms of legal interpretation, critique, or review of legal institutions or standards;<sup>7</sup> or as the embodiment of the absent justice of law.<sup>8</sup> Nevertheless, the interdisciplinary approach to the nexus between literature and the normative experiences elicited by the Mexico-US border that is developed in this chapter is not constrained to the classic *Law and Literature* comparativism though. This chapter regards the

stories—present and past, fictional or not—that have been told about and around the border as a normative constitutive source of the *frontera* or borderland, that is—in Anzaldúa’s words—“*una herida abierta* where the Third World grates against the first and bleeds.”<sup>9</sup>

This asymmetrical relationship has haunted Mexican-US relations ever since February 2, 1848, when the *Treaty of Peace, Friendship, Limits and Settlement between the United States of America and the Mexican Republic*—colloquially known as the Treaty of Guadalupe-Hidalgo—ended the Mexican-American war.<sup>10</sup> Article V of the Treaty established the border at the Río Bravo. In turn, Mexico lost 55 percent of its national territory to US conquest: not just Texas, but the modern states of California, Nevada, Utah, most of Arizona, about half of New Mexico, about a quarter of Colorado, and a small section of Wyoming as well.<sup>11</sup> Mexicans felt the pain of this loss immediately as the California Gold Rush began roughly at the same time as the Treaty was agreed.<sup>12</sup> The territorial spoils of the Mexican-American War, on the contrary, allowed the US to emerge as a world power in the late 19th century.<sup>13</sup> The peace that followed the war, from a Mexican perspective, established a bitter pattern of political, economic and military inequality between the two countries.<sup>14</sup> Though characterized by peace, this chapter argues that the asymmetry born in the 1800s produced enduring political (in the broadest and deepest sense of the term),<sup>15</sup> legal and cultural spaces that exceed and subvert the State-centered legal systems of both Mexico and the US.

The chapter delves into the jurisprudential experiences raised by the legal history of the Mexican-US *frontera* through the looking glass of two novels written by Alejandro Páez Varela (*Oriundo Laredo*)<sup>16</sup> and Yuri Herrera (*Señales que precederán el fin del mundo*).<sup>17</sup> They represent a young generation of Mexican novelists whose work has fully developed against a globalized—post-North American Free Trade Agreement (NAFTA)—cultural background. Authors such as Diego Osorno (*Un Vaquero Cruza La Frontera En Silencio*)<sup>18</sup> and Emiliano Monge (*Las Tierras Arrasadas*)<sup>19</sup> can also be ascribed to this generation. They share both a profound and multifaceted understanding of the *frontera* (in the case of Monge, the challenges it entails outspread all the way to the Southern border of Mexico) and the intimate unrest that entails the quest for a language capable of communicating—and denouncing or subverting—the injustices it raises. Plot and characters in the works of Herrera and Páez Varela spell out the paradoxical realities—violent and hostile, caring and gentle—of a third country between Mexico and the US that has never been fully acknowledged by the hegemonic legal (and political) discourses developed at both sides of the border. This third country, which Páez Varela calls *el país-de-en-medio* (in-between country), is no longer Mexico, but has not fully become the US yet. It is

indeed a land currently “separated” by “greed and stupidity”<sup>20</sup> that was originally meant to be united in justice.

The arguments advanced in the chapter are therefore divided into three parts. First, we undertake a discussion of the intimate bonds between law and narrative from a pluralist standpoint founded upon the multiple voices (and silences) of those who inhabit the *frontera* in order to justify the inclusion of these novels (or, indeed, any other literary work) in the catalogue of sources of law. Second, we will outline the communal narrative paths for spelling out justice in the *frontera* or, as Páez Varela calls it, *el país-de-en-medio*. Finally, we will address through Herrera’s narrative the perennial tension between subjection to intensely violent border powers and the struggle for autonomy and emancipation among the (legal) subjects who come across or live in the *frontera*. This will establish the argument to conclude that the realization of justice in the *frontera* demands a particular form of *juris-dictio*, that is, of speaking the law through storytelling by responding to oppression and exclusion at both sides of the Río Bravo.<sup>21</sup>

### Silence, Voice, *Nomos*

Páez Varela’s *Oriundo Laredo* (which can be translated as “Native to Laredo”) is an orphaned Mexican-American whose companion and *alter ego* is a Native American called “Gamboa Las Vegas.”<sup>22</sup> Laredo regards Las Vegas as “a very interesting man,”<sup>23</sup> even though many people considered him “dull” as he usually “arrived in silence and departed in silence, and said his things in silence, without saying them.”<sup>24</sup> Las Vegas bears with silent dignity the conflicted history of the *frontera*. His quiet presence is a constant reminder of the injustices of a borderland that is oblivious to its hubris and its past while developing legal and policing techniques that use race and criminalization as key normative strategies to assert sovereignty over those who live in or transit over it.<sup>25</sup>

Here, we need to justify why the fictional stories of Laredo and Las Vegas are apposite for a jurisprudential understanding of the complexities of the *frontera*. A traditional positivist study of the *frontera* would mainly focus on the intersection between Mexican and American legal systems at the border. Legal positivism has obsessively sought means to distinguish legal from non-legal social situations.<sup>26</sup> In order to achieve this, positivism subsumes legal authority into norms that are produced by a given community—usually the State—through institutionally prescribed procedures and enforced through organized coercion. Max Weber famously defined the State as a “monopoly of the legitimate use of physical force.”<sup>27</sup> Positivism formalizes this conception of the State by representing it as a *nomopoly*—that is, a monopoly in the creation of *nomos* (νόμος) or law.<sup>28</sup>

The significance attributed to the State in positivist jurisprudential discourses can be referred to quite a simple idea: law requires specific *institutional* forms that enforce and authorize it.<sup>29</sup> Reducing law to a hermetic technique for dispute resolution beholden to nothing but its own logic on this basis, however, amounts to a confusion of cause and effect. Roman law, which sits at the roots of the great Western legal traditions of common law<sup>30</sup> and civil law,<sup>31</sup> for example, emerged (and was explicitly received as such in medieval Europe)<sup>32</sup> as a corpus of literatures that narrated how difficult legal problems had been justly solved.<sup>33</sup> These literatures gained authority over time because of the social needs they addressed and the practical respect they accumulated.<sup>34</sup> The Roman conception of jurisprudence as “the knowledge of the things divine and human, and the accurate understanding of justice and injustice” (*divinarum atque humanarum rerum notitia, iusti atque iniusti scientia*) is actually an open invitation to narrative.<sup>35</sup> Roman law thus shows that whereas the question of form is undoubtedly relevant for legal meaning and rhetoric, institutionalization within State-driven institutions is not.<sup>36</sup>

Legal pluralism enriches our understanding of the institutional aspects of law precisely because it stands in counterpoint to conceptions of law that sharply distinguish the legal from the non-legal (that is, the political, economic, social and cultural spheres of human activity). Emmanuel Melissaris, for example, displaces jurisprudence from institutional *structures*—which are currently its privileged subject matter—to “discourses that are reduced to the binary schema of legal/illegal or permitted/forbidden.”<sup>37</sup> Institutions are therefore a *consequence* (not the cause) of legal discourses, which he characterizes by their ability to authorize and evaluate human actions.<sup>38</sup> Melissaris claims that law “does not develop separately from the way people normatively experience the world, but is rather constituted by those experiences.”<sup>39</sup> Law is therefore created from shared normative experiences that provide those who participate in them a common ability to shape the world through accepted normative commitments.<sup>40</sup>

Pluralist approaches to law not only terminate the State’s *nomopoly* by acknowledging the fluidity, diversity, and relative autonomy of the subjects that produce legal norms but also make *jurisgenesis*—that is, the creation of legal meaning—a culturally mediated social or collective process.<sup>41</sup> “Because law is synonymous with the symbolic order,” notes Desmond Manderson, “it is produced in the dialogue and discourse all about us: in all the things that we read and say, in the music we listen to, and the art we grow up with.”<sup>42</sup> Manderson’s pluralist assertion builds on Robert Cover’s claim that law and narrative are “inseparably related” in *nomos*, that is, the “normative world” in which legal principles and norms are experienced by the members of the community as part of continually relevant cultural interactions.<sup>43</sup> In Cover’s view, “[n]o set of

legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning.”<sup>44</sup> A constitution, for example, is nothing but “a [normative] centre about which many communities teach, learn, and tell stories.”<sup>45</sup>

Now, one can respond that stories do not *prescribe* behavior because they do not *lay down laws* for us. This does not undermine the merit of Cover’s and Manderson’s theses though, as stories *inscribe* behavior because they lay down *ways of being* in us instead.<sup>46</sup> Storytelling is constitutive of our identity, which inevitably involves an image of our legal selves. Law and literature thus converge methodologically in a specific form of dialogic imagination that entails what Mikhail Bakhtin calls *heteroglossia*, a polyphony or multiplication of voices and perspectives.<sup>47</sup> In both literature and law—understood as *nomos*, a corpus of narratives—“every word is directed toward an answer and cannot escape the profound influence of the answering word that it anticipates.”<sup>48</sup> A narrative and pluralist understanding of legal discourses and practices hence structures the rule of law, as Manderson suggests, as “a set of ideas that institutionally protect the social and dialogic process of exposing and critiquing reasons for decision, rather than as a set of ideas that institutionally entrench the hierarchical or hieratical process of announcing them.”<sup>49</sup>

Not every voice, however, resonates with equal force in the chambers of *nomos*. The unbalance of power between Mexico and the US is a defining feature of the *frontera*. “Culture,” writes Anzaldúa, “is made by those in power.”<sup>50</sup> It is evident that we can say the same thing about law, which necessarily partakes from the culture that gives birth to it and in relation to which it is understood.<sup>51</sup> Anzaldúa accuses the “gringos” of considering “the inhabitants of the borderlands transgressors, aliens – whether they possess documents or not.”<sup>52</sup> It is this systematic exclusion from *nomos* that renders Gamboa Las Vegas mute in Páez Varela’s novel. Oriundo Laredo, however, invents a background of resistance and rebellion for his companion. Laredo claims that Las Vegas was born in Mobeetie, a city of cruel white gringos who “lash” Latino and Indigenous workers, “pay little” and lay them off at the slightest hint of “disorder” while keeping their salaries.<sup>53</sup> Laredo, however, proudly declares that Las Vegas “survived” the cruelty of Mobeetie, where he even broke a *gringo* in two once.<sup>54</sup>

Both Laredo and Las Vegas are, as Lisa Marie Cacho writes in relation to the nexus between race and criminalization in the American legal system, “unlawful by presence, and illegal by status” or, in other words, “*they do not have the option to be law abiding*,” which is “always the absolute prerequisite for political rights, legal recognition, and resource redistribution.”<sup>55</sup> Storytelling is therefore crucial to unsettle the legal structures that make possible these inequalities in the *frontera*. Counterstories are strategically necessary for analyzing and



challenging the received wisdoms and shared cultural understandings that sustain unjust legal discourses and institutions advanced by the dominant group.<sup>56</sup>

While Laredo enjoys telling the heroic counterstory of resistance he invented about Las Vegas, he does not dare to go any further in the quest for justice. When a fellow worker introduces him to the theories of Karl Marx (who Laredo calls “Marlon Max”), Laredo decides to remain ignorant to Marx’s unsettling words because “[h]e believed that to survive in this world it is necessary to remain silent sometimes.”<sup>57</sup> Silence, however, perpetuates injustice at the *frontera*. Gamboa Las Vegas, after disappearing in an accident, visits him in a dream and spells out an excruciating sorrow as the consequence of choosing silence over *juris-dictio*:

How sad are these cities, how sad are the streets, how sad is this day,  
and even the trees are crying over here.<sup>58</sup>

Laredo wakes up from this dream and watches, from the window in his hospital room, the walled Mexico-US border. He decides then to return to Mexico, where the memory of his life as a nomad across the *frontera* transcends his own death. “Memories are measured in miles, Oriundo,” Páez Varela writes, “because everyone drives a Grand Marquis in the realm of dreams.”<sup>59</sup>

### Spelling Out Justice in *El país-de-en-medio*

Both Laredo and Las Vegas pursue words to name the damages caused by injustice in the *frontera*. Naming our own realities is the first step toward vindicating our participation in the normative experiences, understandings and commitments that shape justice in our communities.<sup>60</sup> “To inhabit a *nomos*,” writes Robert Cover, “is to know how to *live* in it.”<sup>61</sup> In living in the *nomos* generated by the *frontera*, Oriundo Laredo’s life transpires as a nomad in the vast lands between Chihuahua and Oklahoma. Páez Varela calls these lands *el país-de-en-medio*,<sup>62</sup> which is an authentic motherland to both Laredo and Gamboa Las Vegas.<sup>63</sup> Laredo’s life begins and ends with mirroring descriptions of the landscape at the *frontera*, where the villages at both sides of the border “do not have sidewalks,” but show houses with “huge porches” that seem “extensions of the living room.”<sup>64</sup>

*El país-de-en-medio* is ultimately a refuge from the parallel forms of violence unleashed by the Mexican and the American States: the former, for the perennial civic unrest that rises from allowing inequality to fester; the latter, for its frequent involvement in international conflicts and imperialist wars. The dialectic between Mexican revolutionary restlessness and American interventionism defines the history of Laredo’s

family: those who cross the border fleeing from one kind of violence find themselves facing the other.<sup>65</sup>

*El país-de-en-medio* is a precarious refuge from the racism<sup>66</sup> and voracious capitalism<sup>67</sup> that relentlessly threaten Laredo and Las Vegas. This characteristic harshness of life under the *nomos* of the *frontera* emerged from the embers of the Mexican-American war. Gilberto Rosas has summarized, in this sense, the harrowing history of the Mexico-US border in three epochs. First, the “old frontier” of the colonialist settlers with their “projects of sovereignty” that shaped both northwestern Mexico and southwestern US in the late 19th century.<sup>68</sup> At this time, Rosas writes, “race and criminality began to emerge as key stratagems of rule.”<sup>69</sup> Second, the period of the modern border (from 1920 to the mid-1990s) with its “creeping militarization of border law enforcement” and associated flows of legal and illegal migrants.<sup>70</sup> Finally, from 1990 to the present, the “new frontier”<sup>71</sup> that supplemented the imposition of neoliberalism in Mexico via “warlike exercises of an incomplete sovereignty” in the US<sup>72</sup>

Páez Varela’s storytelling unsettles this history of oppression and dispossession by merging the political consciousness of Oriundo Laredo (a Mexican-American) with that of Gamboa Las Vegas (a Native American). The Mexican-American war unleashed decades of violence between Mexicans and Native Americans.<sup>73</sup> Páez Varela, however, narratively transforms former enemies into one and the same political agent pursuing emancipation. This radical form of fraternity renders justice possible. Laredo/Las Vegas becomes one of the leaders of a strike of temporary workers in the harvest of tomatoes in Segovia, Texas. When the striking workers are subjugated and arrested by the police, El Marentes—the second leader of the strike—spells out the common subjugation shared by Native-Americans, Mexican-Americans and African-Americans across the *frontera*:

[Americans] Remade history with sheer lies [...] They are ashamed of showing themselves as who they really are: pure bastards. They are ashamed of telling that they stole all of this. They hence make films in which they are the good ones, and the rest of us are ugly, thieves, ignorant, savages, fartheads and slackasses [...] Everyone who isn’t a *güero* [blond] in this country is a migrant. Black people come from Africa, *prietos* [brown people] come from the South, and Indians live in reservations. The *güeros* believe that everyone but themselves is a migrant [...] Have you seen Sears catalogues, how white people look so beautiful, with their coloured clothes and smiles? Have you seen their big houses and well-trimmed gardens behind them? All of us are buried in the backyard. There are the Black people, the Mexicans, the Indians. All of them buried. They don’t appear in the picture.<sup>74</sup>

“We need to defend us from these bastards. We have rights,” proclaims El Marentes later. The term “we” embraces here each and every oppressed subject in the *frontera*.<sup>75</sup> In the narrative realm of *nomos*, as another character declares, the “Comanche, Apache, Mescalero, Manso” and Mexican peoples are made of “the same stuff.”<sup>76</sup> Rightlessness is the commonality among subordinated subjects (such as Laredo/Las Vegas or El Marente) that becomes evident across Páez Varela’s narrative—Laredo/Las Vegas, for example, travels as an undocumented migrant regardless he is legally authorized to reside and live in the US.<sup>77</sup> His participation in the strike thus evidences the political *aporia* that Jacques Rancière perceives in rights-based legal discourses and practices. Rights become relevant precisely when they are violated or denied. In Rancière’s words, the emancipating horizons of rights are possible only when we conceive them as “the rights of those who have not the rights that they have, and have the rights that they have not.”<sup>78</sup>

Laredo/Las Vegas and El Marente are aware that they have been historically deprived of many of the rights that the US and Mexican constitutions respectively attribute to American or Mexican citizens without discrimination. But they also learn, through their common action, that the citizen’s rights that the law refuses them can only be exercised when they are vindicated. It is their combined resistance what makes possible to rewrite the painful jurisprudential history of the *frontera*.

### Crossing the Frontera: From Subjection to Emancipation

Yuri Herrera’s novella *Señales que precederán al fin del mundo* is narrated by Makina, a young woman who embarks on a quest across a *frontera* that is never named, even though it shares multiple features with the Mexico-US borderlands. Her original goal is to rescue her long-lost elder brother, who was lured there by what Makina and her mother, Cora, suspect to be a false hope of land inherited from a long-absent father and who, for reasons that remain unknown until the last chapters of the novel, is stuck on “the other side.”<sup>79</sup>

Makina secures the help of three local gangsters—*señor Dobleú*, *señor Hache* and *señor Q*—to make the crossing. While this initially suggests the reader an adventure story—a thriller—the novel’s tone is mythical, which means that it works on two levels: as a plain Mexican-American *frontera* story and as a universal reflection on crossings and transitions.<sup>80</sup>

Makina’s opening declaration is “I’m dead”<sup>81</sup> and her destination, by the time she gets there, has become an abyss.<sup>82</sup> Herrera’s story builds on the tradition of epic heroes who cross beyond the threshold of life and death. Makina is aware that those who cross the borderlands illegally can undergo a kind of death for loved ones left behind, in that the

departed may never return and word from them may never come. She is wary that if she stays too long at the *frontera*—perhaps “one day or one hour more than necessary”—“everything would be similar, yet it would not be the same” as her loved ones would become “people of difficult names and implausible gestures, as if they had been copied from an original that no longer exists.”<sup>83</sup>

Although Makina travels light, intent on “coming right back” for her younger sister, the other side of the *frontera* allures her with a potent siren call.<sup>84</sup> She is drawn to the “intermediary tongue” of her compatriots living in the north, which inhabits “a nebulous territory between what is dying out and what is not yet born.”<sup>85</sup> This new language enables Makina to grasp the freedom, and the disquieting disorientation, of transition and translation.

The quest for a new language capable of expressing the realities of the *frontera* that was discussed above—in relation to Páez Varela’s novel—is thus stretched and deepened in Herrera’s narrative through Makina’s fascination with the world inhabited by those who have crossed to the other side. The language spoken by migrants in the *frontera* is not the result of a “sudden absence,” but rather a “clever metamorphosis, a self-defence conversion.”<sup>86</sup> Makina, for example, reflects about the transformation that the language around smoking suffers in the *frontera*. In Spanish, the expression “*dame fuego*” is equivalent to the English idiom “give me a light.”<sup>87</sup> Those who have crossed, however, would mix both languages either saying “give me fire” or “*dame una luz*.” Makina realizes that the act of translating is actually an ontological crossing into new insights on fire, light and giving. “It is not another way of talking about things: they are new things,” she muses.<sup>88</sup>

Makina’s discovery is crucial for understanding the development of *nomos* at the *frontera*. Legal discourses presuppose logically a substratum or subject, a “man,” “citizen” or “person.”<sup>89</sup> The subject of law or *subjectum* is the holder of rights and the bearer of duties and responsibilities.<sup>90</sup> But at the same time, the subject as *subjectus* is subjected to law and shaped by law’s demands and rewards.<sup>91</sup> The paradoxical double determination of creator and created, free and compelled, active and passive animates and permeates the life of the legal subject.

Crossing the *frontera*—both in a geographical and jurisprudential sense—subverts the established dialectic between *subjectum* and *subjectus*. After having her heart “eaten” when she finds that her brother has adopted a different identity and joined the US Army to fight American wars in far-away lands,<sup>92</sup> Makina finds the moral fortitude—and the words—to challenge a racist police officer who rejoices in humiliating migrants. The officer, who is named as “the snake that lurks around,”<sup>93</sup> arrests several migrants and asks one of them to note down the reasons he believes made possible his disgrace. The migrant, who is a poet,

cannot find the words the officer is demanding. It is Makina, however, who speaks to him through the new language she has just learnt:

We are guilty of this destruction, we who don't know your language and don't know how to remain silent. We who didn't arrive by boat, who befoul with dust your front doors, who break your wire fences. We who take away your jobs, who aspire to clean your shit, who yearn to work overtime. We who spread the smell of food across your clean streets, who brought the violence you didn't know, who transport your medicine, we who deserve to be tied by our necks and our feet; we, who don't mind to die for you [...] We who don't know what we are waiting for. We the dark ones, the shorties, the greasy, the hypocrites, the fatsos, the anaemics. We, the barbarians.<sup>94</sup>

The officer, who finds himself incapable of responding to Makina's arguments, lets the migrants leave. Confronting injustice with storytelling renders the law that makes it possible speechless. This encounter hence completes Makina's transformation. Faced with shedding her name, home and tongue in order to live a new life in the *frontera*, Makina whispers to herself, "I've been skinned."<sup>95</sup> Makina has indeed shed her skin, crossing from the status of *subjectus* to the freedom of *subjectum*. The place to which she has arrived is as uncertain as freedom itself. The only certainty it offers is that, once freedom is exercised, there is no turning back from both its promises and hazards.

### **Epilogue: A Horizon beyond the Beast and the Wall**

This essay was written at the end of 2018, when Attorney General Jeff Sessions announced, in the name of the Trump administration, that anyone caught crossing into the US southern border would be prosecuted for illegal entry.<sup>96</sup> This includes people seeking asylum from persecution (which anyone is entitled to do, according to the *Universal Declaration of Human Rights*) and parents traveling with their children.

Those who cross the *frontera* nowadays thus find themselves between the (metaphorical) wall with a "big, fat beautiful door" that President Trump has promised to build in the border with Mexico,<sup>97</sup> and the violence that both Mexico and the US have unleashed over migrants—best embodied in the Mexican network of freight trains that Central American migrants have named, in a stunning exercise of haunting poetry, "*La Bestia*" (The Beast).<sup>98</sup> The cruelest myth is alive. Those who flee from violence in Central America today must ride a Beast only to find themselves in front of a Wall.

The stories of those who ride the Beast should have already prompted deeper discussion of our legal conceptions of sovereignty, national states and migration. This discussion is yet to fully develop and flourish in

new—more humane—institutional arrangements around migration. The works of Páez Varela and Herrera that have been discussed in this chapter outline a literary genre that we have labeled as the *frontera* narrative. These works, however, also utter new vigorous insights into the power of *juris-diction*—of speaking out justice and the law. The jurisprudential lesson el *país-de-en-medio* has to teach the world can therefore be summarized in the following terms: obedience to law is never a justification for injustice, as each and every of us can vindicate through storytelling our own *juris-diction*. In turning our attention to unspoken understandings of how our stories interact with legal norms, the *frontera* genre uncovers the normative commitments we hold as translations of a self we would probably prefer to keep unknown—but also opens the possibility to new horizons for the working out of law and justice into legal discourses, institutions and practices beyond current relations in which human beings are arbitrarily or unfairly demeaned, dominated or otherwise disgraced.

## Notes

- 1 Real Academia Española, “Frontera,” in *Diccionario de la Lengua Española* (Madrid: Espasa, 1992), 998; on the Anglo-American concept of frontier, see Geoffrey Bennington, *Kant on the Frontier: Philosophy, Politics and the End of the Earth* (New York: Fordham University Press, 2017), xvii–xviii; and the classic work of Frederick Jackson Turner, *The Frontier in American History* (New York: Holy, 1953).
- 2 See Kaldone Nweihed, *Frontera Y Límite En Su Marco Mundial: Una Aproximación a La “Fronterología,”* 2nd ed. (Caracas: Instituto de Altos Estudios de América Latina/Equinoccio/Universidad Simón Bolívar, 1992); the papers collected in Jacques Derrida, ed, *Le Passage Des Frontières: Colloque De Cerisy* (Paris: Galilée 1994); and Bennington, *Kant on the Frontier*, xiii ff.
- 3 Gloria Anzaldúa, *Borderlands/La Frontera: The New Mestiza* (San Francisco: Aunt Lute Books, 1987), 3.
- 4 James Boyd White, *The Legal Imagination: Studies in the Nature of Legal Thought and Expression* (Boston-Toronto: Little, Brown and Company, 1973).
- 5 Martha Nussbaum, *Poetic Justice: The Literary Imagination and the Public Life* (Boston: Beacon Press, 1995).
- 6 Desmond Manderson, *Kangaroo Courts and the Rule of Law: The Legacy of Modernism* (Milton Park: Routledge, 2012), 9 ff.
- 7 See, for example, Robin West, “Authority, Autonomy, and Choice: The Role of Consent in the Moral and Political Visions of Franz Kafka and Richard Posner,” *Harvard Law Review* 99, no. 2 (1985): 384–428; Richard Posner, “The Ethical Significance of Free Choice,” *Harvard Law Review* 99, no. 7 (1986): 1431–1448; and Nicola Lacey, *Women, Crime, and Character: From Moll Flanders to Tess of the D’urbervilles* (Oxford: Oxford University Press, 2008).
- 8 See, for example, Nussbaum, *Poetic Justice*; Ian Ward, *Justice, Humanity and the New World Order* (Aldershot: Ashgate, 2003); and Melanie Williams, *Secrets and Laws: Collected Essays in Law, Lives, and Literature* (London: UCL Press, 2005).

- 9 Anzaldúa, *Borderlands/La Frontera*, 3.
- 10 An unabridged Spanish version of the treaty is available at José Luis Soberanes Fernández and Juan Manuel Vega Gómez, *El Tratado De Guadalupe Hidalgo En Su Sesquicentenario*, Cuadernos Constitucionales México-Centroamérica (México: Universidad Nacional Autónoma de México/Corte de Constitucionalidad de Guatemala, 1998), 31–52.
- 11 See Timothy J. Henderson, *A Glorious Defeat: Mexico and Its War with the United States* (New York: Hill and Wang, 2007), 177–78; Josefina Zoraida Vázquez Vera and Lorenzo Meyer, *México Frente a Estados Unidos: Un Ensayo Histórico, 1776–2000*, 4 ed. (México: Fondo de Cultura Económica, 2017), 59–65.
- 12 Eduardo Purcell, *¡Muchos Extranjeros Para Mi Gusto! Mexicanos, Chilenos e Irlandeses En La Construcción de California, 1848–1880* (México: Fondo de Cultura Económica, 2016), 81 ff.
- 13 Zoraida Vázquez y Meyer, *México Frente a Estados Unidos*, 66 ff.
- 14 José María Roa Bárcena, *Recuerdos De La Invasión Norteamericana (1846–1848): Por Un Joven De Entonces*, 2 vols. (México: Consejo Nacional para la Cultura y las Artes, 1991), 776–788; José Manuel Villalpando César, *Las Balas Del Invasor: La Expansión Territorial De Los Estados Unidos a Costa De México* (México: Miguel Ángel Porrúa, 1998), 7–8; Richard Griswold del Castillo, *The Treaty of Guadalupe Hidalgo: A Legacy of Conflict* (Norman: University of Oklahoma Press, 1990), xii; Lucas Alamán, *Historia De Méjico, Desde Los Primeros Movimientos Que Prepararon La Independencia En El Año De 1808 Hasta La Época Presente*, 5 vols., vol. 5 (México: Jus, 1942), 548–551.
- 15 “Politics” is understood here, following Jacques Rancière, as a re-figuration of the public space, performed by those originally excluded from it, through the manifestation of dissensus. See Jacques Rancière, *Aux Bords Du Politique* (Paris: Gallimard, 2004), 223 ff.
- 16 Alejandro Páez Varela, *Oriundo Laredo* (México: Alfaguara, 2016).
- 17 Yuri Herrera, *Señales Que Precederán El Fin Del Mundo* (Cáceres: Periférica, 2010).
- 18 Diego Enrique Osorno, *Un Vaquero Cruza La Frontera En Silencio* (México: Random House, 2017).
- 19 Emiliano Monge, *Las Tierras Arrasadas* (Barcelona: Random House, 2015).
- 20 Páez Varela, *Oriundo Laredo*, 211.
- 21 See Jean-Luc Nancy, *La Communauté désavouée* (Paris: Galilée, 2014) 53 ff. We have written this article from a Mexican perspective. We thus refer to the “Río Bravo,” instead of “Río Grande.”
- 22 Páez Varela, *Oriundo Laredo*, 73 ff.
- 23 *Ibid.*, 76.
- 24 *Ibid.*
- 25 See Gilberto Rosas, *Barrio Libre: Criminalizing States and Delinquent Refusals of the New Frontier* (Durham and London: Duke University Press, 2012), 131; and Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012), 129.
- 26 For example, John Austin, *The Province of Jurisprudence Determined* (Cambridge: Cambridge University Press, 1995); H. L. A. Hart, *The Concept of Law*, 2 ed. (Oxford: Clarendon Press, 1994); and Hans Kelsen, *Reine Rechtslehre*, 2nd ed. (Wien: Österreich, 2000).
- 27 Max Weber, *Wirtschaft Und Gesellschaft: Grundriß Der Verstehenden Soziologie* (Tübingen: Mohr, 1976), 29 and 821 ff.
- 28 Roderick Macdonald and David Sandomierski, “Against Nomopolies,” *Northern Ireland Legal Quarterly* 57, no. 4 (2006): 611–614.



- 29 Scott Shapiro, *Legality* (Cambridge, MA: The Belknap Press of Harvard University Press, 2011), 118 ff.
- 30 Even though Roman law was not “received” in England to the extent and in the manner that it was “received” in Continental Europe, its influence on English common law during its formative period has been widely accepted among legal historians. See Edward D. Re, “The Roman Contribution to the Common Law,” *Fordham Law Review* 29, no. 3 (1961): 295; Peter Stein, “Roman Law, Common Law, and Civil Law,” *Tulane Law Review* 66, no. 6 (1992): 1591–1594; and Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 1983), 121–122.
- 31 Franz Wieacker, *Privatrechtsgeschichte Der Neuzeit: Unter Besonderer Berücksichtigung Der Deutschen Entwicklung* (Göttingen: Vandenhoeck u. Ruprecht, 1967).
- 32 See Paolo Grossi, *L’Ordine Giuridico Medievale* (Roma: Laterza, 1997); and Berman, *Law and Revolution*, 119 ff.
- 33 At its highest point of technical development, Roman law was basically produced by jurists who suggested formulae (or defenses) that were appropriate for a particular fact situation. Justinian, “Digesta,” in *Corpus Iuris Civilis*, eds. Theodor Mommsen and Paul Krueger (Dublin/Zurich: Weidmann, 1968), 1, 2, 1–2; see also Peter Stein, *Roman Law in European History* (Cambridge: Cambridge University Press, 1999), 8–13; and Beatriz Bernal and José de Jesús Ledesma, *Historia Del Derecho Romano Y De Los Derechos Neorrománistas (De Los Orígenes a La Alta Edad Media)* (México: Porrúa, 1989), 167 ff. A similar discursive structure can be appreciated in limited jurisprudential developments such as the *Cour Amoureuse* in medieval France. Peter Goodrich, *Law in the Courts of Love: Literature and Other Minor Jurisprudences* (London/New York: Routledge, 1996).
- 34 Guillermo Floris Margadant, *La Segunda Vida Del Derecho Romano* (México: Miguel Angel Porrúa, 1986).
- 35 Justinian, “Institutiones,” in *Corpus Iuris Civilis*, ed. Paul Krueger (Dublin/Zurich: Weidmann, 1968), 1, 1, 1; “Digesta,” 1, 1, 10, 2.
- 36 Desmond Manderson, “In the Tout Court of Shakespeare: Interdisciplinary Pedagogy in Law,” *Journal of Legal Education* 54, no. 2 (2004): 284; Emmanuel Melissaris, *Ubiquitous Law: Legal Theory and the Space for Legal Pluralism* (Farnham: Ashgate, 2009), 1–5.
- 37 Emmanuel Melissaris, “The More the Merrier? A New Take on Legal Pluralism,” *Social & Legal Studies* 13, no. 1 (2004): 74.
- 38 *Ibid.*, 75.
- 39 Melissaris, *Ubiquitous Law*, 105–106.
- 40 *Ibid.*, 109.
- 41 On the concept of *jurisgenesis*, see Robert Cover, “Foreword: Nomos and Narrative,” *Harvard Law Review* 97, no. 1 (1983): 11.
- 42 Desmond Manderson, “From Hunger to Love: Myths of the Source, Interpretation and Constitution of Law in Children’s Literature,” *Law and Literature* 79, no. 2 (2003): 93.
- 43 Cover, “Nomos and Narrative,” 5.
- 44 *Ibid.*, 4.
- 45 *Ibid.*, 25.
- 46 Manderson, “From Hunger to Love,” 90.
- 47 Mikhail Bakhtin, *The Dialogic Imagination: Four Essays*, trans. Michael Holquist and Caryl Emerson (Austin: University of Texas Press, 1981), 270 ff.
- 48 *Ibid.*, 280.
- 49 Manderson, *Kangaroo Courts*, 159.

- 50 Anzaldúa, *Borderlands/La Frontera*, 16.
- 51 Paul Kahn, *The Cultural Study of Law: Reconstructing Legal Scholarship* (Chicago-London: University of Chicago Press, 1999).
- 52 Anzaldúa, *Borderlands/La Frontera*, 3.
- 53 Páez Varela, *Oriundo Laredo*, 79–80.
- 54 Ibid.
- 55 Cacho, *Social Death*, 8. We have respected the original italics.
- 56 Richard Delgado and Jean Stefancic, “Critical Race Theory: An Annotated Bibliography,” *Virginia Law Review* 79, no. 2 (1993): 462.
- 57 Páez Varela, *Oriundo Laredo*, 172.
- 58 Ibid., 203.
- 59 Ibid., 10.
- 60 Cover, “*Nomos and Narrative*,” 12–13.
- 61 Ibid., 6.
- 62 Páez Varela, *Oriundo Laredo*, 210–211.
- 63 Ibid., 73 ff.
- 64 Ibid., 13 and 202.
- 65 Ibid., 51–65.
- 66 Ibid., 92.
- 67 Ibid., 81–85.
- 68 Rosas, *Barrio Libre*, 30.
- 69 Ibid.
- 70 Ibid.
- 71 Ibid., 29.
- 72 Ibid., 30.
- 73 Geronimo, for example, famously loathed Mexicans because in 1851 a force of Mexican militia from Sonora under Colonel Jose María Carrasco attacked and surprised an Apache camp outside Chihuahua, slaughtering the inhabitants—including Geronimo’s family. See Geronimo and Stephen M. Barret, *Geronimo: The True Story of America’s Most Ferocious Warrior* (New York: Skyhorse, 2011), 41 ff. See also Alamán, *Historia De Méjico*, 5, 550; Brian Delay, “Independent Indians and the U.S.-Mexican War,” *American Historical Review* 112, no. 1 (2007): 35–36; Joaquín Terrazas, *Memorias: La Guerra Contra Los Apaches* (Chihuahua: Centro Librero La Prensa, 1994); and David J. Weber, *The Mexican Frontier, 1821–1846: The American Southwest under Mexico* (Albuquerque: University of New Mexico Press, 1982), 83–105.
- 74 Páez Varela, *Oriundo Laredo*, 170–171.
- 75 Ibid., 171–172.
- 76 Ibid., 34.
- 77 Ibid., 179 ff.
- 78 Jacques Rancière, *La Haine De La Démocratie* (Paris: La Fabrique, 2005), 68.
- 79 Herrera, *Señales Que Precederán El Fin Del Mundo*, 12 ff.
- 80 Mircea Eliade, *Aspects Du Mythe* (Paris: Galllimard, 1963), 32 ff; Claude Lévi-Strauss, *La Pensée Sauvage* (Paris: Plon, 1962), 26 ff.
- 81 Herrera, *Señales Que Precederán El Fin Del Mundo*, 11.
- 82 Ibid., 115.
- 83 Ibid., 21.
- 84 Ibid., 55–57.
- 85 Ibid., 73.
- 86 Ibid., 73–74.
- 87 Ibid., 74.
- 88 Ibid.

- 89 Costas Douzinas, *The End of Human Rights: Critical Legal Thought at the Turn of the Century* (Oxford: Hart, 2002).
- 90 *Ibid.*, 216.
- 91 *Ibid.*
- 92 Herrera, *Señales Que Precederán El Fin Del Mundo*, 95 ff.
- 93 *Ibid.*, 104.
- 94 *Ibid.*, 109–110.
- 95 *Ibid.*
- 96 Jeff Sessions, “Attorney General Sessions Delivers Remarks Discussing the Immigration Enforcement Actions of the Trump Administration,” news release, 2018, [www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-discussing-immigration-enforcement-actions](http://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-discussing-immigration-enforcement-actions).
- 97 Ron Nixon and Linda Qiu, “Trump’s Evolving Words on the Wall,” *New York Times* (2018), [www.nytimes.com/2018/01/18/us/politics/trump-border-wall-immigration.html](http://www.nytimes.com/2018/01/18/us/politics/trump-border-wall-immigration.html).
- 98 Oscar Martínez, *Los Migrantes Que No Importan* (Barcelona: Icaria, 2010).



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

**Part II**

**Narrating the Homeland,  
Mediating Belonging**



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

## 6 And Europe Said, Let There Be Borders

### Autoethnographic Reflections on Border Crossings and Violence

*Kalemba Kizito*

#### A Lifeless Body

Service disruption is normal when order breaks down. Water and electricity are usually the first victims of war. During the day when curfews are partially lifted, hunting for food and water is imperative. I am determined to follow my mom and aunties. Only women could venture out because any man could be considered a rebel. Whenever the women prepared to go out water hunting, I would pick up a tiny bucket and attempt to follow them. My mom always chased me back into the house. I made several attempts and on this particular day, my mom relents. Carrying a small plastic bucket, we set out into the neighborhood to scavenge for water. I am so excited to be in the midst of this adventure; too young to understand the gravity of the situation. There is a practical reason for my mom's sudden change of heart. When we get to the first house, the doors are locked, and that is where I am needed. I am hoisted up to go in through a broken window and open the door. Very young and agile, I squeeze in through the window, hop on to the floor, and proudly unlatch the door. One of my aunties heads for a tap that was right there in the kitchen, and I follow my mom along a narrow corridor. She opens a door and suddenly pushes me back so hard that I fall to the floor. But it is too late, as I fell back, I see the body lying on the floor. She has a bullet wound in her face, no bra, and a white petticoat. She is lying in a pool of water. Her facial skin is contracted to form what look like lines. Every time the image of her body comes to mind, I think about a black lifeless sun-dried fish, mouth open, and the skin contracted from sun drying.

\*\*\*\*\*

The border discourses that are critical to understanding African migrations westward are understudied in scholar work on national belonging. This chapter is one attempt to remedy this absence. Here, using critical autoethnography I unpack how the violent fracture of Africa's delicate traditional and cultural boundaries of community set up



post-independence, and the resulting intra- and cross-border wars and conflicts which all but guaranteed that I would eventually seek exile from Uganda even before I was born. I center the self to problematize African migrant border experiences in part as being a product of local conflicts traceable to the mapping of colonial borderlines within and between African nation-states, and, most importantly, to argue that borders are documents of violence. In doing so, I want to show how autoethnography can effectively irradiate border discourses by linking the personal to the political. In my own immigrant journey, it is impossible to talk about borders without positioning violence as a centering experience. As a Ugandan immigrant and as an African migrant, violence is embedded in the very origins of African State, and the subsequent post-independent state, and therefore at, and on me, as a product of these spaces.<sup>1</sup> Following scholars like Gayatri Spivak and Chandra Mohanty, who note that intellectual discourses are best served when those who occupy the spaces can speak from experience rather than through the colonial narratives of them, I turn to my own experiences to elucidate the violence of<sup>2</sup> those caught in the cross hairs of toxic political rhetoric on borders.

### **Centering Border Stories**

In “The Danger of a Single Story,” Chimamanda Adichie warns of the dangers of telling a “single story” as we grapple with complex social issues.<sup>3</sup> For Adichie, the single story doesn’t allow for the complex diversity of simultaneous experiences. Such differences are especially significant in the contrasts between border discourses that are driven by state-directed narratives centering around issues of security, citizenship, and sovereignty and more personal and visceral experiences of the actual immigrant. Recently in the United States and Western Europe, issues of migration and border crossings have been elevated to very contentious and hotly contested political debates, shaping national elections in both the United States and Western Europe. The rhetoric of borders and migration has not only provided campaign slogans and running platforms for politicians promising to protect the homeland against invading immigrants but resulted into the rise to power of new and nationalist anti-immigrant governments across Europe and in the United States. Amidst the political noise of protecting national sovereignties, and the establishment of new anti-immigrant regimes, in order to do so, what is being lost are the unique and individual stories of migrants who have set out on a dangerous journey, to ensure that they may have a chance at life. In this chapter, I contend that these stories—which speak to self-sacrifice and desperation—hold the possibility for shifting border perceptions to include a more humane and personal approach to understanding migrant mobility. Essentially, border stories told by

people most affected by borders are critical to disrupting dominant border discourses. I arrive at this topic from a particular standpoint as a black man and an African immigrant in the United States. I approach the border in my analysis through the lens of violence, not just as a theoretical concept, but as an embodied archive, because by the age of four, I had already captured the sights and sounds of war. As such, I not only go back to this foundational experience to think about borders, but also seek to interrogate the origins of the borders that already condemned me to such experiences.

I consider my 1979 war reflections as my first of many cases of violent border encounters linking the personal to the political. The year of 1979 captures my initial encounter with the violence that occurs at border sites, beginning with home invasions. The home in a sense is a private retreat to which one is confined in a safe space. Ideally, the individual and their property are supposed to be safe within the confines of the space called “home.” Here, the border between the home and the outside creates safety. Kent Ono argues that the border is both a literal and figurative entity whose definitions are not fixed<sup>4</sup> and wields power both discursively and territorially. I adopt Ono’s spatial implications here in demarcating the home as a bordered space. But such constructed relationships between home, space, and safety become moot in the light of larger conditions of colonialism and post-colonial warfare. When Uganda “violated” the territorial sanctity of a sovereign state leading to the outbreak of war, that war was not just at the Uganda-Tanzania border, but it spread out to the rest of the country consuming lives, dislocating families, and fracturing communities. As a child living through that, I remember that my mother would prepare a bed in the fencing of the house. Recently when I asked her about it as I prepared to write this chapter, she responded “I would rather be eaten by snakes than be shot dead.” Each night she slept outside my mom was dislodged from the sanctity of her home. So were all those people who sought refuge at our house in the war period lest they faced the same fate as the lifeless body I encountered. Wars aren’t just at the borders of a nation-state, but they also come home and disrupt the security within the borders of one’s home. I wanted to understand how she processed the events of 1979, particularly those that I too recall. My attempts to question made her deeply introspective, responding in generalities, she says, “There was a lot of death; bodies were everywhere. Soldiers killed wantonly. We had to do what we did to survive.” Speaking about the experience of going out to hunt for water, she says:

When bullets fired from one direction, we ran the other way, when they fired from that direction, we turned and went the other way. Sometimes we just stood in the middle of the road with our water containers not knowing where to go.

She then abruptly tells me that she does not want to talk about it. She was forced outside the borders of her home during the nights—a form of self-exile in order to stay alive. Such stories are common, dating all the way back to the period of slave raids when the sanctuary of a home was not enough to guarantee one's safety.<sup>5</sup> As I grew up, I realized that the home—as a fortified space where one could feel a sense of security—was an illusion, and I spent many sleepless nights after I realized that trouble visits during those late hours.

### The Question of Origins

The question of origins is more than just a genealogical story of how the African nation/state border came to be. It is mired in what Wendy Brown calls, a “secularized theological concept.”<sup>6</sup> Brown borrows the term from Carl Schmitt—who noted that theology was transferred “to the theory of the state, whereby, for example, the omnipotent god became the omnipotent lawgiver”<sup>7</sup>—and extends it to say that

whether it is understood to rest in the people or in a monarch, whether it is identified with the rule of law, the rule of the demos, or the chief executive of the nation, political sovereignty sustains a historical, performative, and rhetorical link with God and a significant reliance on a religious modality of belief and recognition.

This secular imperial deity justified colonization and colonialism and who “commanded” Africa into its current state of existence by a secular-divine edict that essentially stated, “let there be borders.” While colonization drew on the Judeo-Christian story of origin—which states not only that man was created in God's image, but that he was given the right of dominion over the earth with a mandate to subdue<sup>8</sup>—my own people too, the Baganda, have their version of how the world came to be. In the Baganda story of origin, there is neither God commanding the world into existence, nor a divine edict to rule over all the creatures of the world, and instead it has Kintu, the first Muganda, lived in Buganda with his only companion, a cow, until he got his bride from Gulu, the king of a sky kingdom that was only accessed via the rainbow.<sup>9</sup>

These two origin stories and their divergent approaches to the creation of the world are helpful in understanding the ways the colonialists approached the project of mapping the border of Africa as we know it today. In the creation story of my people, the earth was already created and only required procreation for population. In contrast, the Christian narrative of “doing God's work” was justification for establishing Africa's borders and subduing the “savages” in order to create order out of chaos.<sup>10</sup> This act of subduing the savage through the construction of “new” African countries and bordered sovereign states created the

sounds and sights of war that shaped the post-colonial African subject. My own experiences speak to this. At barely four years old, I would witness the first of many images of the war with the body of a woman with a bullet hole to her head lying in a pool of water. In that moment, at the sight of the dead body, I was interpellated into a postcolonial subjectivity whose reality was war, deprivation, struggle, exile, and death. It is now as an adult that I come to ponder the significance of my first encounter with a lifeless body. There are very specific things about this body that tell a larger story about the world. It was a body of a woman whose name I will never know, but I would argue that her name was Africa. A victim of patriarchal and hegemonic European barbarism that is forever intoxicated with violence as the only means to convey its legitimacy to the world. Since Frantz Fanon had already warned us that the only way the Western world knows how to deal with Africans is through violence, his words are a theoretical eulogy of that dead woman.<sup>11</sup>

## **Borders and Bodies**

In her book *Listening to Images*, Tina Campt urges us to “listen” to images as a scholarly endeavor, particularly of those bodies that have been marked by some sort of state authority. She observes that

listening to images is at once a description and a method. It designates a method of recalibrating vernacular photographs as quiet, quotidian practices that give us access to the affective registers through which these images enunciate alternate accounts of their subjects.<sup>12</sup>

There is only a slight difference between the images she is listening to and the ones I am attempting to theorize: Campt is reading mug shots while I am wrestling with lifeless bodies. Both sets of bodies whether through incarceration or through civil war are connected to or “marked” by a system of Western imperialisms. The images in my head are bigger than a mugshot, I live with them in their graphic detail and will occasionally retrieve them as I am now doing, to perform what Tina Campt calls “listening.” As I listen, I want to rupture what Campt calls the “sovereign gaze.” According to Campt this can be done “by engaging the paradoxical capacity of identity photos to rupture the sovereign gaze of the regimes that created them by refusing the very terms of photographic subjection they were engineered to produce.” Essentially, to read outside the confines of the context through which the image was produced.

The dead woman I encountered as a four-year-old then is not just a victim of random violence. She is a victim of the violence of border enforcement. Her story is intertwined with historical events that produced African nation borders and sowed the seeds of post-colonial violence

in Uganda and elsewhere in Africa. When Uganda and Tanzania went to war in 1979, the Tanzanian forces were in part driving out Uganda's forces that had annexed Kagera, a "territory of Tanzania." In annexing the Kagera region, Ugandan President Idi Amin Dada correctly claimed that it belonged to a local kingdom in Uganda, prior to the drawing of new African colonial borderlines. Several scholars have pointed to this war as traceable to the imposition of colonial borders.<sup>13</sup> A critical analysis of this war and its victims, and for that matter, all of my subsequent war experiences, can be traced back to Africa's colonial encounter with the West. This is not to claim that Africa had no conflicts prior to European invasion but, as Pieter Boele Van Hensbroek notes, "violent colonial intervention frustrated Africa's self-development,"<sup>14</sup> and as a result contributed to the violence that characterizes the post-independent African nation-state. In essence, the lifeless body that I encountered as a child is the victim of the death stare of the imperial gaze that first raided, and then bequeathed a broken political system to Africa. It is an influence that continues to this day. In fact, the contest over a borderline between Uganda and Tanzania would lead to the untimely death of this woman and eventually to my exile.

### **Sleepless Nights**

For me as a child, the border of the home was not enough to guarantee that one would be safe and this was especially true when nighttime arrived. As far as I was concerned, daybreak never came fast enough, and I was left with a life-time of torment as I wondered what the night might bring. Yes, my father had equipped himself with a panga, bow and arrows, iron rods, and even dogs at one point. The war meant that after a hard day's work, he had to switch status and become a night watchman to assure our safety throughout the night. Even though I was a child, I knew that it was a lot of responsibility for one man, which made the nights especially terrifying for me. I was always thinking about worst case scenarios and any slight sound was enough to keep me up all night wondering if anybody was breaking in. I would feel immobilized, not daring to move a limb.

Many a night, my father had to wake up and patrol the house trying to fortify the walls of our home to make sure no one broke in. Some nights, he would scream at the top of his lungs just to create enough noise to prevent a breach. And then one night my night duty paid off. I heard a banging on the window as I lay motionless in bed. As the banging went on and on I listened very carefully to make sure it was not my mother making milk for the baby. I knew it was them. I summoned my courage, got up, and went running to my dad's bedroom and alerted him that someone was trying to break into the house. I was a hero that night as I alerted the whole house as to what was going on. But that kind

of heroism only confirms how dreadful the nights were. Everyone one was always in danger, and even the dogs could be poisoned. In fact, it was worse when all of the dogs in the entire neighborhood did not bark because you then wondered what was happening. Many people crave silence and quiet as a condition to sleep peacefully, but for me it was a bad omen: a sign of possible terror that loomed throughout the night. It was only when I went to boarding school in February of 1986, that I was finally able to sleep peacefully at night. I knew that as long as I was at school, I was safe. In spite of that transition to a safer space, that cycle of the terror and sleepless nights continued into my adulthood. It left me dreading the holidays when I was expected back home. Home was never fun in the nights, and it was never safe enough to allow me the luxury of sleep. That did not change until I came to the United States, and I could fully enjoy falling a sleep at night.

\*\*\*\*\*

## **Conclusion**

Speaking at the African People's Solidarity Committee, Penny Hess intimated to her Western audience that

most of us blithely take for granted the resources available to us in our daily lives. We don't give much thought to the brutality and suffering it takes to extract those resources for our use at the expense of the people to whom they belong.<sup>15</sup>

Hess's address speaks to the reasons why violence is prevalent on the African continent. At the marking and imposition of the artificial borders that birthed the African nation-state, the intention by European powers was to carve out zones of commercial influence, places that could be exploited for the development of their respective colonizing masters. The echo of divine mastery over the earth was fulfilled in the imperial geo-political machinations that created Africa's absurd political reality. The borders then and today still constitute an infrastructure of mapping and calculating the potential for resource extraction. They are the referents for the imperial Western gaze that is interested in the resources of the continent. What needs critical articulation is that the African nation-state border as an imperial instrument was also instrumental in condemning to violence the fate of the peoples of Africa. Each nation-state carved out to the highest bidder was colonized with the sole aim of maximizing what the colonial master could extract out of it. Africa thus became a colonial extension of the violent extraction of the plantation economy that pushed African slave labor to the limit. Modern extractive economies are doing both; they utilize labor and machinery as a dual assault on the body.

The imperative for migrant voices to be heard in this conjuncture cannot be more underscored. I speak to the question of borders as an immigrant drawing inductively from my experience with the violence that is always lurking within and at border sites. In the African context, migration is an inherited pre-condition of border experiences. By privileging individual migrant narratives, I would argue, a human perspective to what would otherwise be an abstract intellectual debate is encouraged. As Ellis notes in *Telling Secrets, Revealing Lives*, “doing autoethnography involves a back-and-forth movement between experiencing and examining a vulnerable self and observing and revealing the broader context of that experience.”<sup>16</sup> My story is just a slither of millions of border experiences that continue to force Africans across borders to the West. Western border panics and the new regimes of enforcement should be weighed against the muted stories of millions of Africans swallowed at the bottom of the Mediterranean Sea, the Atlantic Ocean, and those of immigrants like myself, long pre-conditioned for exile and yet now facing the wrath of the border as we seek to live and belong.

As I see reports and stories of boat loads of African men, women, and children drowning in the Mediterranean sea trying to cross into Europe, or when African migrants are demonized in Western media, I not only reflect on my own relationship to the border, but I am compelled to make the case that the border should be theorized for what it has always been—an instrument wielded for control and management of flows of capital from Africa to the West, and as a mechanism for determining who benefits from that capital accumulation. Although African resources have steadily sustained a 500-year development of the Western world, for many African migrants compelled by the need to survive, who decide to follow those resources to the West, the instrument and violence of the border and its elaborate architecture—the passport, visas, fees, ICE—the whole system is brought to bear on those hailing from s\*\*\*hole countries. Essentially, the border, even in the 21st century, remains an instrument of violence.

## Notes

- 1 Ali Al'Amin Mazrui and Peter Johnson, *The Africans: A Triple Heritage* (London: BBC Publications, 1986); Robert Mandel, “Roots of the Modern Interstate Border Dispute,” *Journal of Conflict Resolution* 24, no. 3 (1980): 427–454; Kwame Nkrumah, “Neo-colonialism: The Last Stage of Imperialism,” *Science and Society* 31, no. 1 (1967): 78–81; Frantz Fanon, *The Wretched of the Earth* (New York: Grove, 1963).
- 2 Gayatri Chakravorty Spivak, *Can the Subaltern Speak? Reflections on the History of an Idea*, ed. Rosalind C. Morris (New York: Columbia University Press, 2010), 21–78.
- 3 Chimamanda Adichie, “The Danger of a Single Story,” *TED Talk*, October 7, 2009. *TED*, [www.youtube.com/watch?v=D9Ihs241zeg&t=1s](http://www.youtube.com/watch?v=D9Ihs241zeg&t=1s).



- 4 Kent A. Ono, "Borders That Travel: Matters of the Figural Border," in *Border Rhetorics: Citizenship and Identity on the US–Mexico Frontier*, ed. D. Robert DeChaine (Tuscaloosa: University of Alabama Press, 2012), 19–32.
- 5 Michael Mason, "Population Density and 'Slave Raiding'—The Case of the Middle Belt of Nigeria," *The Journal of African History* 10, no. 4 (1969): 551–564.
- 6 Wendy Brown, *Walled States, Waning Sovereignty* (Cambridge: MIT Press, 2017).
- 7 Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab and Tracy B. Strong (Chicago: University of Chicago Press, 2006).
- 8 Gen 1: 28.
- 9 Saidah Namayanja, "Mythical Implications in the Origin Stories of the Baganda and Bagishu," *Matatu: Journal for African Culture & Society* 42, no. 1 (2013): 11–20; Gertrude K. Mulindwa, "The Legend of Kintu, Nambi, and Walumbe Still Lives West of Kampala," *Uganda Journal* 46, no. 1 (2000): 89–90; Nakanyike B. Musisi, "Women, "Elite Polygyny," and Buganda State Formation," *Signs: Journal of Women in Culture and Society* 16, no. 4 (1991): 757–786; Gideon S. Were, "The Bagisu and Their Past: Some Notes on Their Legends about Creation, the Origins of Death, the Economy of Their Ancestors and the Phenomenon of Kintu," *Transafrican Journal of History* 11 (1982): 184–195.
- 10 Brian Stanley, "'Commerce and Christianity': Providence Theory, The Missionary Movement, and the Imperialism of Free Trade, 1842–1860," *The Historical Journal* 26, no. 1 (1983): 71–94, doi:10.1017/S0018246X00019609.
- 11 Frantz Fanon, *The Wretched of the Earth* (New York: Grove, 1963).
- 12 Tina M. Campt, *Listening to Images* (Durham, NC: Duke University Press, 2017).
- 13 Ieuan Griffiths, "The Scramble for Africa: Inherited Political Boundaries," *The Geographical Journal* 152, no. 2 (1986): 204–216, doi:10.2307/634762; Ravi L. Kapil, "On the Conflict Potential of Inherited Boundaries in Africa," *World Politics* 18, no. 4 (1966): 656–673; Okumu Wafula, "Resources and Border Disputes in Eastern Africa," *Journal of Eastern African Studies* 4, no. 2 (2010): 279–297. doi:10.1080/17531055.2010.487338; Basil Davidson, 1914–2010. *The Black Man's Burden: African and the Curse of the Nation-State* (New York: Times Books/Random House, 1992).
- 14 Pieter Boele Van Hensbroek, "Cursing the Nation-State," *Transition* 61 (1993): 114–122. doi:10.2307/2935225.
- 15 Penny Hess, "All Diamonds Are Blood Diamonds the Truth about the Diamond Trade" (African People's Solidarity Committee, 2012), <http://apscuhuru.org/wp-content/uploads/2017/11/all-diamonds-are-blood-diamonds-web.pdf>.
- 16 Carolyn Ellis, "Telling Secrets, Revealing Lives," *Qualitative Inquiry* 13, no. 1 (2013): 14.

# 7 Departures and Arrivals in a Columbian World

*Marjorie Florestal*

## Introduction

Since early explorers learned to harness the wind to power their journey across the sea, the world has never been the same. These small acts of departure from one's homeland and arrival in a new world have occurred millions of times in the last few hundred years—each with a story often left untold. The most famous of these narratives is that of Christopher Columbus, the “Great Navigator” whose departure and arrival changed the course of human history. While the broad outline of Columbus's story is well known, the details remain obscure to many. In grade school, US students are taught that Columbus discovered America in 1492 without understanding that he never walked the land-of-the-free-home-of-the-brave. Rather, Columbus established the first permanent European settlement in the “New World” on Haitian soil.<sup>1</sup>

In December 1492, Columbus arrived in Haiti and promptly claimed the territory and its people for Spain. This single act split the world into old and new and divided its people into colonizers and subjects. The effects continue to be felt even today in our stories of migration. It continues to be felt in my own story as a Haitian-American. In March 1975, I departed Haiti and relinquished my identity as one who walks the land where her umbilical cord was buried. I arrived in New York to become one more hyphenated American whose claim to belonging rests on tenuous ground.

In this chapter, I explore what it means to depart, to leave behind the people and places that form one's identity, and to arrive in a new world where that identity must be reconstructed. The process is not a purely personal one; the new world insists on naming and regulating the explorer. Identity is a function of how we see ourselves, and how the laws of our world define us. This chapter explores identity as both a process of construction built on personal narrative and a reflection on the law—the law of explorers and immigrants.

## Departures

The earliest sound I can remember is the sound of the wind blowing through my grandmother's house in St. Marc, Haiti. It wound its way

through the mango tree just outside her bedroom window, rising up and over the tin roof—making a strangely comforting rustle as it went—before landing on my nose bearing the smell of sea salt and endless fields of sugar cane. In Haiti, the wind takes on almost human form. Often, it comes ashore as a cooling breeze just off the Caribbean Sea, but sometimes it morphs into a *lwa* and bears down on the island with the wrath of the gods, forcing all living things to take cover. When I was a child, I thought I controlled the wind; it came at my call just like any well-trained pet. I heard it everywhere I went. But on the morning of the day I left Haiti, the wind was nearly silent.

I stood on the tarmac at the Port-au-Prince airport surrounded by friends and family come to see us off. We were moving to New York. The crowd chatted and laughed and shared when-you-were-young stories that made the six-year-old me squirm. “You’re going to be a good girl for your mother and father, *ou konprann?*” my grandmother said as she straightened the ribbons in my hair and tugged needlessly at my pleated blue skirt. “You’re going to show them I raised you well while they were gone.”

“*Wi, Manman,*” I promised, though my attention was not on her words but on the giant white beast that loomed over her shoulder. It was a massive creature with wings that spanned from horizon line to horizon line, and a wheezing, metal-infused groan that both frightened and thrilled me. My grandmother let me go. I skipped across the tarmac, glancing back just once to witness her tears. First her daughter and son-in-law had heeded the siren’s song of a new world, then her son, and now her grandchildren. In a land that relied on its young to care for the old, she was to be left all alone. I offered her a tremulous smile she could not return, then I raced into the airplane buoyed by the weight of the wind at my back.

\* \* \*

“I have been becalmed,”<sup>2</sup> Columbus wrote with palpable frustration on the eve of his historic first voyage to an unknown world. Three ships stood ready to sail. If successful, the journey would transform the life of this Italian immigrant—the son of poor but respectable parents<sup>3</sup>—bringing untold wealth, power, and a legacy that would endure for generations. But the winds would not blow.

For over a decade, Columbus roamed Europe in search of a benefactor to finance the improbable dream of finding an alternate route to Asia. It had been an arduous task beset by failure. In 1484, he brought the matter to King João II of Portugal who engaged emissaries to investigate the proposed route. They returned with nothing of interest, and King João dismissed Columbus’s dream.<sup>4</sup> By now a widower with a young son, Columbus was forced to begin anew in Spain. Unfortunately, the Spanish monarchs were preoccupied with rousting Muslims out of their last

stronghold in Europe. For seven years, Columbus sought to persuade the royals of his vision, to no avail. In 1492, the Granada War brought to an end more than 700 years of Muslim rule in Spain, and it finally freed Queen Isabel and King Ferdinand to turn their attention to Columbus. Even then, Columbus's dream faced nearly insurmountable obstacles.

First, there was the matter of science. While modern schoolchildren are taught that Columbus proved the world was round, the sophisticated advisors to Queen Isabel not only knew the shape of the earth, but also knew Columbus miscalculated its circumference. They refused to endorse his proposal on the grounds of unsound science. Columbus responded petulantly to such claims:

Perhaps Your Highnesses and all the others who know me ... will criticize me ... as an uneducated man, an uninformed sailor, an ordinary person, etc. I respond with the words of Saint Matthew: 'Oh Lord, how many things you have kept secret from the wise and have made known to the innocent!'<sup>5</sup>

In the end, it was not Columbus who proved most persuasive to the Crown but Luis de Santangel, a wealthy Jewish banker and Spain's finance minister. Santangel argued the venture was a cheap gamble whose costs could be borne by others. The King and Queen ultimately ordered the town of Palos to supply Columbus with two caravels in payment of a fine for a previous transgression.<sup>6</sup> (Santangel would be richly rewarded for his service. During the Spanish Inquisition, King Ferdinand issued a royal decree protecting Santangel, his family, and his descendants from the holy terror.)<sup>7</sup>

With the question of science and financing resolved, Columbus faced his most formidable opponent: the lawyers. From the outset of negotiations, Columbus sought not only wealth and power but a legacy for his descendants. This "uneducated man, an uninformed sailor, an ordinary person" proved a worthy negotiator. In an agreement memorialized in the Santa Fe and Granada Capitulations, the monarchs agreed to an extraordinary grant of wealth and power.<sup>8</sup> These rights and privileges would endure in perpetuity and would pass to Columbus's descendants upon his death. The terms of the agreement provided Columbus with at least one-tenth of all revenues from newly discovered lands, and he was named admiral, viceroy, and governor general with the right to exercise military, administrative, and judicial control over these territories.<sup>9</sup>

Initially, the Queen balked at allowing a civilian the authority to govern Spanish land, even in the name of the Crown. The end of Muslim rule had restored national unity to Spain, and granting Columbus such authority constituted a division of royal power, which was a dangerous concession. She would ultimately cede the point,<sup>10</sup> but her lawyers would raise an even more difficult hurdle: only the monarchy could rule

in perpetuity and through its heirs by virtue of being divinely anointed. Everyone else was bound to serve at the pleasure of the Crown. The royal counselor refused to approve the contracts except as to form. This compromise proved acceptable to the parties, but the issue would come back to haunt Columbus's descendants.<sup>11</sup>

Finally, after a decade of trial and tribulation, Columbus was ready to set sail. But the winds would not blow.

## Arrivals

My new world was strange. The wind was biting cold and tasted of stale cigarettes and gasoline. Color had drained from the world. The sky was ash-gray, the trees were a lifeless brown, and the natives were the shade of mango pits after the wet, juicy pulp had been sucked dry. Even the fruit was strange. In Haiti, fruit fell from the tree when it was ready, always brightly colored and bursting with flavor. The fruit on my mother's table in Brooklyn had been picked too soon and forced to ripen into a pockmarked imitation of something I didn't recognize. I glanced at it and began to cry. My mother peeled the skin off the imposter and cut away the brown spots marring its flesh. "Better?" she asked. I stared at the now deformed banana, a pale yellow shaft full of nicks and dents, and I cried even harder.

The natives in my new world were not friendly. They spoke a strange language with lips too thin to smile, and sometimes they even hit and kicked. The worst of my nemeses was a girl with a long, thin cylinder of a neck that defied gravity to support her enormous head. I christened her *Ti Fi Kou Long*—The Girl with the Long Neck. She spent our lunch periods chasing me around the schoolyard screaming, "refugee, go home!" and "go back to your banana boat, Frenchie!"

The Girl with the Long Neck was wrong. We were not refugees, though my parents had survived the reign of terror that characterized the Duvalier regime, *père et fils*. US law largely dismissed the claims of political persecution that motivated thousands of Haitians before us—and thousands more after—to flee the island. From as early as 1963 to the high-water mark of Haitian migration in the 1990s, the US coast guard would scoop fleeing Haitians from the sea and label them "economic migrants" to be summarily returned to their homeland. We did not come on a banana boat but on a giant white beast, a Pan Am airplane. We certainly were not "Frenchie." We ran our Gallic masters off the island in 1804 and declared ourselves the successors in interest to the First People, the ones who walked the land before. A free people.

US law defined my family as immigrants, beneficiaries of a change in policy under the Immigration and Nationality Act of 1965 that abolished an explicitly racist, quota-based system favoring European migration.<sup>12</sup> I considered us explorers, the first in our family to boldly go where none

had gone before. Our ancestors had crossed an ocean centuries earlier, but *that* had not been a voluntary act. They were shoved through one of the many Doors of No Return littering the West African coastline and landed in the sugar cane fields of Hispaniola because of Columbus. On his second voyage in 1493, in a caravan of 17 ships filled with colonists and *conquistadors* sent to tame the New World, Columbus carried the first sugar cane plants to be cultivated on Haitian soil.<sup>13</sup>

For reasons I did not understand, Columbus was a popular figure in my elementary school. We learned about him in social studies class, then we sang about him while playing Double Dutch in the schoolyard.

*In fourteen hundred and ninety-two  
Columbus sailed the ocean blue  
He had three ships and left from Spain  
He sailed through sunshine, wind and rain*

In these narratives Columbus was the conquering hero. We had no songs for what really happened. In December 1492, the Santa Maria ran aground in northern Haiti off the coast of Môle-Saint-Nicolas.<sup>14</sup> Haiti's First People, the Tainos—whose name means “the good people”<sup>15</sup>—rushed to the aid of Columbus and his men, offering the new arrivals food and shelter.

Thus began a time of great sorrow for the Tainos of the Caribbean.

\* \* \*

When Columbus sighted the lush, verdant land the Tainos called Ayiti—land of tall mountains—he gushed, “the mountainous country looks like Castile ... the best in Castile in beauty and fertility cannot compare with this.”<sup>16</sup> As far as he was concerned the island was *terra nullius*, a no-man's land ripe for exploitation, though Tainos had lived there since time out of mind. (The Taino origin story posits they emerged from the caves of Ayiti. Thus, they never arrived but were always people of the land.)<sup>17</sup> Columbus planted his flag in the soil and christened the land Hispaniola or Little Spain so that “your Highnesses may believe that this island and all the others are as much yours as is Castile ...”<sup>18</sup>

As for the people of Hispaniola, the Tainos who would become “West Indians,” Columbus marveled, “I cannot get over the fact of how docile these people are.”<sup>19</sup> Their so-called docility made them perfect subjects of Spanish rule: “A thousand of them would not face three Christians, and so they are suitable to be governed and made to work and sow and do everything else that shall be necessary ...”<sup>20</sup>

Columbus's “discovery” eviscerated Taino identity as a free people living on their own land. In 1493, Pope Alexander VI issued the *Inter Caetera*, a Papal Bull that divided the world between the Spanish and the Portuguese and granted Taino land to Spain. The series of contracts

between the monarchs and Columbus, which were codified in the Book of Privileges, regulated the legal relationship between Tainos and their new overlords. The Book of Privileges would be used throughout the Americas, including by its original inhabitants, to support claims for legitimacy, status, and recognition under the law. For centuries, it would remain the common law of the West Indies and Latin America, and when the Portuguese, English, and French colonists displaced the Spanish, they used the same legal instruments to justify their claims. In the United States, Columbus's discovery would justify the loss of land, sovereignty, and identity for generations of Native Americans.<sup>21</sup>

## Endings

In old age, Columbus would lament the great failure of his life—that he was not allowed to rule the lands he discovered. The ripple effects of this failure would be felt in his own family for generations and by all those who call the New World home.

As an administrator, Columbus proved an unmitigated disaster, earning the enmity of colonists and Tainos alike: “[The colonists] have fought me as if I were a Muslim up to now, while the Indians have harassed me seriously on the other flank.”<sup>22</sup> With their subjects in open rebellion, the Spanish monarchs were forced to send an investigator to assess the situation.<sup>23</sup> Upon his arrival to Hispaniola in 1500, Francisco de Bobadilla seized the territory and sent Columbus and his brothers back to Spain in chains.<sup>24</sup> Columbus would never again exercise control over the New World.

The wealth and titles promised by the monarchs in the Santa Fe and Granada Capitulations were supposed to pass to Columbus's descendants in perpetuity. Those terms were honored only in the breach. In a now forgotten series of lawsuits known collectively as the *Pleitos Columbinos*, Columbus's heirs waged a 40-year legal battle against the Crown to attain just a fraction of the benefits Columbus had negotiated (and they would spend the next 200 years litigating each other for an ever dwindling share of the spoils).<sup>25</sup> In the course of the litigation, the monarchs contested the very basis of the “Great Navigator's” claim—a claim schoolchildren have recited for centuries—that Columbus discovered America. The monarchs argued it was the captain of the *Pinta* who first sighted the New World.<sup>26</sup>

Columbus's arrival in the New World changed the course of history, but his failure to recognize the true nature of his discovery would have a profound impact on the identity of those who call these lands home. On his deathbed, Columbus remained convinced the Caribbean was the West Indies and its people Indians. It would take Amerigo Vespucci, a fellow countryman, to prove the territory was not the Orient but an entirely separate continent. The New World and its inhabitants would come to bear Amerigo's name and not Columbus's.



On May 20, 1506, Christopher Columbus died of a painful rheumatoid disease he contracted on his first voyage to the New World.<sup>27</sup> A descendant would later sum up Columbus's life as one of poverty, strife, and unmet expectations:

While the Queen lived, Columbus obtained satisfaction for his wrongs, but when she died he was left to struggle alone, and, overcome by years, by sorrows and physical sufferings, at last succumbed in poverty leaving as a patrimony to his family an immortal name, an example of patience and Christian resignation and a wealth of expectations.<sup>28</sup>

For a time, Columbus's bones would rest in the fertile soils of Hispaniola, as he had wished.<sup>29</sup>

\* \* \*

When my mother died just three years after I discovered the new world, we flew back to Haiti to bury her body on home territory. It was her dying wish. She had been willing to live her life as a wanderer on foreign soil, but in death she wanted the comfort of the familiar.

I watched the body return to the ground where my umbilical cord was buried secure in the knowledge that this woman was not my mother. I had whispered as much to my uncle when he escorted me up to the casket for a final viewing. "She's your mother," my uncle insisted. "The sickness destroyed her liver, that's why she looks so yellow." But my mother *was* yellow. She was the yellow of sun-kissed Haitian mangos and bright, happy kitchens. She was the high yellow of the Haitian middle class, the kind of yellow that meant we were closer to our colonizing, rapist ancestors—closer to Columbus. In the upside-down world of Haitian social class, that was actually a good thing. But the dead woman was not the good kind of yellow. She was not my mother.

Afterward, we went back to my grandmother's house where friends and family chatted and laughed and shared when-you-were-young stories I no longer remembered. I moved away from the crowd to a quiet spot under the mango tree just outside my grandmother's bedroom window. I heard her call my name, but I did not go to her. She was bedbound and smelled of old age and neglect, and she insisted on speaking in a language that now felt heavy on my tongue.

I missed home. I missed towering skyscrapers and overripe bananas. I missed my friends. Just a few weeks earlier, one of them had written in my notebook:

*Columbus discovered America in 1492  
And I discovered a good friend  
When I discovered you*

The wind rustled in the mango tree overhead before landing on my nose bearing the smell of sea salt and endless fields of sugar cane. I felt only irritation at the trail of dust that followed in its wake.

## Notes

- 1 Clements R. Markham, *The Journal of Christopher Columbus* (London: Chas J. Clark, 1843), iv.
- 2 Robert H. Fuson (trans.), *The Log of Christopher Columbus* (Camden, ME: International Marine Publishing Company, 1987), 57.
- 3 Justin Winsor, *Narrative and Critical History of America* (Boston: Houghton, Mifflin, 1889), 1.
- 4 Mayer Kaserling, *Christopher Columbus and the Participation of the Jews in Spanish and Portuguese Discoveries*, trans. Charles Gross (London: Longmans, Green, and Co., 1894), 16–20.
- 5 Christopher Columbus, “Letter from the Admiral to the King and Queen,” in *The Book of Prophecies*, ed. Roberto Rusconi, trans. Blair Sullivan (Eugene: Wipf & Stock, 2004), 69–70. Even more to the point, Columbus would later claim: “For the voyage to the Indies neither intelligence nor mathematics nor world maps were of any use to me; it was the fulfillment of Isaiah’s prophecy.” Rusconi, 75.
- 6 William T. Walsh, *Isabella of Spain* (London: Sheed and Ward, 1935), available at [https://archive.org/stream/TheLastCrusaderIsabellaOfWalshWilliamThomas5474/The+Last+Crusader\\_+Isabella+of+-+Walsh%2C+William+Thomas\\_5474\\_djvu.txt](https://archive.org/stream/TheLastCrusaderIsabellaOfWalshWilliamThomas5474/The+Last+Crusader_+Isabella+of+-+Walsh%2C+William+Thomas_5474_djvu.txt)
- 7 Kaserling, *Christopher Columbus and the Participation of the Jews in Spanish and Portuguese Discoveries*, 16–20.
- 8 As at least one scholar has noted, the extraordinary nature of the grant suggested a lack of faith on the part of the monarchs that much would come from Columbus’s expedition. Clarence H. Haring, “The Genesis of Royal Government in the Spanish Indies,” *The Hispanic American Historical Review* 7, no. 2 (1927): 142.
- 9 Oliver Dunn and James E. Kelley, Jr. trans., *The Diario of Christopher Columbus’s First Voyage to America 1492–1493* (Norman: University of Oklahoma Press, 1983), 19.
- 10 The Duke of Veragua, “The Family of Columbus,” *The North American Review* 157, no. 440 (1893): 115.
- 11 Otto Schoenrich, *The Legacy of Christopher Columbus: The Historic Litigations* (New Jersey: The Lawbook Exchange, Ltd., 2004), 63–64.
- 12 For a discussion of the failures of the immigration program of the time, see the Presidential Commission report. “*Whom We Shall Welcome*” (Washington, DC: Govt. Prnt. Office, 1953).
- 13 Jock H. Galloway, *The Sugar Cane Industry: An Historical Geography from Its Origins to 1914* (Cambridge: Cambridge University Press, 2005), 11.
- 14 Samuel Eliot Morison, “The Route of Columbus along the North Coast of Haiti, and the Site of Navidad,” *Transactions of the American Philosophical Society* 31, no. 4 (1940): 261.
- 15 History would come to know the people who greeted Columbus as “Tainos” because they used the word repeatedly upon meeting him to distinguish themselves from the war-like Caribs. Irving Rouse, *The Tainos: Rise and Decline of the People Who Greeted Columbus* (New Haven: Yale University Press, 1992), 5.

- 16 Fuson, *The Log of Christopher Columbus*, 134.
- 17 Experts suggest Tainos arrived in the Caribbean from South America. Rouse, *The Tainos: Rise and Decline of the People Who Greeted Columbus*, 5.
- 18 Fuson, *The Log of Christopher Columbus*, 138.
- 19 *Ibid.*, 144.
- 20 *Ibid.*, 138.
- 21 Johnson v. McIntosh, 8 Wheat. 543 (1823).
- 22 Helen Nader (ed.), *The Book of Privileges Issued to Christopher Columbus by King Fernando and Queen Isabel 1492–1502* (Eugene: Wipf & Stock, 2004), 162.
- 23 Haring, “The Genesis of Royal Government in the Spanish Indies,” 141–191.
- 24 Nader, *The Book of Privileges Issued to Christopher Columbus by King Fernando and Queen Isabel 1492–1502*, 164.
- 25 Schoenrich, *The Legacy of Christopher Columbus: The Historic Litigations*.
- 26 *Ibid.*, 95.
- 27 Leonard J. Hoenig, MD, “The Arthritis of Christopher Columbus,” *Archives of Internal Medicine* 152, no. 2 (1992): 274–277.
- 28 The Duke of Veragua, “The Family of Columbus,” *The North American Review* 157, no. 440 (1893): 115–116.
- 29 Initially buried in Valladolid, Spain, Columbus’s body was transferred to the Dominican Republic in 1542, Cuba in 1795, and back to Spain in 1895. The Dominican Government insists they have the body. [www.nbcnews.com/id/12871458/ns/technology\\_and\\_science-science/t/dna-verifies-columbus-remains-spain/#.Wz7Oai2ZOU0](http://www.nbcnews.com/id/12871458/ns/technology_and_science-science/t/dna-verifies-columbus-remains-spain/#.Wz7Oai2ZOU0).

## 8 “Dreaming of Addis Ababa”

### In the Afterlives of Inter-War Christian Internationalism

*Sneha Krishnan*

#### Introduction

One evening after dinner, as we lounged around her hostel room watching TV, Anjali, then a 19-year-old college student in the South Indian city of Chennai, told me she dreamed every night of Addis Ababa. Anjali came from an erudite Protestant family in Kerala on India’s Western Coast and like many girls I met from that region, she held that she was “not just an Indian, but a Christian.” The latter gestured to a wider, more international geography of belonging. On this day, she told me that her own story had begun in erstwhile Burma, sometime in the 1940s, when her grandmother, a nurse from Kerala, met her Bengali grandfather, an Anglican preacher, both having travelled there with India’s Student Christian Movement. So besotted with her was he that he followed her to Kerala and eventually married her, settling down to preach at a small parish near Eranakulam, many hundred miles away from his home.

In the years after Indian independence, the couple became missionaries of the Church of South India (CSI)—the ecclesiastical successor of the Anglican Church in this region—and travelled to North Africa. They spent a few years in Ethiopia after their son was born: Anjali’s father, who would always think of Addis Ababa as home. When he married Anjali’s mother years later, they were bound by the fact that they had both been in Addis Ababa for some part of their childhood as the children of Indian missionaries, though they had not met in childhood. When Anjali was seven or eight, they took her to Addis Ababa, and there she became pen-pals with a girl her age: the daughter of her mother’s childhood friend. Though that friendship had fizzled out, Anjali still yearned for Addis Ababa. Every few months, her grandmother still made *injera* and lamb stew.

What does it mean to be “not just an Indian, but a Christian?” How are dreamed borders, and family memory implicated in intimate engagements with geopolitics? In answering these questions, this chapter unpacks the afterlives of Christian Internationalism in India: a project that glimmered for a brief moment in the inter-war period of the 1920s and 1930s as India’s “native Christians”—many of them converts from the lowest castes—challenged the nationalist bases of mainstream

anti-colonial mobilization with a radical internationalist vision driven by social gospel. In the years after Indian independence, this internationalist geography was materialized in the work of the CSI. The CSI served ambiguous political ends in the mid-20th century as it advanced anti-caste movements in the region, while simultaneously working with reactionary Christian networks in the West to mobilize anti-communist sentiment in India. Its own missions that travelled from South India to Papua and New Guinea, and to North Africa also allowed educated Indian Christian women to lay claim to the project of social reform that had constituted European and American women's sphere of agency in the colonial project.

Dreamed and imagined landscapes have been increasingly brought into debates on borders, empires, and nations by scholars who argue that imaginative practices of mapping are important sites where resistant geographies of belonging emerge.<sup>1</sup> This chapter draws on ethnographic research conducted with Christian College-girls in Chennai from 2012 onwards, reading this in the context of a history constructed from archival material relating to the Student Christian Movement and the CSI. I begin by unpacking histories of conversion and Christianity's place at the margins of the Indian nation-state, before going on to examine the ways in which dreaming allowed young women to unsettle national boundaries and rearticulate "home" within an internationalist imaginary that they inhabited through family memory.

### **Conversion, Borders, and Christians in India**

Anti-colonial mobilization in the 19th and 20th centuries is increasingly acknowledged to have been transimperial and transnational. Beyond territorial nationalism, colonized communities made claims to universalism through movements that undermined colonial geopolitics and established solidarities among non-Western populations.<sup>2</sup> In India, nationalism and internationalism were not necessarily exclusive of each other: rather the nation-state became a mode through which international anti-colonial solidarities could be established.<sup>3</sup> This work has shown that Dalit, indigenous, Muslim, and Christian communities—minorities in an emergent and predominantly Hindu India—saw nationalism as a site of negotiation and struggle. It has also demonstrated that Pan-Islamic and Pan-Asian movements sought to recuperate both the geographical landscape of the Indian Ocean, and the concept of "culture" for a project of anti-Western assertion, thus subverting imperial claims to both spatial and discursive hegemony. In this context, religious conversion was iterated as a central site on which questions about the territoriality of the nation-state were articulated.

Christian converts in the late 19th and early 20th centuries in India were subjects of trouble for both imperial and nationalist imaginaries

of territory.<sup>4</sup> Nationalist discourse saw conversion to Christianity as a fracture in the articulation of a unified Indian identity, as well as loss of faith in liberal reformism.<sup>5</sup> This question burst into the heart of India's anti-colonial struggle particularly following the Second Round Table Conference between Indian and British leaders in London, during which the Gandhi-led Congress delegation refused to recognize as minorities both members of the untouchable castes—or the Depressed Classes in bureaucratic classification—and Christian converts, on grounds that both categories threatened the integrity of the nationalist struggle for a unified India.<sup>6</sup> Imperial imaginaries similarly saw the convert as an unruly figure: neither wholly “other” given their belonging to an emergent global Christian community, yet incapable of assimilation as “British” on account of racial alterity.

While Christian Internationalism has typically been identified with the colonial project, there is growing acknowledgement that colonial and non-white Christians articulated anti-imperialist visions of theologically driven internationalism.<sup>7</sup> Rooted in the social gospel thought that grew in prominence in the late 19th and early 20th centuries, these internationalisms contested both the racial ideology of imperialism and the territorial bases of nationalism. Particularly after the First World War, the millennialism of organizations like the Salvation Army—active both in Britain and in its colonies—came to be supplanted by a friendship-focused “god-is-love” doctrine.<sup>8</sup> Internationalism came to be integral to Socialist and Progressive Christian life and was materialized in conferences that drew together Euro-American and colonial Christians in dialogues on race, imperialism, and the role of the Church in addressing social questions. Indian Christians, many of whom had been educated in missionary institutions and were a socially upwardly mobile class, played significant roles in these meetings.<sup>9</sup> Internationalism was key to their contesting the Hindu and upper-caste bases of nationalist mobilization in the 1920s and 1930s.

This critique is widely expressed in the publications of the Student Christian Movement, which facilitated, in the story with which I began this chapter, the meeting of her grandparents that Anjali sees as the origin of her family's internationalism. For instance, a 1923 issue of the *Indian Student Movement Review* includes a section on the Christian student and public life. Having clarified that it was a Christian duty to be involved in the social and political movements of the day, the editors of the review write: “It is necessary to protest against an exclusively national view of public questions, to insist that all nations have a claim on our regard, and that in the last resort only ‘righteousness exalteth a nation.’”<sup>10</sup> The same issue also printed a declaration by the World's Student Christian Federation of its fundamentally international character and commitment to transcending national concerns towards addressing the spiritual well-being of a shared human community.<sup>11</sup>

Gauri Viswanathan argues for an understanding of conversion as a form of translation: in which the self is re-written, so to speak, within a different social and religious paradigm.<sup>12</sup> Thought through the lens of a feminist geopolitics that accounts for affective senses of belonging, conversion is also a remapping exercise: repositioning bodies within imperial and national schema of location, thus unsettling both and opening up radical potentials for subversion. To paraphrase Sara Smith on gendered bodies and geopolitics, in this case, the convert's body both *is* and *makes* territory in its affective orientation towards a new geography of belonging.<sup>13</sup>

Conversion to Christianity thus allowed Dalit and other caste subaltern subjects to unsettle their mapping within spaces of stigma in Hindu spatial schematics, as well as within a site of "backwardness" in colonial discourses, in addition to challenging the nation-state as the naturalized successor of imperial rule. By claiming an international geography of belonging, as well as the cultural space of encounter this entailed, these communities sought to reposition themselves as modern and progressive, as well as committed to a politics of contingent and shifting boundaries, driven by theological notions of belonging. The Student Christian Movement drew on the emphasis on universal communion within social gospel theology to critique the exclusionary bases of nationalism as a mode of anti-colonial mobilization.<sup>14</sup> This use of theological frameworks in the address of political questions was not, of course, restricted to Indian Christians alone: in South Africa, young black Christians in the mid-20th century would mobilize theological debates in a critique of apartheid, again articulating an alternative inhabitation of the region's racially segregated and policed imperial space.<sup>15</sup>

While many of these social gospel networks have fizzled out in the present, their afterlives remain in family memories of organizations like the Student Christian Movement, as well as in geographical stories of origin and belonging, as in Anjali's case. Several other young women I met during fieldwork in Chennai saw themselves and their families as intimately connected to Christian communities in Sri Lanka and South East Asia, as well as in North Africa, the Pacific, and the Indian Ocean. Stories of mothers' and grandmothers' past lives in Mauritius and Ethiopia, as well as in Papua and New Guinea informed their sense of "home" as including this expansive geography of Christian internationalist belonging. In dreaming and storytelling, and in the passing-down of family memories, this geography is materialized, embodied, and lived.

## **Dreamed Homelands**

Experiences of space in dreams, visions, and religious stories suffuse the work of scholars studying slavery and its aftermath in the Atlantic world as modes through which subjects articulate alternative geopolitical



schema.<sup>16</sup> Dionne Brand's poetics of space, which has been recuperated within geographical scholarship by decolonial scholars such as Katherine McKittrick, demonstrates the significance of such rearticulated maps of space.<sup>17</sup> Dreaming, for Brand is a mode of way-finding: a means through which to escape the captive body for slaves and other subjects of imperialism and finding a way home. The Christian women who are the subjects of this chapter are not so much trying to find their way "back" to a homeland—as are the descendants of slaves, who form the protagonists of Brand's work—but instead articulating a sense of "home" that stretches across a remembered and mythic geography of Christian life, articulated in the afterlives of early-20th-century internationalism. Practices of dreaming, writing, and storytelling have been shown, in this literature, to allow subjects to inhabit space otherwise—articulating "other rhythms, other times, other spaces"<sup>18</sup>—and unsettle the mapping of racialized bodies onto bounded spaces in formations of belonging.

Dreams also have a significant place within religious studies scholarship as modes through which subjects experience faraway landscapes, and as instruments of revelation. They often appear as a trope in popular accounts of missionaries having been "called" to work in faraway lands. Within Hindu traditions, dreaming is a site simultaneously of play and revelation: allowing for modes of inhabiting the body and of spatial mobility that unsettle the constraints of materiality.<sup>19</sup> Given this cultural landscape, dreams in hostels were important subjects of conversation among young women. Anjali, for instance, believed that her dreams drew her to the landscapes she experienced nightly. She felt strange in her body when she awoke, she told me: ripped from one spatial schema in the moment of waking. Dreaming, Anjali also told me, kept her connected to her family while she lived away from them in College. In dreaming about Addis Ababa, Anjali felt at home in the hostel, which was otherwise a site of discipline, where she had not made many friends.

Her dreams also reinforced Anjali's Christian faith: in desiring Addis Ababa as "home" and in visiting it in her sleep, Anjali felt—in body as much as in mind—"not just Indian but Christian," and connected to an expansive geography of mission work beyond the Indian nation-state. In a present where many of these young women feel out of place in an increasingly Hindu nationalist India, as well as imprisoned in the increasingly dense networks of surveillance that police young women's mobility in Indian cities,<sup>20</sup> these dreams and stories constituted modes of "escape." Dreaming is, here, the sensing of a geography of home that escapes mapping within schema of nation, empire, and family.

Anjali's friend, Sara, whom I met at the same hostel, dreamed of flying—not in an aeroplane but physically soaring, like the children in "Peter Pan": an analogy she made over Syria, a country her grandmother had dreamed of visiting after having read both missionary accounts of the region, as well as knowing it from her reading of scripture.<sup>21</sup>

While her grandmother too had lived in Ethiopia in the 1960s, the family had never actually been in the Middle East. However, Syria had been, in Sara's life, a significant presence: it was "a land of prophets" she told me, and hence "our home." While Sara's family was now in the CSI, they had been members of India's substantial Syrian Christian community until the late 19th century. These were the origins of her grandmother's obsession with Syria as a kind of "home." In this, I found that Sara and I shared a common ancestry: my own grandmother, though Hindu, had attended a Basel Mission school as a child, and felt closely linked to Christian communities in Kerala, where she grew up. In the 1940s, she had heard a visiting missionary talk about Syria and felt keenly a sense of belonging as much to that landscape as to the one in which she lived. Syria suffused her Kerala and called to her.

When I interviewed my grandmother in 2012, she spoke of how she too dreamed of Damascus and has, in recent years, experienced the destruction of Syria as the loss of a personal horizon of belonging. For Sara, this was all the more intimate. Syria, she told me when we last spoke, was holy ground: in soaring over it, she felt the land magnetically call to her. I asked her what the landscape looked like between Kerala and Syria. Sara did not know: in her dream, she was always on a seashore in Kerala, from where she suddenly acquired the ability to fly. She seemed to be "going home" she told me. The violence in Syria shook Sara too. While she had some sympathies with the idea that Christians in the Middle East were particularly threatened, she told me she had grown up in a family that strongly identified as pacifist. Her grandparents too had been members of the Student Christian Movement. So, in good conscience, she could not abide the bombing of a "holy place" in the name of Christianity. The war on terror and the new geography of imperialism it charted were to Sara, as alien as the idea that her sense of "home" should be contained within the Indian nation-state. Her body, it seemed, reminded her otherwise every night. In dreaming of Syria, Sara charted a new geography of belonging that contested both Kerala's location within Indian borders and contemporary imperial imaginaries of Syria as a frontier in a war.

## Conclusion

In this chapter, I have argued that dreamed geographies of the international unsettle, in the lives of young Christian women, the boundaries of nation and home. The women I met while doing ethnographic fieldwork in Chennai in 2012 and 2013 spoke about dreams that located their lives within an early 20th century imaginary of Christian Internationalism that survives now mainly in family memory and affective ties to regions beyond the Indian subcontinent. Dreams of flying, soaring over, and visiting regions beyond the subcontinent, in this context, allowed

young Christian women to articulate a sense of belonging that exceeded the borders of the nation-state, charting instead a sense of “home” that spoke to family memory of Christian Internationalism through organizations like the Student Christian Movement. In this, young women engage contemporary and past imperialisms as well as the nation-state as intimate technologies of marginality. Drawing on social-gospel theology and pacifist frameworks, they instead articulate new maps centred on escaping these geopolitical boundaries.

I have one final story with which to conclude, about Miriam, whom also I met in 2012. Miriam dreamt of mission work in Ethiopia, and often woke up in the middle of the night, confused. In her dreams, she was her own grandmother, who had spent time in Ethiopia in the 1960s. She hoped to “return” there, or go to South Africa. In her dreaming, she was joined by her best friend, Gracie, who was also a Christian from Kerala. Miriam specified to me that they had a “special friendship.” While they strongly denied to the curious that their relationship might be physical, dreaming of a shared history allowed these young women to imagine life beyond heteronormative expectations of marriage and motherhood. In this, the dream not only articulated a “home” beyond the borders of the nation-state but also unsettled the boundaries of “good Christian girlhood.”

## Notes

- 1 Katherine McKittrick, “On Plantations, Prisons, and a Black Sense of Place,” *Social & Cultural Geography* 12, no. 8 (2011): 947–963. Darcy Ballantyne, “Giving Toronto a Black Eye: Neo-Flânerie and Dionne Brand’s Thirsty,” *TOPIA: Canadian Journal of Cultural Studies* 34 (2016): 75–86.
- 2 Cemil Aydin, *The Politics of Anti-Westernism in Asia: Visions of World Order in Pan-Islamic and Pan-Asian Thought* (New York: Columbia University Press, 2007). Seema Alavi, *Muslim Cosmopolitanism in the Age of Empire* (Cambridge: Harvard University Press, 2015).
- 3 Mrinalini Sinha, “Mapping the Imperial Social Formation: A Modest Proposal for Feminist History,” *Signs: Journal of Women in Culture and Society* 25, no. 4 (2000): 1077–1082.
- 4 Gauri Viswanathan, *Outside the Fold: Conversion, Modernity, and Belief* (Princeton: Princeton University Press, 1998). Rupa Viswanath, *The Pariah Problem: Caste, Religion, and the Social in Modern India* (New York: Columbia University Press, 2014).
- 5 Gyanendra Pandey, *The Construction of Communalism in Colonial North India*, 3rd ed. (Delhi: Oxford University Press India, 2012). Viswanath.
- 6 “Indian Round Table Conference, 2nd Session, 1931: Proceedings of the Federal Structure Committee and the Minorities Committee. London, 1931–32,” in *India Office Records and Private Papers* (London: British Library, London, 1931).
- 7 Michael G. Thompson, *For God and Globe: Christian Internationalism in the United States between the Great War and the Cold War* (Ithaca, NY: Cornell University Press, 2015). Jake Hodder, “Toward a Geography of Black Internationalism: Bayard Rustin, Nonviolence, and the Promise of Africa,” *Annals of the American Association of Geographers* 106, no. 6

- (2016): 1360–1377. Daniel R. Magaziner, *The Law and the Prophets: Black Consciousness in South Africa, 1968–1977* (Athens: Ohio University Press, 2010).
- 8 Seth Koven, “The “Sticky Sediment” of Daily Life: Radical Domesticity, Revolutionary Christianity, and the Problem of Wealth in Britain from the 1880s to the 1930s,” *Representations* 120, no. 1 (2012): 39–82.
  - 9 See, for instance, on the Edinburgh World Missionary Conference of 1910 in which prominent Indian cleric, VS Azariah came to be well known for his appeal to an ethic of friendship over than of imperial rule in missionary life in India. Susan Billington Harper, *In the Shadow of the Mahatma: Bishop V.S. Azariah and the Travails of Christianity in British India* (Grand Rapids: W.B. Eerdmans Publishing Company, 2000).
  - 10 A Group in Delhi, “Students and Public Questions,” *Student Movement Review* 1923.
  - 11 Editors, “A Brief Statement About the World’s Student Christian Federation,” *ibid.*
  - 12 Viswanathan.
  - 13 Sara Smith, “Intimate Geopolitics: Religion, Marriage, and Reproductive Bodies in Leh, Ladakh,” *Annals of the Association of American Geographers* 102, no. 6 (2012): 1511–1528.
  - 14 ST Benjamin, “Student Christian Movement 1936 October – 1937 September,” *Sunflower* 1937. JSB Abraham, “The Much-Criticised Indian Christian,” *Student Movement Review* 1923.
  - 15 Magaziner.
  - 16 Katherine McKittrick, “‘Their Blood Is There, and They Can’t Throw It Out’: Honouring Black Canadian Geographies,” *Topia: Canadian Journal of Cultural Studies* 7 (2002): 27–37; Marika Preziuso, “Mapping the Lived–Imagined Caribbean: Postcolonial Geographies in the Literature of the ‘Diasporic’ Caribbean,” *Journal of Intercultural Studies* 31, no. 2 (2010): 145–160.
  - 17 Dionne Brand, *A Map to the Door of No Return: Notes to Belonging* (Toronto: Doubleday Canada, 2012).
  - 18 Katherine McKittrick, *Demonic Grounds: Black Women and the Cartographies of Struggle* (Minneapolis: University of Minnesota Press, 2006), xxvii.
  - 19 David Shulman and Guy Stroumsa, “Introduction,” in *Dream Cultures: Explorations in the Comparative History of Dreaming*, eds. David Shulman and Guy Stroumsa (Oxford: Oxford University Press, 1999), 3–16.
  - 20 This policing of young women’s mobility within Indian cities is not unconnected to the rise of Hindu Nationalism, and is undergirded by the ideology of caste purity. See for instance Perundevi Srinivasan, “Love Meets Death: ‘Honour,’ Violence, and Inter-Caste Marriages in Tamil Nadu,” in *Chicago Tamil Forum*, ed. Constantine Nakassis (Chicago: University of Chicago, 2016); Charu Gupta, “Hindu Women, Muslim Men: Love Jihad and Conversions,” *Economic and Political Weekly* 44, no. 51 (2009): 13–15.
  - 21 On the embodied lives of scripture as a “surge” or an affective charge that leaps from the pages and seizes the reader and scholar, see Donovan O. Schaefer, “Beautiful Facts: Science, Secularism, and Affect,” in *Feeling religion*, ed. John Corrigan (Durham, NC: Duke University Press, 2018), 69–92.

## 9 “Politics Are Not for Small People”

### Expectations for Tibetan Youth, and the Question of Deviancy in Exile

*Alana Vehaba*

#### Introduction

What does one owe a homeland one has never been to? How do children of diasporas maintain connections and feelings of affinity for that homeland? And should it be seen as deviant if those children grow into adults whose host country feels more real, more compelling, or more comfortable than the homeland of their forbearers? These questions came into focus with one disquieting conversation between a spirited Tibetan woman named Nyima Dolkar<sup>1</sup> and myself.

Nyima is a student in my advanced English class at Stitches of Tibet,<sup>2</sup> an organization that teaches young Tibetan women micro-enterprise through vocational training as tailors of traditional Tibetan dress. She sits comfortably on a sewing machine stool, working on a sleeve for a vibrant turquoise blouse to match a gray *chupa*.<sup>3</sup> She sways to old Hindi love songs that play loudly on her headphones. She is a 22-year-old Tibetan refugee who was born in Dharamsala, India. Her grandmother escaped Tibet in 1959, when the Dalai Lama and the first 80,000 refugees fled the Chinese occupation of Tibet after the virulent crackdown that followed the March 10 Uprising in Lhasa. Nyima is animated as she describes her adoration for the Bollywood star Shahrukh Khan, whom, she insists with an earnest smile, she will one day marry. She speaks rapidly and loudly, rarely pausing for a breath. She completes her writing assignments as swiftly, with plenty to say in long, meandering, run-on sentences.

The writing prompt that I posed for the beginning of today's class was inspired by a conversation with Tenzin Lhamo, a Tibetan woman the same age as Nyima, who was also born in exile.<sup>4</sup> Tenzin told me that she does not consider herself lucky to have been born in India. She is a highly motivated political activist for Tibetan freedom, and speaks of her overwhelming desire to “know that Tibet is a real place,” and to know “that I am fighting for soil and people, not fantasy.” Tenzin described how living with this doubt about Tibet is a prison sentence for those born Tibetan, yet born outside of Tibet. She highlighted how

a people in extended displacement might need exposure to their homeland to affirm their identity. Given their commonalities, I was curious if Nyima's feelings would be similar to Tenzin's. We first talked about the words "diaspora," "exile," and "refugee." She is familiar with these words, of course. These are the words she has learned throughout her life, used to describe her and her people. Her expression turns to one of disapproval and distaste as we examine the word "refugee."

"This is a bad word," she tells me, "it is not good that we are called this. Makes us seem poor, helpless. We live ok here, in India, I don't like pity." Thinking of my previous conversation with Tenzin Lhamo, I ask Nyima if she feels connected to Tibet. She takes "connected" to be "social connections" and explains that she knows no one in Tibet—that her grandparents came here, her parents were born here, she was born here. I clarify that I refer to the feeling of connection and affinity, or the desire to "return back" to Tibet. I then ask her once it was clear, "do you feel connected to Tibet?"

Nyima tightly shakes her head "no," but says softly, "yes." A slow shake of the head. A little, concealed "no," yet a verbalized "yes."

It must be asked: which was more candid, the shake of her head "no" or the verbalized "yes?" The lack of connection to the homeland that is felt inwardly, or the "yes" that must be said because of the expectation placed upon exile youth? Why couldn't Nyima, a second-generation Tibetan refugee, say "no," when asked if she felt connected to Tibet, if that was ostensibly her answer? My question to her, and the one explored within this chapter, is not whether or not Tibetan youth born in exile have social connections or maintain familial relationships with those still in Tibet. Instead, it is vitally important to explore the *expectation* within the Tibetan community in exile that Tibetan youth—those born and raised outside of Tibet—should create and uphold a feeling of connection and affinity for Tibet despite generations removed. In this I ask: what must shift, what is celebrated, and what is dismissed in order for Nyima to snugly fit in the paradigm that an exile-born Tibetan occupies—that of tenaciously held obligations to the homeland, and the greatly dispiriting idea that she cannot live fully in the home of her birth without being somehow disloyal to her people?

Ultimately, I argue that Tibetans like Nyima do not portend the cultural decay of the Tibetan peoplehood. Instead, these Tibetans point to the tension felt in exile between preserving a static notion of Tibetan culture based upon a glorified past and developing a modern Tibetan culture in exile that represents the different cultural worlds they inhabit. In what follows, I demonstrate that this tension manifests most clearly in three sites: the Tibetan education system, the burdens placed on Tibetan youth through the human rights discourse, and in the communal debate about whether exile-born Tibetans should assume Indian citizenship. The expectation that the only true and acceptable form of Tibetan identity rests solely on feeling connected to Tibet, I argue, is unrealistic

for youth born in exile. Moreover, the detrimental effects of this expectation reverberate throughout the community. As such, I argue that Tibetans like Nyima challenge the dominant narrative and normative ideals of the community by making personal choices that are often a hybridization of their environment outside Tibet—a heady mixture of Tibetan, Indian, and Western influences.

## Expectations for Tibetan Youth

Many Tibetans I spoke with who were born in exile were brought up on stories of Tibet on the laps of their grandparents and parents, and it was partly through them that a sense of connection to the homeland was instilled. As Julia Meredith Hess writes, for those born in exile, Tibet is “an *absence* of memory.”<sup>5</sup> Yet in telling these stories a hope is imparted that this will be the generation to return to a reunited Tibet, that they may finally reclaim their heritage after 60 years of careful, deliberate preservation. Passing on these stories also confirms for youth that they have a responsibility for Tibet and for the preservation of their heritage. In Nyima’s life, however, the stories from her childhood are her own: of falling asleep in class, of befriending boys even though the other girls didn’t. She does not claim Tibet; she claims her present, exile life.

Tibetan youth who do not engage in political activism, or who prefer listening to Bollywood songs in their headphones rather than Tibetan music, have been seen as catastrophes by many Tibetans and non-Tibetan Western observers. Mikel Dunham, in his book *Buddha’s Warriors*, paints an enthralling picture of the resistance war in Eastern Tibet against the Chinese invasion. He shows us the vigor and bravery of Tibet’s warriors who fought to hold on to Tibet. His only remark on the present life of the Tibetan people appears in the final pages of the book, however. In it, he is considerably less generous:

Another question is, what will happen to the younger generations of the Diaspora who have grown up *outside* Tibet? Some are highly motivated, retain a strong sense of Tibetan identity, and have organized themselves into groups that lead protests—often in front of various Chinese embassies throughout the world. They have found their voice.... There are many other youths, however, who have completely lost their sense of identity. On one of my trips to a refugee camp—this was in India—a teenager in a punk outfit, who was having difficulty standing up and keeping his eyes open, accosted me. Even in his heroin daze, his English was fairly good... He, too, is a part of Tibet’s future.<sup>6</sup>

I quote Dunham to demonstrate a critical binary that is constructed for Tibetan youth in exile. They are either politically active, engaged in the Tibetan freedom movement—in which case they are viable members



contributing to their society—or lost, drug addicts who use the system and manipulate international support for their own purposes. This binary is dangerously limiting. Dunham shows a dramatic rift between Tibet's past, its bravery, and the terrible cost of their resistance, with Tibet's future with youth who “waste freedom.”<sup>7</sup> However, neither politically active youth who are singularly focused on Tibetan freedom nor the disaffected drug addict give the whole picture of what it means for exile youth to live in India today and be Tibetan.

Tibetans who are born in exile are expected to uphold the memory and idealized representation of Tibet, and to act as though these exile years and this diaspora are a temporary aberration that should not and does not alter them. Yet this expectation prevents them from living their lives in exile fully without guilt or shame. Those who enact a Tibetan identity without clear feelings of connection to the homeland, and who engage comfortably with India, must balance the obligation for solidarity with Tibet with the desire to have, perhaps deviantly, an identity that reflects the multifarious space in which they live.

### **Situating the Tibetan Diaspora**

“Diaspora” is typically used to describe deterritorialized and transnational ethnic groups. Using Safran's definition, in order for a transnational collective to be understood as diaspora there should be (1) a dispersal from the homeland to two or more foreign regions, (2) a shared collective memory about the homeland, (3) a belief that they will perhaps always feel a sense of alienation in the host country, (4) a strong desire to return to the homeland, (5) a belief in the maintenance or restoration of the original homeland, and (6) a collective identity that is defined by this relationship with the homeland.<sup>8</sup> Clifford notes that while there is important utility and connections that can be made with Safran's definition, one should be wary of constructing a definition that rests on the “ideal type” since even “pure” forms are, according to Clifford, ambivalent, even embattled.<sup>9</sup> Clifford argues that “whatever their ideologies of purity, diasporic cultural forms can never, in practice, be exclusively nationalist. They are deployed in transnational networks built from multiple attachments, and they encode practices with, as well as resistance to, host countries and their norms.”<sup>10</sup> For some like Nyima, affective attachments to the host country may very well exist, despite a precarity in their socio-political position in the host country that forces them to remain political outsiders.

Diasporic groups are constitutive parts of contemporary nation states. As Toloyan notes, the past five centuries have been a time of fragmentation, heterogeneity, and unparalleled mass dispersion; additionally, the past five decades have been a time of cultural and political regrouping, of renewed confidence for ethnonations existing across the boundaries of established nation-states.<sup>11</sup>

Lisa Malkki discusses of the differing performances of refugeeness among Hutu exiles from Rwanda, in which displacement compels the development of “categorical purity,” which stresses the importance of categorizing differences in order to claim authenticity.<sup>12</sup> Even though “identity is always mobile and processual, partly self-construction, partly categorization by others, partly a condition, a status, a label, a weapon, a fund of memories, and so on. It is a creolised aggregate composed through bricolage”<sup>13</sup> and so “purity” is an impossible but nonetheless compelling ideal. Yet if a fundamental aspect of the diaspora is the community’s ability to maintain a sense of alienation in their host country and commitment to returning to their original homeland, the expectation of this falls primarily upon the youth of the diasporic community.

For Tibetan youth, the pressure to maintain the purity of the diaspora has been made explicit by the Dalai Lama when he established a government in exile in Dharamsala to situate his people to life as refugees in India. Dharamsala, which translates as “resting place” in Hindi, has been “home” to the Tibetan community since 1960.<sup>14</sup> Dharamsala stands witness to the lives and imaginings of a fluctuating population of 10,000–20,000 Tibetans.<sup>15</sup> The Government of India<sup>16</sup> did not strive to have the Tibetan refugees assimilate into Indian society, but instead aided the Tibetans’ desire to preserve the culture and traditions that were threatened in Tibet under the conditions of the Chinese occupation. By establishing Tibetan schools and buttressing a Tibetan government in exile, India gave space for the Tibetans to attend to their own needs and to foreground the longevity of Tibetan culture. Andrew Powell, in a 1992 interview with the Dalai Lama, asked the spiritual and former political leader of the Tibetan people what achievement in exile gives him the most personal satisfaction. The Dalai Lama answered firmly, in a comment that is echoed often in rhetoric that surrounds “the work” of exile:

The preservation of Tibetan identity. The preservation of Tibetan culture. Politically, of course, our main strength comes from Tibet itself...But the pure form of Tibetan culture is now found outside, not inside Tibet... In exile we have both preserved our culture and introduced it to the world. I think these have been our main contributions to the Tibetan cause. These are certainly the ones in which we can take most pride.<sup>17</sup>

Thus, the idealized path of resistance sustained by those in exile is engagement in a course of stability in line with practices done in Tibet.<sup>18</sup> It is markedly the Tibetan youth’s responsibility to maintain an indissoluble remembrance of the Tibetan homeland, which is fostered through their education. This remembrance, and the connection with Tibet that

it is meant to create, is maintained through adherence with the values and traditions that the Tibetan community have chosen to preserve. This remembrance is counterbalanced by the insistence that life in exile is simply life “on hold” until Tibet achieves its freedom and everyone returns to Tibet, even those who were born outside of it. “The future of Tibet,” as the Dalai Lama states, “depends on us refugees.”<sup>19</sup>

The emphasis on purity is compounded by the popular curation of Tibet as a pristine and unchanging place. It is well established in a multitude of analyses on representations of Tibet that Tibet and Tibetans have been and continue to be depicted as pristine, idealized, and innately nonviolent and religious.<sup>20</sup> Tibet has long been seen as a reflection of the idyllic of Shangri-la—a mythic, harmonious, utopic land crafted by James Hilton’s 1933 novel *Lost Horizons*. Dibyesh Anand argues that the manner of Tibet’s representation in the Western imaginary has been constitutive, both enabling and constraining Tibet.<sup>21</sup> The ways in which the West has imagined Tibet has played a central role in determining Tibet’s political identity and strategy.<sup>22</sup> Peter Bishop, the first Western Tibetologist to name the trend of “Shangri-la” as it operates in fantasies of Tibet in 1989, writes, “Tibetan culture as isolated, as being separate from global history, as innocent, gentle, peaceful and centered, are dominant tropes of western orientalist fantasies.”<sup>23</sup> In 1995, Samdhong Rinpoche, the first Kalon Tripa (Prime Minister) of the Central Tibetan Administration (then called the Tibetan Government in Exile), upheld this dominant characterization of the Tibetans by describing,

Tibet is a land where people are naturally gentle, slow to anger, and mostly compassionate, and where religion and moral culture abound...they have, however, a lack of political savvy and sophistication, and the Chinese take advantage of our innocent political attitudes to unabated imperialism.<sup>24</sup>

His account reifies fantasies of a Tibetan people who were homogenous, rather than a people who were diverse, composite, and three-dimensional.

The project of preserving a culture and civilization based upon practices associated with its past, however, is problematic because it considers culture to be something that is static and non-evolving. At its most fundamental basis, cultural preservation suggests a smooth continuity between Tibet past and Tibet future.<sup>25</sup> The Tibetan exile community protects its existence by making it a kind of living museum where Tibetan traditions are held and maintained until they can be reintroduced into Tibet. The past is a carefully honed artifact, while the present is ignored—Tibet matters, not the Tibetan diaspora. The operating hope is that Tibetan practices will be transplanted back into Tibet once Tibet achieves freedom (or genuine autonomy), and the changes wrought to Tibetan culture produced by extended influence of China and India can be simply cleansed away. This continuity is brought into question when

individuals like Nyima navigate the hybridization of identity, when they find the task of preservation to be too narrow and unyielding. What about those who want to create, not preserve?

Individuals like Nyima demonstrate how trying to fit into the singular ideal in which one is motivated solely by a yearning for Tibet undermines their more hybrid experiences. In this context, expressing their Tibetan identity as anything different from that construction is deviant. Because of the politicized space of Dharamsala, and the singular ideal of Tibetanness, there is obvious discomfort in displaying a sense of disconnection from Tibet, exemplified by Nyima's double answer: the verbalized yes, the silent no. However, Nyima must be read in conversation with the two threats most felt in Dharamsala's Tibetan world: the disappearance of Tibetan culture in the homeland under Chinese rule and the disappearance of exiled Tibetans into their host societies.<sup>26</sup> Through a study of education, one can unpack how the obligations of the community, and particularly the expectation that Tibetan youth born in exile should route their lives around Tibet, developed and became ingrained.

### **Site 1: "Education Is the Greatest Weapon, and We Must Be Awake and Handle It Wisely"**

The tension between the simultaneous aims of preserving culture and creating a modern democratic nation is most acutely illustrated in the education Tibetans born in exile receive. Before 1959 there were very few schools in Tibet for lay people, and the majority of the population remained illiterate. Monasteries were the bastions of education, and secular education was not considered a priority. It was only after the exile of the Dalai Lama that honest and vigorous attempts were made to develop schools for lay Tibetans.<sup>27</sup> Schools for Tibetan children are generally one of three: those run through the Indian government, called the Central Tibetan Schools Administration (CTSA); schools run by Department of Education in the Tibetan government in exile; and autonomous schools like the Tibetan Children's Village (TCV), which are funded by sponsors, trusts, and private agencies. The Indian government has been remarkably generous with contributions made toward the development of education for Tibetans; indeed, its funding is more generous than that allocated to any other refugee group currently in India.<sup>28</sup>

The TCV, which is run by the Dalai Lama's younger sister, Jetsun Pema, will be foremost in our discussion, simply because it is the most celebrated achievements of the Tibetan education system. It is seen as a "purely Tibetan" education. TCV's mission, as described by Jetsun Pema, is:

- (1) to look after the physical, mental, and spiritual needs of the children;
- (2) to impart the best of modern education along with a deep understanding of the rich cultural heritage of Tibet;
- (3) to develop a sense of national pride and identity that will enable the children to

share the hopes and aspirations of the Tibetan people to return to Tibet; (4) to help our boys and girls become self-reliant, contributing members of our society and the larger human community.<sup>29</sup>

Education, in this mission statement, explicitly becomes the means by which patriotism is confirmed and consolidated outside the homeland, and how Tibetans construct a shared sense of history, identity, and responsibility. Phuntsog contends that the primary objective of schooling Tibetan children in exile has been to provide a “culturally responsive” educational experience that will “maintain their identity through sustaining a close connection to their country of origin”<sup>30</sup> that is, Tibet, even if they have never been to Tibet. He goes on to describe children’s responsibility for and their vital role in the free Tibet struggle, describing them as “the dream-keepers of an independent Tibet nation.”<sup>31</sup> Nourishing connections to the homeland while preserving and performing the past encourages the idea that the present is significant only because of its continuity with the past. The challenge, in the Tibetan child’s unique position, is to cultivate and maintain a deeply emotional link to the homeland through an understanding of their place in its survival. Yet the threat comes from within: some do not foster a sense of their place in the future of Tibet. Swank argues that it is through the “complex interplay of educational rhetoric, media messages, and migration histories that these youth orient themselves to exile as a surrogate Shangri-La.”<sup>32</sup> Yet as surrogates of Shangri-la, Swank suggests a number of “these youth have “let go of this dream of Shangri-La” and are instead making “the best out of their life.”<sup>33</sup>

The Dalai Lama in a message on the 35th Anniversary of TCV said,

the future direction of our program will be in the field of further education in specialized studies to meet the human resource needs of the community during our period in exile and *more importantly* when the time comes for us to go back to our homeland.<sup>34</sup>

Thus, education is particularly important because of its relevance to the return to Tibet. This is intended to instill in the children of exile the sense that what they do and learn while outside of Tibet holds within it the explicit expectation that they will bring that knowledge back to the homeland. Exile, diaspora, and life in India are spoken of as a temporary aberration, and the true focus and motivation for all acts done in exile must always be Tibet.

## **Site 2: Guilt and the Omnipresence of Human Rights Violations**

Vocal former political prisoners, supported by an active political prisoner association called Gu-Ch-Sum, are encouraged to speak in Dharamsala. Often proceeding demonstration and protests for Tibet,

a former political prisoner will speak to the audience of their experiences. They discuss torture they experienced at the hands of the Chinese police, and they tell of the continued suffering of those inside Tibet, who face restrictions in language, cultural expression, and religious freedom. One hundred and fifty-five Tibetans inside Tibet have, to date, burned themselves alive with a message of freedom and the demand for the return of the Dalai Lama. When Tibetan youth born in exile speak on the happenings inside Tibet, they primarily focus on the innumerable violations that occur inside Tibet. Taught this in their schools, shown this in documentaries, hearing it enumerated by their leaders, exile-born youth communicated in interviews to me feelings of guilt for not being part of the struggle inside, for being—due to a quirk of karma—safely outside. Tibetans in exile, it is said, must never become too happy in India, because that would make them forget about the suffering in Tibet. The conflation of happiness in exile to forgetting about Tibet represents an omnipresent fear in the Tibetan community's intracommunal discourse. One often hears from Tibetans who are born in exile a sentiment that Lobsang once expressed to me,

you know, it's a strange thing being born here. Even when I am most happy, well, especially when I am most happy, I think that I shouldn't be enjoying, that in Tibet they are suffering. It makes me feel guilty.

Tenzin Lhamo, too, told me that she often feels guilty when she finds herself carelessly happy,

I am here, going from café to café, drinking chai, drawing, talking to friends and making new friends, and my people are being tortured, or are being turned into Chinese. How can I live here happily, while my people suffer? How can I enjoy? Incredible, incredible guilt.

Non-politically active youth in exile are placed in marked contrast with the projection of the hyper-Tibet-oriented youth. Refugee children are taught that they are the "Seeds of the Future," and that the future of Tibet depends on them and their unremitting consciousness of the suffering inside Tibet.<sup>35</sup> Nyima does not become politically involved, because, as she put it,

the big people get involved with politics. I'll usually go to the marches, but that's because everyone does. It's good to show support, I guess. I am Tibetan but I am a small person, I am not interested in politics. Politics are not for small people.

It is no wonder, then, that Nyima, who was educated in the TCV as a day student, felt uncomfortable admitting that she did not feel particularly

connected to Tibet and that she did not live only for the hope of one day returning. Feeling this way, in the face of the omnipresence of the human rights violations that occur inside Tibet, is seen as shameful. Her narrative implicitly indicates a tension between the politically active Tibetan youth that the government and the community proclaim as the singular enactment of “Tibetanness,” and how individuals actually feel regarding their connection to the homeland.

That Nyima must “admit” to feeling disconnected and that she must “admit” to being comfortable and happy in her life in India are terrible consequences of this dominant narrative. This is brought into sharp focus in the recent debate about whether or not to take Indian citizenship.

### Site 3: “Becoming Indian”

As refugees, Tibetans have not been accorded the rights and freedoms equal to those of Indian citizens. They are classified by law as “foreigners” and thereby face restrictions, particularly outside the specified Tibetan settlements. Tibetans do not have the right to own businesses, apply for government jobs, obtain a license to engage in business activities, secure a bank loan, or own or buy land.<sup>36</sup> The first wave of Tibetan refugees and their children, that is, those who came in the first year after the Dalai Lama’s escape, were issued registration certificates that must be renewed every five years. They must receive authorization by the Indian Foreign Registration Office for departure and arrival when they travel within India, and travel outside of India is doubly complicated on an “Identity Card” (IC) that does not have diplomatic recognition. Tenzin Tsundue, a highly visible activist for Tibetan freedom, recalls how during the contentious political activity around Beijing’s 2008 Olympics,

Himachal police arrested and charged me as a foreigner for being absent from Dharamshala for over 14 days without registering my departure. They jailed me for 11 days, confiscated my ID card and charged me under section 14(c) of the Foreigners Registration Act 1946. By applying this regulation – applicable to foreign tourists – every second (*sic*) Tibetan like me, born in India, is rendered a potential criminal. It took two years and 22 trips to the Mandi District Court before I was found innocent and acquitted.<sup>37</sup>

Despite the problems with not having citizenship, claiming Indian citizenship has been highly contested in the exile community and privately discouraged by the exile administration since it was deemed legal in 2016.<sup>38,39</sup> As Choeden notes, “There is also a strong feeling amongst the Tibetan community that taking Indian citizenship would weaken the Tibetan movement and [is] tantamount to giving up the hope of a Free Tibet.”<sup>40</sup> Becoming Indian has come to symbolically represent the loss of hope for eventual repatriation of Tibet. Hess observes, for Tibetans in



India remaining stateless is a mark of a good Tibetan and is demonstrative of one's loyalty to the cause.<sup>41</sup> She points out that

some exiles argue that Tibetans who adopt citizenship in other countries are no longer refugees, and thus they are no longer "people out of place," ceasing to be a "problem" for the states in which they live, and no longer a thorn in China's side.<sup>42</sup>

If Tibetans are not seen as a "problem" for the states they live in and for China, the fear is that there will be less momentum by those states or by the diasporic Tibetans, to change the status quo and maintain the fight for Tibetan autonomy. Assuming Indian citizenship is likened to not only losing hope about an eventual return to Tibet, but also losing the Tibetan national identity.<sup>43</sup>

Lobsang Wangyal, a controversial figure in the exile community who received Indian citizenship, and who advocates for Tibetans to follow him, refuses to accept his newly acquired citizenship as a betrayal of the Tibetan struggle,

My heart says very much I am Tibetan, but at the same time my upbringing has so much Indian influence because I was born in India. So Hindi is my second language. I love rice and daal (lentils) so much, as much as I love momos and thukpa, the noodle soup.<sup>44</sup>

Another Tibetan, on deciding to apply for Indian citizenship, describes the internal conflict that accompanied the process,

It was not a decision I took lightly. My grandmother's stories were just that — stories, like fairy tales. I've never even seen snow. Or a yak. Does anyone think China's going to be like, 'Come back'? Is that realistic, really? We have to stop living in a limbo.<sup>45</sup>

Kumar quotes a Tibetan inn-keeper as he tries to articulate just what is scarified by taking up Indian citizenship,

The acceptance of citizenship in India will add *a new identity* to us at the cost of our age-old Tibetan identity. We would never want that to happen. It would also amount to compromising our ultimate dream of going back to a free Tibet. By embracing Indian citizenship, we will inevitably lose the moral and political ground for fighting for our homeland. We have taken temporary refuge in India because of the atrocities committed against us back in Tibet. We are not here forever, nor do we want to. We are yearning to go back, and hopefully, we will go back one day.<sup>46</sup>

It is thus not just that one feels they are "giving up on Tibetan freedom," but that becoming Indian citizens changes their core identity.

During my fieldwork in Dharamsala I found that many Tibetan youth who are eligible for citizenship are frustrated with the debate and judgment that it carries, and because of this they have hesitated to pursue citizenship. Over chai and cigarettes, with Bollywood music in the background, Lobsang tells me,

we fight between ourselves: what is a Tibetan. How do you know who is a Tibetan? And then so many people get citizenship in other countries but when Tibetans have a chance to get Indian citizenship it becomes a big conversation and debate. Why does it have to be such a big debate? Why shouldn't people have the option and choice? Only here in exile does it feel like you're betraying us by not using IC, but what about those who don't use it who live in the states or western countries?

As Lobsang points out, paradoxically, taking Western citizenship is actively supported. It is seen as a way of serving the Tibetan cause; indeed Tibetans who move to the West are seen as “ambassadors” for Tibet. This is due in part to the social and economic mobility imagined in Western countries, and in part to the hope that these countries will support the Tibetan cause.

There are two important points to emphasize here: (1) Tibetans are disenfranchised by their current status in India. Yet the advantages of Indian citizenship, such as increased political and social security, not to mention mobility, are less at the heart of this debate than the fears it points to: losing the dream of Tibet and the expectation that this generation of Tibetans will continue to hold Tibet and refuse India and (2) assenting to one's “Indianness” dilutes one's “Tibetanness.” Tibetans dwelling in India and born in India are not “Tibetan Indians,” which is generally an unused and unacceptable label. To call oneself Tibetan Indian is to rebel against the commonly held relationship with Tibetanness and Indian-ness by proclaiming to have accepted being, at least partly, Indian. To do this one would betray complacency with the situation of diaspora, which is held to be a loss of solidarity with those still in Tibet. Everything comes back to the expectation for upholding the connection to and desire for Tibet. Wangyal and the other Tibetan quoted are choosing enfranchisement and are choosing India, but they are not negating their Tibetanness in that choice. As Namgyal Dolkar told the *Times of India*, “I am a Tibetan at heart, but now I am an Indian citizen. I believe one should be aware of one's rights, and I got my rights due to my awareness.”<sup>47</sup>

## Conclusion: Tibetans Decide

Thupten K. Dakpa, a Tibetan writer who was born in exile, asks,

How is one supposed to feel about being displaced from one's country when there was no physical displacement to begin with? Should

my Tibetan-ness only be defined by the community's past and not include its present? How do I relate to suffering when all I've known is comfort in my life in exile?<sup>48</sup>

As this chapter demonstrates, Tibetan individuals born in exile are expected to uphold a static projection of their culture. The project of cultural preservation intends that they be politically active for the Tibetan cause. Education aims to foster a feeling of connection with Tibet, and the omnipresent discourses of the human rights abuses taking place in Tibet create feelings of guilt and responsibility in Tibetan youth. Ultimately one can see that, through guilt inspired by the human rights violation discourse, and through the mantle of cultural preservation, exile-born Tibetans are also not free.

When Nyima was asked if she felt connected to Tibet, she could not express "no," though it appears that was her answer. This is because expressing a Tibetan identity that is not focused around Tibet, with a deep yearning for reunion with Tibet, is considered as deviating from her obligations to her community. We must not think that Nyima, who moves between Tibetan and Indian cultural worlds, and finds a space for herself somewhere between both of them, is indicative of cultural decay. Rather, it is natural that she should feel disconnected from Tibet, having spent her life outside, and separate from Tibet. The expectation that she denounce her life in India for the hope and dream of Tibet is unrealistic, and antithetical to an understanding of culture and identity as a process of choice-making and an evolution of a people as they adapt to circumstances. What one witnesses here is shifting people who are in static categories. Identities must be considered fluent in their development, context, and life-span, as something that honors and yet transcends obligation. Identity must be seen as something that is, perhaps subversively, in constant evolution.

I confess, I was initially hesitant to present Nyima's narrative, knowing that what she demonstrates is read as the degradation that has happened to the Tibetan people in exile. Yet in order to understand how Nyima navigates her position as a Tibetan born in exile, we must not isolate her. I have written this chapter and focused it upon Nyima with the hope that we might look at how the pressures and expectations of exile impress upon one Tibetan youth, yet the point is not to make her an exception, an exhibit in a cage. Nyima is an example of a broader experience of second- and third-generation Tibetans born in exile, yet one this considerably less heard, and considerably less valued. This identity deviates significantly with the normative expectation that Tibetan youth, born in exile, must be motivated singularly around Tibet. Less often do we hear, within the Tibetan popular discourse, about a Tibetan youth who remains ambivalent about the homeland, with only tenuous ties due to her generations removed. The point of this chapter was likewise not to ask if Nyima is more Tibetan or more Indian for participating as

she does in Indian culture, or for feeling less connected emotionally to Tibet. The point of this chapter was instead to show that this question is inherently flawed. She is not less Tibetan for how she enacts her identity, nor does she exhibit a failure of pride in her Tibetan identity. Her narrative instead uncovers some of the conflicts that can arise in having to implicitly fit within a homogenized identity that is based upon loss, not living. Her story urges us to open a third space, another road. One in which she can be Tibetan, yet act and live outside of the dominant ideal that has been imposed upon her.

## Notes

- 1 All names in narratives are pseudonyms, to protect the identity of the informants.
- 2 Stitches of Tibet is run through the Tibetan Women's Association, an NGO based in exile.
- 3 A chupa is a traditional Tibetan woman's dress.
- 4 I found myself startled when Tenzin told me that she did not consider herself lucky to have been born in India. Given what Tibetans in Tibet endure under Chinese rule—which according to Amnesty International, Freedom House, and Human Rights Watch include taut restrictions on religious practice; economic, social, and political marginalization; cooptation of land by Chinese Han migrants; ubiquitous surveillance; and the systematic degradation of language and culture—I assumed people born in exile would consider themselves as having been born on the better side of a generally bad situation. I thought if their karmic destiny is to be Tibetan, perhaps they would think it is better to have the opportunities, exposure, and education that their exiled life provides, in the Dalai Lama's presence and blessing. Tenzin Lhamo, however, did not see it this way.
- 5 Julia M. Hess, *Immigrant Ambassadors: Citizenship and Belonging in the Tibetan Diaspora* (Redwood City: Stanford University Press, 2009), 1.
- 6 Mikel Dunham, *Buddha's Warriors: The Story of the CIA-Backed Tibetan Freedom Fighters, the Chinese Invasion, and the Ultimate Fall of Tibet* (Penguin Books India, 2005), 408.
- 7 Serious and prevailing drug abuse has certainly become a part of exile Tibetan life, symptomatic perhaps that though the Tibetan community has an effective literacy rate of 82.4 percent, over 17 percent of the total workforce is unemployed or underemployed (Second Tibetan Demographic Survey of 2009).
- 8 William Safran, "Diasporas in Modern Societies: Myths of Homeland and Return," *Diaspora: A Journal of Transnational Studies* 1, no. 1 (1991): 83–84. doi:10.1353/dsp.1991.0004.
- 9 James Clifford, "Diaspora," *Cultural Anthropology* 9, no. 3 (1994): 306.
- 10 *Ibid.*, 307.
- 11 Khachig Tololyan, "The Nation – State and Its Others," *Diaspora* 1, no. 1 (Spring 1991): 4.
- 12 Liisa H. Malkki, *Purity and Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania* (Chicago: University of Chicago Press, 2012), 256.
- 13 *Ibid.*, 37.
- 14 The population of Tibet is considered to be roughly six million. The Tibetan diasporic community is around 130,000 spread across various countries, of which approximately 94,200 are currently based in India (Choeden

- 2018, 1). See Choedon, Yeshi. “The Unintended Consequences of India’s Policy on Citizenship for Tibetan Refugees.” *Institute for Defense Studies and Analysis*. 2018; Schell, O. *Virtual Tibet: Searching for Shangri-La from the Himalayas to Hollywood* (New York: Owl Books, 2000); Serin Houston & Richard Wright (2003) Making and remaking Tibetan diasporic identities, *Social & Cultural Geography* 4, no. 2, 217–232; Norbu, Dawa. “Tibetan Refugees in South Asia: A Case of Peaceful Adjustment”, in S.D. Muni and L.R. Baral (eds.), *Refugees and Regional Security in South Asia* (1996). New Delhi: Konark Publishers: 78–98; Barnett, Robert. *Resistance and Reform in Tibet* (1994). Bloomington: Indiana UP; Ho, Peter.; Lopez, Donald S. 1998. *Prisoners of Shangri-La: Tibetan Buddhism and the West* (1998). Chicago: U of Chicago; Prost, Audrey. “The Problem with ‘Rich Refugees’ Sponsorship, Capital, and the Informal Economy of Tibetan Refugees”, *Modern Asian Studies* 40, no. 01 (2006): 238; Bishop, Peter. “Caught in the Cross-Fire: Tibet, Media and Promotional Culture”, *Media, Culture & Society* 22, no. 5 (2000): 645–664; Huber, Toni. “Shangri-La in Exile: Representations of Tibetan Identity and Transnational Culture”, in Thierry Dodin and Heinz Rather eds. *Imagining Tibet – Perceptions, Projections, and Fantasies* (2001). Boston: Wisdom Publications, 357–371; Schwartz, Donald. (1994). *Circle of protest* (London: Hurst).
- 15 The population of Tibetans in Dharamsala actually fluctuates from 10,000 residents to potentially 50,000 who may come for a special teaching. I say 30,000 here because that was the general estimate of the Department of Home in the Central Tibetan Administration during the writing of this chapter (Alana Vehaba, “When Two Tibets Meet: Ambiguities in Unity, Narratives of Displacement 2009”). Thus, perhaps 0.02 percent of the population currently reside in exile.
  - 16 Though not part to the United Nation’s 1951 Convention on the Status of Refugees, the Government of India aligns itself with the principle of non-refoulement, which requires that a State not expel or return a refugee in any manner whatsoever if his life or freedom would be threatened on account of his race, religion, nationality, or political opinion (Bhupinder S. Chimni, “The Legal Condition of Refugees In India,” *Journal of Refugee Studies* 7, no. 4 (1994): 378–401. doi:10.1093/jrs/7.4.378).
  - 17 Andrew Powell, *Heirs to Tibet* (London: Heinemann, 1992), 234.
  - 18 Kiela Diehl, *Echoes from Dharamsala: Music in the Life of a Refugee Community* (Berkeley: University of California Press, 2002), 18.
  - 19 Tenzin Gyatso, The Fourteenth Dalai Lama, *Freedom in Exile* (New York: Cornelia & Michael Bessie Book, 1990), 167.
  - 20 See Prost 2006; Barnett 2001; Bishop 1989, 2000, 2001; Hourston and Wright 2003; Heberer 2001; Huber 2001; Hutt 1996; Korom 1997; Lopez 1994; Norbu 1998, 2001; Schell 2000.
  - 21 Dibyesh Anand, *Geopolitical Exotica: Tibet in Western Imagination* (Minneapolis: University of Minnesota Press, 2008), xvi.
  - 22 Elliot Sperling makes an important criticism of Anand’s work that by looking only at English language sources about Tibet, as opposed to Tibetan language sources, Anand ignores how Tibetans speak about themselves and their society—in exile and in Tibet. Sperling categories this as a “willful ignorance of Tibetan self-representation” which “presents a skewed view” of how Tibetan identity interacts with its Western representations. He urges scholars to do better, and shows that entering into Tibetan language material will “temper an image of Tibet as largely a passive victim of the West.” See Elliot Sperling, “Geopolitical Exotica: Tibet in Western Imagination,” *The Journal of Asian Studies* 68, no. 4 (2009): 1276–1278.

- 23 Peter Bishop, "Caught in the Cross-Fire: Tibet, Media, and Promotional Culture," *Media, Culture, & Society* 22, no. 5 (2016): 648.
- 24 Samdhong Rinpoche, "Satyagraha (Truth Insistence)," *World Tibet Network News*, Friday August 11, 1995. [www.tibet.ca/en/library/wtn/archive/old?y=1995&m=8&p=11\\_1](http://www.tibet.ca/en/library/wtn/archive/old?y=1995&m=8&p=11_1).
- 25 Stephen Venturino, "Reading Negotiations in the Tibetan Diaspora," In *Constructing Tibetan Culture: Contemporary Perspectives*, ed. Frank Korom (Beirut: World Heritage, 1997), 98–121.
- 26 Diehl, *Echoes from Dharamsala*, 65.
- 27 Chimni, "The Legal Condition of Refugees in India," 378–401.
- 28 *Ibid.*, 4.
- 29 Jetsun Pema, "Caring for the Weakest: The Children's Village," In *Exile as Challenge*, eds. Dagmar Bernstorff and Hubertus von Welck (Hyderabad: Orient Blackswan, 2003), 282.
- 30 Phuntsog Nawang, "Cultural Identity and Schooling of Tibetan Children in the Diaspora," *Equality & Excellence in Education* 31, no 1. (1998): 36.
- 31 *Ibid.*, 36.
- 32 Heidi Swank, *Rewriting Shangri-La: Tibetan Youth, Migrations and Literacies in McLeod Ganj, India* (Netherlands: BRILL, 2014), 8.
- 33 *Ibid.*, 183.
- 34 Tibetan Children's Village," *Potala.com*, [www.potala.cz/en/tibetan-childrens-village](http://www.potala.cz/en/tibetan-childrens-village).
- 35 Tsering Topden, "Identity Interrupted: The Story of Exile Tibetan Youth," *Phayul.com*, 2007. [www.phayul.com/news/article.aspx?id=8670&t=1](http://www.phayul.com/news/article.aspx?id=8670&t=1).
- 36 Omar Chaudhary, "Turning Back: An Assessment of Non-Refoulement under Indian Law," *Economic and Political Weekly* 39, no. 29 (2004): 3257–3264. [www.jstor.org.ezproxy1.lib.asu.edu/stable/4415288](http://www.jstor.org.ezproxy1.lib.asu.edu/stable/4415288).
- 37 *Ibid.*
- 38 The Indian Citizenship Law section 3 (1) (a) of the Citizenship Act 1955 (amended 1986), however, allows one to acquire Indian citizenship if he or she were born in India between January 26, 1950 and July 1, 1987. Becoming an Indian citizen is entirely an individual choice, but requires, as per Indian law, that the applicant terminates his or her national identity, such as "Tibet," in order to become an Indian citizen.
- 39 Fiona McConnell, "A State within a State? Exploring Relations between the Indian State and the Tibetan Community and Government-in-Exile," in *Contemporary South Asia* 19, no. 3 (2011): 303.
- 40 Yeshi Choedon, "The Unintended Consequences of India's Policy on Citizenship for Tibetan Refugees," *Policy Brief*. New Delhi: Institute for Defence Studies and Analyses. <https://idsa.in/system/files/policybrief/PB-citizenship-tibetan-refugees.pdf> (2018), 5.
- 41 Julia Meredith Hess, "Statelessness and the State: Tibetans, Citizenship, and Nationalist Activism in a Transnational World," *International Migration* 44, no. 1 (2006): 2.
- 42 *Ibid.*, 210.
- 43 Richa Kumar, "Tibetan Diaspora: A Study of Citizenship and Identity," *Tibetan Review*. November 26, 2017. [www.tibetanreview.net/tibetan-diaspora-a-study-of-citizenship-and-identity/](http://www.tibetanreview.net/tibetan-diaspora-a-study-of-citizenship-and-identity/).
- 44 Anjana Pasricha, "As Tibetans in India Opt for Citizenship, Will They Be Less Committed To Tibetan Struggle?" *Voice of America*, 2017. [www.voanews.com/a/tibetans-in-india-citizenship-less-committed-to-tibetan-struggle/4163328.html](http://www.voanews.com/a/tibetans-in-india-citizenship-less-committed-to-tibetan-struggle/4163328.html).

- 45 Vidhi Doshi, "After Nearly Six Decades of Exile Some Tibetans in India Are Slowly Letting Go of the Past," *Washington Post*. [www.washingtonpost.com/world/asia\\_pacific/after-nearly-six-decades-of-exile-some-tibetans-in-india-are-slowly-letting-go-of-the-past/2017/10/07/c00325b0-a2da-11e7-b573-8ec86cdfef1ed\\_story.html?utm\\_term=.f72eec10a5d5](http://www.washingtonpost.com/world/asia_pacific/after-nearly-six-decades-of-exile-some-tibetans-in-india-are-slowly-letting-go-of-the-past/2017/10/07/c00325b0-a2da-11e7-b573-8ec86cdfef1ed_story.html?utm_term=.f72eec10a5d5).
- 46 Kumar, "Tibetan Diaspora: A Study of Citizenship and Identity."
- 47 Anand Bodh, "25-yr-old from Tibetan to Be Indian Citizen," *Times of India*. November 2011. [http://timesofindia.indiatimes.com/articleshow/7323090.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/7323090.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst).
- 48 Elizabeth Soumya, "The Inheritors of Loss," *Times of India: Crest Edition*. September 3, 2011. [www.timescrest.com/culture/the-inheritors-of-loss-6204](http://www.timescrest.com/culture/the-inheritors-of-loss-6204).



# 10 “Never Come Back, You Hear Me!”

## Negotiating “Bulgarian-ness” and “Homeland” in Public Discourses on Emigration

*Nadezhda Sotirova*

### Introduction

An interesting cultural paradox exists in Bulgaria: while most countries value staying in their homeland, in Bulgaria one is a “good Bulgarian” if they leave Bulgaria. This chapter investigates this paradox by examining the symbolic interplay of identity and belonging within discourses on emigration. Studying the ways participants in Bulgaria attempt to communicatively make sense of their national identity and their homeland offers a unique illustration of social life in post-socialist locales and draws attention to the underlying cultural premises for being and dwelling that are discursively employed in current discussions of migration. The geopolitical and historical context of the country and the resulting local cultural notions of self and the land play a large role in how the choice of leaving is culturally constructed as a moral imperative.

Nevertheless, the slow crumbling of the country’s border restrictions, along with the change in the visa requirements for countries of the Schengen treaty and joining the European Union (2007), has been recently reframed as having damaging consequences for Bulgaria. Specifically, the rapid and consistent migration toward the West has been blamed for the country’s economic distress as a whole. After socialism was replaced with democracy in 1989, the country saw one of its biggest streams of emigrants: 650,000 during the period 1989–1996, continuing with approximately 40,000 people per year, quite significant for a country of population about 7.9 million.<sup>1</sup> As of 2015–2016, reports by the *New York Times* and *Oxford Aid* highlight the continuation of this trend a decade later and predictions of Bulgaria being one of the first countries in terms of losing most of its population by 2050.<sup>2</sup>

The rapid growth in emigration has inspired research mostly devoted to calculations of numbers of emigrants, estimation of long-term consequences for Bulgaria’s economic development, and factors to determine people’s motives for leaving.<sup>3</sup> However, research within the field of mobility and migration patterns in Bulgaria have predominantly been examined from the perspectives of political psychology, historiography,

anthropology, sociology, political science, and economy, and have generally been positioned within a nationalistic context.<sup>4</sup> The majority of studies have focused on migration calculation and motivation, the country's relationships with Turkey and Russia, and diasporas abroad, and have primarily examined as focal points ethnic and cultural identity (e.g., maintaining language), with less emphasis on social participation and institutional organizations, return migrants, and the political activity and implications of return funding.<sup>5</sup>

In contrast, this chapter approaches public discourses on emigration from Bulgaria as a product of the interaction between the post-socialist socio-economic context and a larger narrative available within the country that “blames *daragavata*” (or “blaming the state”). This narrative culturally reinforces and elaborates on underlying values, premises for acting, being, and existing within Bulgaria. The tendency to “blame *daragavata*” when engaging in discussions of emigration is examined as a ritual communication form, which communities utilize in order to engage in an ongoing negotiation of the larger local cultural values. Philipsen, building on Goffman and Turner's work, emphasized the distinction between ritual and routine or habit by stressing that the behavior needed to pay tribute to or celebrate a sacred object, developing the particular definition of ritual as “a structured sequence of symbolic acts, the correct performance of which pays homage to a sacred object” (250).<sup>6</sup> This sacred object—in this instance, the state—is an amalgam of one's self, social relations, and other local communal values.

Within Bulgaria the discourse has mostly focused on people's choice to leave or stay in the country, whereas political discussions of emigration have been unidirectional: keep Bulgarians in and refugees/incomers out. Not many viable socio-economic and political policies in support of the return of emigrants to the country have been introduced, other than vague national strategies.<sup>7</sup> Therefore, this chapter focuses on: what cultural rationale for leaving/staying is available in Bulgaria? What is specifically cultural about this rationale? What communication resources are used to engage in discourse on emigration? What do these communication resources and their enactments say more largely about the local understandings of self, how people are related to each other, social action, and their surrounding (in this case *dargavata*, or the state)?

Utilizing cultural discourse analysis<sup>8</sup> within cultural communication,<sup>9</sup> this chapter answers these questions by analyzing one of the central sites of the communicative ritual of blaming the state: the widely viewed television series “Miroluba Benatova predstavya” (“Miroluba Benatova presents”).<sup>10</sup> The producer, as well as host, of the series, Miroluba Benatova, is a well-known investigative journalist in Bulgaria who has covered a wide range of topics within politics, economy, and emigration. Specifically, I analyze 16 episodes aired during 2015–2016. Fourteen episodes explore the topic of emigration to the United States, “Bulgari ot

America” (“Bulgarians from Amerika”), and two episodes focus on emigration to the United Kingdom, “Bulgarska ulica v London” (“Bulgarian street in London”). Each series aired as part of NOVA TV’s weekly show “Combina” and are currently available on the television’s website. Each “Bulgarians from Amerika” episode focused on the story of a different individual living in the United States, while the episodes from “Bulgarian street in London” focus on groups of people. The two series were chosen due to their accessibility, narrow focus, popularity, as well as the producer’s claim that they offer a different, not-politically skewed narrative from the point of view of the emigrants themselves.

Across the 16 episodes, the following elements stand out: two modes of talk (the narratives of the participants’ lives abroad and discussions of the situation in Bulgaria), and a particular understanding of Bulgaria as *dargavata* (the state), as a place of dwelling and both a political socialist entity and compilation of behaviors as intricately linked to the larger “situation” in Bulgaria. This chapter examines these modes of speaking, highlighting them as ritualistic practices that renegotiate the larger narratives of Bulgarian emigrants. In what follows, I cite examples of the ritual from the show. Then, I formulate cultural propositions activated in the discourse before examining the larger local premises of identity and agency that can be extrapolated from the practice. Cultural propositions are the participants’ beliefs and/or values as formulated by the analyst (utilizing native terms, the analyst describes significant to the participants meanings associated with the discursive phenomenon).<sup>11</sup> These propositions are then developed into cultural premises (more abstractly), or the deeper analytic level related to the discursive hubs.<sup>12</sup> I argue that ritualized blaming of the state serves as a way to reconfigure the “Bulgarian situation,”<sup>13</sup> or the political context, economic instability, and behaviors, carried over from socialism), and emigrants’ relationship to it.

### **Analysis of Blaming the State on “Miroluba Benatova Presents”**

The episodes of the series “Miroluba Benatova presents” are structured to tell the stories of Bulgarians living in the United States and the United Kingdom. In one of the introductions to an episode from “Bulgarians from America,” Benatova explained that she wanted to show examples of people who had succeeded abroad, and who were not mentioned in Bulgaria (alluding to a common political maneuver of focusing and sharing only stories of failure within the public discourse in order to emphasize staying in Bulgaria as the preferred choice). In the same segment, Benatova emphasized that those people had had different motivation for leaving, for whom Bulgaria “at a certain point became unbearable,” and who were people “not connected to *dargavna sigurnost* (state security, a political police group developed during socialism), produced

millionaires, produced sons and daughters of the previous political ideology” (referring to nepotism as central to their success), and highlighted that these are people who were “self-made.” When one of the Combina hosts asked Benatova if she was surprised at how many successful people they have filmed, she responded with:

I am not surprised when people succeed outside of Bulgaria. Regretfully, I am surprised when people succeed in Bulgaria because in Bulgaria, despite, despite the difficulties, despite having to be close to someone, despite that *dargavata* (the state), the municipality, the mayor has to be your, at least, third cousin to make things work, in Bulgaria it is bigger news to succeed. It is very difficult and less and less people stay here because it is obviously too much effort. You know Bulgaria has moved to England, to Spain, and to the States.

When asked if she had ever considered leaving, Benatova emphasized that she never did but joked that she was starting to wonder if it was the stupidest (herself included) people who have remained, stressing that she understood the emigrants’ choice but is starting to question her own (not to leave). She finished her statement by reiterating that for 20 years she had felt alright with her choice but with the recent two years her reaction had been shifting.

Similar to the statement about succeeding in Bulgaria (as opposed to outside) made by Benatova is a comment made at the end of the series, which repeats the similar sentiment of who is to blame for people leaving Bulgaria. In the closing minutes of the last “Combina” episode airing “Bulgarians from America,” when the hosts asked Benatova what she had planned professionally and personally next, she responded with a quote from an emigrant from the same episode:

...all Bulgarian politicians should hear [this] and remember [it]: “The lack of order and corruption is what keeps our fellow country people far from Bulgaria.” Not only the money. The feeling of absolute nonsense and lack of rules in our country has actually chased away half of the Bulgarians.

Benatova’s portrayal of *dargavata* is reinforced by the way the series is structured. The episodes of “Bulgarians from America” are framed twice: (1) through the introduction or closing statements as part of the “Combina” broadcast, where the hosts and Benatova discuss what the viewers will see and their individual commentary on emigration (one to two minutes), and then (2) through the narrated beginning credits (music and narrative by Benatova). The “Bulgarian street in London,” on the other hand, is not framed by a discussion in the “Combina” show but has the introduction credits (constructed narrative through separate

statements of the participants). As such, both series are framed by the producers not only through editing and selection of footage but also through the way they are introduced to the viewers.

Such framing is not uncommon and can be further explored in the future (video and music editing to construct a specific narrative). Nevertheless, the mode of speaking as a communication resource employed by both the producers within the show and the participants is an example of a way of speaking available within the larger cultural context, frequently used to navigate public discussions of emigration. The communication practices used in the series are not just separate media techniques used to gain more viewers; they are one of many widely available local ways of communication, which the producers select exactly because it is locally accessible, widely used, and culturally familiar to the larger audience.

In addition to the way the two series are introduced, they differ in their focus, or coverage of the participants' stories and how Benatova links them back to the context in Bulgaria. The participants living in the United States provide information about their everyday lives in details and connect back to Bulgaria only when prompted by Benatova. The episodes are of about 15 minutes and focus exclusively on one individual's story, following them through their day and prompting with questions as to how they have succeeded. The episodes focus on variety of individuals. Each episode examines their daily life, the way they emigrated, what they consider to be success, and how the United States treats them as foreigners.

The majority of the episodes explore their work and daily interactions, and little time is spent on discussing whether they would return to Bulgaria (often a simple yes/no question). Any references to how things in Bulgaria are, whether they miss Bulgaria, and what it means to be Bulgarian are a small part of the episode, prompted by Benatova and not the emigrants themselves. The question about "brain drain" is framed by Benatova through the question "did someone drain the brains of Bulgaria or did she smugly let them slip away?" When they were asked about the emigration waves' impact on Bulgaria as a whole the participants responded with:

We produced unemployment then [referring to the socialist period].  
(NASA employee)

The color [top] of the nation left. Complete brain drain.  
(surgeon)

The brain [of the country] slipped out, it's over. The big question is now that we are gone, who will come to replace us.  
(Malincho.bg)

The episodes showing emigrants in the United Kingdom emphasized more differences between their chosen country and Bulgaria. Focusing

on several individuals, the episode even included conversations between emigrants from Bulgaria (particularly an argument over the “situation” in Bulgaria). More problematic instances as to “how the situation in Bulgaria is,” whether the situation would change, and what is causing “the situation” were included in the episodes following emigrants in the United Kingdom. For example, the episode began with Bulgaria being called an evil “stepmother, and not a mother,” and several participants emphasizing how “things [in Bulgaria] are getting worse and worse.” Later in the episode, the participants repeated the sentiment that in Bulgaria “all is nepotism (*shurobadganashtina*),” and that all the hard work in Bulgaria was not recognized and respected. One participant emphasized the differences between Bulgaria and the United Kingdom by stating that if you respected work and the rules, and worked hard, “declaring your taxes and not hiding them,” all institutions and laws protect you—an implicit assumption that in Bulgaria said institutions and laws did not protect workers. Another participant repeated the sentiment by explaining that she ran away from Bulgaria because of the way “the state (*dargavata*) is ran,” and where “the problem is those governing.” When attempting to explain why they left Bulgaria, a participant currently living in London highlighted that originally they moved to Spain, but soon, it became the same as Bulgaria, where “they give you little money, there’s no work, and they lie,” offering even the bad roads as an example of “how bad things are.”

Such framing and prompts toward comparing how different aspects between Bulgaria and the emigrants’ new country, as well as elaboration on what the Bulgarian “situation” is, are frequent in both series; however, the series that focuses on the United Kingdom and has larger communities of Bulgarians, especially ones who have left more recently, still travel often to Bulgaria, or predominantly interact with Bulgarians who have not emigrated, offer such comparisons, and engage in talk about the “situation” more frequently. Benatova further frames such statements with phrases such as “they ran away from Bulgaria, rather than were attracted by the other countries,” “is Bulgaria a[n evil] step-mother?” and “Bulgaria let the brains slip.”

### Cultural Propositions

Several cultural assumptions underlie the emigration discussions within this media broadcast:

- 1 Many “things” in Bulgaria are problematic: a large narrative of the “situation” in Bulgaria is consistently highlighted in the discourse.

The participants, as well as the series producers allude to “the situation” by references to “it,” *dargavata* (“the state”), or “things in Bulgaria.”

- 2 This “situation” in Bulgaria, or “things” are constructed as the problem that “chased Bulgarians away” from their own country.

Even though some participants left for purely economic reasons, the conversation within the series is often shifted toward the “situation” and the “state” (*dargavata*) as the culprit for why people left.

- 3 The “situation” encompasses a wide range of behaviors/individuals/structures that are in some way associated with *dargavata*, “the state,” and allude to political structures and behaviors linked to communism/socialism. The participants mention the road conditions, unable to grow within the fields they chose, the political system, the economy, the government, and hard work not being appreciated all under the label of *dargavata* (the “state”), which is “getting worse and worse.”

### Blaming the State

The presence of such common cultural assumptions, which are activated within a discussion about emigration, highlights that engaging in such talk as achieving something more than examining the topic of emigration literally. In this way, the television series focused on emigration did not merely offer stories of Bulgarians living abroad and the reasons why they would not return to Bulgaria. If this was the case, the series would offer suggestions as to what could be done to respond to such growing numbers of emigrants. Instead, the series (voiced by Benatova) seems to be enacting a type of talk familiar to the viewers, a talk that serves a more connotative function.

Within the series’ discourse, the cultural propositions formulated above can be made sense of if examined as parts of a ritualistic form.<sup>14</sup> Vague mentions of “things” and the “situation” in the country are alluded to indirectly, yet all participants engaged in the interaction seem to understand what the larger notion is (symbolic acts). Not one participant questioned or misunderstood what such “things” were. The acts followed a sequential form, where either comparison between “things” in Bulgaria and other countries, or general evaluative statements of the “state/country” were offered (correct performance). The sacred object celebrated through the enactments is the larger national identity (as a Bulgarian, one “knows” what the “situation” is), social relations (how Bulgarians are connected as linked through the “situation”), and how these are intricately connected to the understanding of the role of the state (*dargavata*). Through enacting “blaming the state” as a ritual communication form, the participants (including Benatova) are engaging in an ongoing negotiation of the larger cultural values and notions of who they are, proper action, and how to relate to each other: in this instance the ongoing struggle of brokering what is the role of the state in general and in everyday life—cultural milieu many post-socialist countries struggle with.<sup>15</sup>



Blaming one's state and government for perceived problems within the country is not a unique practice, whether in a ritualistic form or not, so what ties this specific "blaming of the state" and "Bulgarian-ness"? When engaging in talk about why a "proper Bulgarian" should leave Bulgaria, what is not explicitly mentioned is the shared unspoken cultural knowledge (widely accessible, and contextually rooted) of the local myth of the "Bulgarian situation" (socio-economic and political context) as a product of particular historical processes. Within popular discourse, the understanding of what is deeply "Bulgarian" is identified as the "Bulgarian mentality" (very similarly to what Todorova referred to as the "Balkan image" or *balkanism*): a cultural notion of ways of thinking and behaving as inseparable, where biology and behavior are bound within national boundaries.<sup>16</sup> This notion of a "mentality" was developed during the five centuries of Ottoman rule (1300s–1800s). It was further reinforced during the socialist rule after World War II as individual behaviors meant for self-preservation (from Turks or Party scrutiny) expanded into collective ways of living (dual economies and corruption under socialism) and into state policies and ways of governing that allowed (instead of punished) corruption and nepotism.<sup>17</sup> This larger cultural narrative of the formation and maintenance of such "mentality" is central for the understanding of a Bulgarian national identity, where the notion of the "mentality" is highlighted as synonymous to "problematic behaviors one cannot change" within present day public discourses. Therefore, as the "state" in discourses on emigration becomes the catchall for all similar problematic behaviors, by enacting "blaming" it can be understood as a meta-commentary on what it means to be a Bulgarian—bound by ways of thinking and behaving that are products of a specific socialist past.

## Premises

Within the enactment of "blaming the state," three prominent discursive hubs of meaning can be highlighted: identity, dwelling, and action.

- 1 Identity: The self is understood as a national identity (cognitive, yet within national borders) product of the larger context of socialism and Ottoman rule, where present behaviors and ways of thinking (the "mentality") were cultivated over time. As such, one either is part of the problem (playing into the problematic practices, having the "mentality") and stays in Bulgaria, or is not and thus leaves in search of a "better future."
- 2 Dwelling: Dwelling is culturally conceptualized as *dargavata*, or "the state" and the larger "Bulgarian situation," where "things are only getting worse and worse," and where people can rarely succeed. Thus, Bulgaria, the country, is perceived as a compilation of practices (behaviors) as well as a government entity (structure of governance), a legacy of the socialist period.

- 3 Action: The only proper action left then is to leave and seek success elsewhere, and if one stays in Bulgaria, they are part of the problem, playing into the problematic system of government and the “mentality.”

My analysis indicates that when engaging in a conversation about emigrating, the participants enact a ritualized “blaming of the state,” the main cultural purpose of which is not to define said state role (what *dargavata* should do in order to bring them back), but to renegotiate the larger cultural values and notions of who emigrants are and the symbolic spaces they inhabit. While being critical toward policies of one’s country is not a new phenomenon, the communicative resources it engenders across cultural groups and their functions vary.

When enacting this ritualized blaming, the focus is drawn away from what is literally said (personal choices for leaving) toward a larger metaphorical negotiation of who one is (Bulgarian-ness as related to the “mentality”), and the place they inhabit (the country as a “state” and the practices it embodies). As such, the ritualized blaming serves as a communicative resource that functions both on a practical everyday level to explain why one makes the decision to stay or leave the country, and on a larger cultural level, to re-evaluate and contest national conceptualizations of self, others, and the world around them.

### Implications and Significance

The television series “Miroluba Benatova Presents” utilizes a ritualized blaming of the state as one widely available communication practice within the larger local discourse on emigration. One function of such a communication practice, which appears to be culturally known by the participants within the community, is to make sense of their national identity in a changing context, their relationship to the state, and the rationale involved in the decision-making of whether to stay or leave their home country. When enacting this ritualized blaming, the focus is drawn away from what is literally said (reasons for staying or leaving, personal choices, and economic and/or social needs) and toward a larger metaphorical negotiation of who one is (with or without the “mentality”), how they ought to relate to each other and the state (the historical legacy of nepotism, work ethic, and governance), and what role choice plays in emigration (emigrating as morally preferred).

The larger socio-historic and economic context in Bulgaria has engendered a rich ground for long-lasting economic instability, profoundly entrenched nationalism shaped by geo-political uncertainty as to whether the country is part of Europe or not, and deeply cultural links to the land. This results in any migration being viewed as suspicious and as an object of public scrutiny. In addition to the long-lasting effects of the

2007 recession and the continuous struggle of the country to self-identify as a late-comer to the European Union, this suspicion makes emigration discourses frequent and highly contested. In this context, a widely accessible communication practice, such “blaming of the state,” can be used by emigrants to both emphasize economic reasons and the lack of stability (political, social, judicial) in Bulgaria that prompted them to emigrate and negotiate what it means to be a “Bulgarian” in relation to the state as a political entity. All the creative cultural maneuvering that is employed within such interactional positioning during discussions of emigration cannot be fully understood without being aware of the larger local narrative of the “Bulgarian situation”<sup>18</sup> (political context, economic instability, and behaviors, carried over from socialism), through which an intricate relationship between *dargavata* and Bulgarian-ness is culturally constituted through the notion of the “mentality.”

Despite the continuously large numbers of Bulgarians emigrating in the last 30 years, the country does not seem to be actively addressing the issues raised by said emigrants, whether through nuanced research or developing new remigration policies. Large areas within Bulgaria have lost all its population to emigration, prompting the term “people for rent” when describing the population as a whole. What are the implications when leaving the country is the culturally appropriate way of being “a good Bulgarian”? This chapter suggests that the contextual legacy of socialism, agriculture, Turkish occupation, and long economic instability seeps into deeply cultural communication practices and competes with productive political discourse that could lead to economic and social change.

## Notes

- 1 Council of Europe, *Recent Demographic Developments in Europe* (Strasbourg: Author, 1999).
- 2 World Population Prospects, United Nations, 2015, <https://esa.un.org/unpd/wpp/>.
- 3 Velina Topalova, “Europe and European Identity Concepts of Young Bulgarians,” in Petar-Emil Mitev (ed.) *Balkan Youth and Perception of the Other* (2000): 141–164; Neda Deneva, “The Role of Ethnicity in the Re-Construction of the Community: Internal and International Migration in a Bulgarian Muslim Village,” in A. Szczepanikova, M. Canek, and J. Grill (eds.) *Migration Processes in Central and Eastern Europe: Unpacking the Diversity* (2007). Prague: Multicultural Center: 20–24; Godfried Engbersen, Arjen Leerkes, Izabela Grabowska-Lusinska, Erik Snel, and Jack Burgers, “On the Differential Attachments of Migrants from Central and Eastern Europe: A Typology of Labour Migration,” *Journal of Ethnic and Migration Studies* 39, no. 6 (2013): 959–981; Aleksandrova, Boryana, “On a Pathway to a Global Society: The Role of States in Times of Global Migration-Implications for Bulgaria’s Handling of Syrian Refugees (2013–2014),” *Alternatives: Turkish Journal of International Relations* 13, no. 4 (2014): 28–40.

- 4 Magdalena Elchinova, "Migration Studies in Bulgaria: Scope, Experiences and Developments," *Anthropological Journal of European Cultures* 18, no. 2 (2009): 69–86; Dimitrina Mihaylova, "Reopened and Renegotiated Borders: Pomak Identities at the Frontier between Bulgaria and Greece," in T. M. Wilson and H. Donnan (eds), *Culture and Power at the Edges of the State* (2005), (Berlin: Lit), 155–190; Mila Mancheva, "Practicing Identities across Borders: The Case of Bulgarian Turkish Labor Migrants in Germany," in M. P. Smith and J. Eade (eds), *Transnational Ties: Cities, Migrations, and Identities. Comparative Urban and Community Research. Vol. 9* (2008), New Brunswick/London: Transaction Publishers, 163–182.
- 5 Vanya Ivanova, "Return Policies and (r)emigration of Bulgarians in the Pre- and Post-Accession Period," *Problemy Polityki Społecznej. Studia i Dyskusje* 31 (2015): 119–136.
- 6 Gerry Philipsen, "The Prospect for Cultural Communication," *Communication Theory* (Academic Press, 1987): 245–254. Cf. Erving Goffman, *Interaction Ritual: Essays in Face-to-Face Behavior* (Abingdon: Routledge, 2017) and Victor Turner, *From Ritual to Theatre: The Human Seriousness of Play* (New York: Paj Publications, 1982).
- 7 Ivanova, "Return Policies and (r)emigration of Bulgarians in the Pre- and Post-Accession Period."
- 8 Donal Carbaugh, "Cultural Discourse Analysis: Communication Practices and Intercultural Encounters," *Journal of Intercultural Communication Research* 36, no. 3 (2007): 167–182. Cultural discourse analysis, or CuDA, is an approach to studying communication as situated cultural practices within communities, developed by Donal Carbaugh within the larger fields of ethnography of communication, interactional sociolinguistics, and cultural communication. Both a methodology and a theoretical framework, CuDA examines communication practices within everyday contexts and the meanings participants activate when enacting such communication practices—meanings of identity and personhood, dwelling and their surroundings, social, relations, emotions, and action. The underlying premises that guide this framework are based on an understanding of communication as drawing on local systemic means of expression, which entail deeply cultural meanings, where communication is the site of local meaning-making.
- 9 Philipsen, "The Prospect for Cultural Communication," 245–254; Philipsen, *Speaking Culturally: Explorations in Social Communication* (Albany: SUNY Press, 1992).
- 10 Miroluba Benatova, *Miroluba Benatova Presents* [online content], 2015, <https://nova.bg/news/subcategory/42/миролюба-бенатова-представя/>.
- 11 Richard Bauman and Joel Sherzer, "The Ethnography of Speaking," *Annual Review of Anthropology* 4, no. 1 (1975): 95–119; Mary Bucholtz and Kira Hall, "Identity and Interaction: A Sociocultural Linguistic Approach," *Discourse Studies* 7, no. 4–5 (2005): 585–614; James Carey, "A Cultural Approach to Communication," in J. W. Carey, *Communication as Culture* (Boston, MA: Unwin Hyman: 1989[1975]): 13–36; Gerald W. Creed, "The Politics of Agriculture: Identity and Socialist Sentiment in Bulgaria," *Slavic Review* 54, no. 4 (1995): 843–868; Chris Hann, Caroline Humphrey, and Katherine Verdery, *Postsocialism: Ideals, Ideologies and Practices in Eurasia* (Abingdon: Routledge, 2002): 1–28; Dell H. Hymes, "The Ethnography of Speaking," in *Anthropology and Human Behavior*, eds. T. Gladwin & W. Sturtevant (Washington, DC: Anthropological Society of Washington, 1962), 13–53; Clifford Geertz, "Thick Description: Toward an Interpretive Theory of Culture," In *The Cultural Geography Reader*, eds. Patricia L. Price and Tim Oakes (Abingdon: Routledge, 2008), 41–51; Katherine Verdery, *What was Socialism, and what Comes Next?* (Princeton: Princeton

- University Press, 1996); John J. Gumperz, *Discourse Strategies*, Vol. 1. (Cambridge: Cambridge University Press, 1982).
- 12 Donal Carbaugh and Tovar Cerulli, "Cultural Discourse Analysis," *The International Encyclopedia of Intercultural Communication* (2017): 1–9.
  - 13 Sotirova Nadezhda, "The 'Bulgarian Situation': Constructing the Myth of a 'national mentality' in Bulgarian Discourse and Its Effect on Agency," *Journal of Balkan and Near Eastern Studies* 20, no. 6 (2018): 564–577.
  - 14 Philipsen, "The prospect for cultural communication."
  - 15 Katherine Verdery, *What Was Socialism, and What Comes Next?* (Princeton: Princeton University Press, 1996).
  - 16 Maria Todorova, *Imagining the Balkans* (Oxford: Oxford University Press, 2009).
  - 17 Sotirova, "The 'Bulgarian situation.'"
  - 18 Ibid.

# 11 DREAMer Narratives

## Redefining Immigration, Redefining Belonging

*Svilen V. Trifonov*

### Introduction

The plight of undocumented immigrants, especially those who came to the United States as minors, has become one of the most dramatic tests of how rhetoric can challenge normative logics of citizenship, belonging, and personhood. Once seen as a faceless population of people living in the shadows, undocumented immigrant youth in the early 21st century, better known as DREAMers, began to speak up, reveal their undocumented status, and protest the ever-expanding US immigration enforcement apparatus. Indeed, the DREAMers are arguably the best-known and most vocal group in the broader population of undocumented immigrants in the United States. Many of them were brought across the border by their parents, and many speak of their experiences growing up in the United States as cultural insiders and as members of society.

In this chapter, I examine two DREAMer narratives which complicate the dominant understanding of immigration as grounded in the logics of family values, cultural belonging, and the acceptance of a new homeland. In recent years, two contrasting strategies of identification and disidentification emerged in the rhetoric of DREAMer activists. The strategy of identification has been deployed as an appeal for inclusion by DREAMers who use self-disclosure and storytelling to stress their innocence, assimilation, and achievement.<sup>1</sup> This narrative of the “perfect DREAMer” has become a source of tension for some undocumented immigrant activists, who realized that upholding the normative expectations of innocence, assimilation, and achievement tends to villainize their parents or other “less-deserving” undocumented immigrants.<sup>2</sup> But even those DREAMers who adopt this strategy of disidentification to (re)define their identity often fail to critically challenge or deconstruct traditional understandings of citizenship and belonging.<sup>3</sup> Fanny Lauby observes that narratives of the “perfect DREAMer” remain “at the center of mobilization for immigrant rights.”<sup>4</sup> Emily Ironside and Lisa Corrigan similarly observe that despite their “access to public debate on the rhetorical concept of citizenship and despite the opportunity to revise the American identity to include multiracial and multinational

characteristics, DREAM Act activists adopt the dominant markers of an exclusionary nationalist American identity.”<sup>5</sup>

It appears, then, that DREAMer rhetorics of inclusion tend to uphold citizenship as an institution that “indexes legal status and political rights but also refers to one’s inclusion in a sociocultural and imagined community.”<sup>6</sup> It is the contention of this chapter that examining the contrasting strategies of identification and disidentification in the rhetoric of undocumented immigrant youth allows us to pursue richer understandings of the material realities of immigration and networked relations of belonging. The clashing, but sometimes intertwining, strategies of identification and disidentification problematize the tendency to see the presence of family and the notion of belonging as conditions for immigration and as requirements to establish “cultural citizenship.”

Cultural citizenship is, according to Aihwa Ong, “a dual process of self-making and being-made within webs of power linked to the nation-state and civil society.”<sup>7</sup> My analysis of the speeches of two undocumented immigrant women illustrates this dual process of “self-making” through one’s individual rhetoric and of “being-made” through the cultural, political, economic, and social aspects of the regime of governmentality in the nation-state. I approach their speeches as rhetorical fragments in the broader sociopolitical context and cultural conversation about immigration, belonging, and citizenship in 21st century United States. Rhetoric is a form of discursive practice which seeks to define, contest, and redefine social reality through the use of symbols and language, thus becoming our equipment for living.<sup>8</sup> Choosing to analyze the speeches of undocumented immigrants, I follow Karlyn Kohrs Campbell’s call to rhetorical critics to go beyond documenting the history of major political events, and to instead survey “the full range of symbolic strategies employed by highly diverse speakers throughout American history.”<sup>9</sup> Using the method of rhetorical criticism, this chapter stresses the role of public discourse, in the form of the Technology Entertainment Design (TED) talk, to simultaneously shape perceptions of immigrants and help immigrants define their own identity and place in society.

Leezia Dhalla and Rossy Evelyn Lima revealed their stories as undocumented immigrants at TEDx conferences, presenting disparate ideas about the immigrant identity, the place of immigrants in the national community, and, ultimately, about what cultural citizenship looks like. As such, they rely on the more conventional method of public address, using college campuses to “educate about their plight; advocate for relevant policies and laws.”<sup>10</sup> Working within the constraints of TEDx format, the two women use a schematized and scripted format to reach broader audiences in an effort to inspire social change.<sup>11</sup> Their speeches exhibit characteristics of the emergent genre of the TED Talk, as they “orient and conventionalize communication and they create the very stage upon which identity and community building takes place.”<sup>12</sup> Their speeches



are also characterized by the personal narrative style, which has become a powerful rhetorical tool in protest discourses.<sup>13</sup> My analysis extends the argument that vernacular rhetorics of protest don't always resist the dominant logics of citizenship,<sup>14</sup> but instead may naturalize aspects of the "American Dream" myth,<sup>15</sup> fail to problematize the system of citizenship itself,<sup>16</sup> and uphold the dominant neoliberal characteristics of the very discourse they oppose.<sup>17</sup>

The speeches of the two women illustrate an internal conflict of the DREAMer movement that creates a point of contention among immigrant activists and belies efforts to realize their coalitional potential. Beneficiaries of President Obama's Deferred Action for Childhood Arrivals (DACA) program, Leezia Dhalla and Rossy Evelyn Lima represent two almost opposite realities of the undocumented immigrant youth experience. Leezia Dhalla's rhetoric exemplifies the strategy of identification and the tendency of some DREAMers to present themselves as innocent, assimilated, and achieving immigrants who grew up with their families in the United States as their home. Dhalla's argument for belonging is grounded in her acceptance of the United States as her cultural homeland and in her close ties with family. In contrast, Rossy Evelyn Lima narrates her experience as a border-crosser who left her homeland and most of her family in search of a better life in the United States. Lima disrupts the normative discursive frames of immigrant innocence, achievement, and assimilation, using the strategy of disidentification to disrupt the underlying assumptions of immigration and what it means to belong in contemporary nation-states.

In the following section, I demonstrate how the two women present clashing visions of belonging and inclusion, as they engage with the established narrative themes of innocence, assimilation, and achievement, offering two contrasting enactments of cultural citizenship.

### **Belonging in the Narratives of DREAMers**

Leezia Dhalla is the daughter of Canadian immigrants. In her story, she stresses that she "came here legally" but unknowingly overstayed her visitor visa. Economic hardship prompted her father to move from Canada to the United States for work, leaving his wife and daughter in Canada, later helping them apply for non-immigrant visitor visas.<sup>18</sup> The story of Dhalla's family journey as immigrants resembles narratives about US immigration from the 18th and 19th centuries, when German, Italian, and Irish men would make the transatlantic voyage to America to seek economic opportunity and later pay for their families to join them in the New World.<sup>19</sup> As such, she uses allusion to previous generations of immigrants and the trope of the immigrant journey to create consubstantiality between contemporary undocumented immigrants and the mythically celebrated immigrants from Northern Europe.

Dhalla stresses assimilation as a key requirement of US immigration, arguing, “I feel American, I always have.”<sup>20</sup> She invokes the mythical greatness of “our founding fathers” who believed in the American Dream, reminding her audience that none of them were “born American”; instead “they all became American.”<sup>21</sup> Doing so, she questions US American citizenship as a status attribute; instead, presenting it as a process of becoming and assimilation. She documents her personal assimilation as evidence of her cultural citizenship, such as learning the pledge of allegiance, the words to the Star-Spangled Banner, wearing cowboy boots, and learning how to square dance. For Dhalla, cultural citizenship is intrinsically tied to cultural assimilation, showing her willingness to adhere to the dominant norms of US society. Her narrative illustrates Anne Demo’s argument that “the sole prerequisite for assimilation in the twenty-first century has become our identification with and enactment of American dream ideology.”<sup>22</sup>

Establishing her cultural belonging and assimilation, retelling her family’s story of “becoming American,” she engages the narrative theme of immigrant innocence, which allows her to distance herself and her family from the image of the “illegal” immigrant, and to attempt to correct common misconceptions and pejorative depictions of “those illegal aliens,” who are “criminal,” who take “our jobs,” and who “don’t even speak English.”<sup>23</sup> She emphasizes that her father came to the United States legally, that she was brought to the country legally, and that her family had filled the paperwork, had paid the fees, and had 20-year track record of paying taxes in the United States. She further adds that “about half of the undocumented population came here without authorization, there is no record of them having crossed the border,” while “the other half, including myself, we came here legally.”<sup>24</sup> Using her experience as a model, she seeks to evoke empathy by presenting herself as the “right” kind of immigrant, as the one who has successfully assimilated into American-ness, and the one who embodies and recreates the founding myth of a “nation of immigrants.” Perhaps unintentionally, Dhalla’s repeated reminders of her legal arrival and cultural belonging function rhetorically to present her as someone who deserves a path to citizenship, while diminishing the claims of those who crossed the border illegally.

Dhalla’s cultural belonging and assimilation as “the good immigrant” are the backdrop for her dramatic realization of “a reality that wasn’t mine, until suddenly it was,” that she was one of “those illegal aliens.”<sup>25</sup> Dhalla crafts a dramatic narrative of how her American life was disrupted by the burden of being undocumented. Her story is about the shock of something that was not supposed to happen to her. As she absolves her parents of blame, stressing how they played by the rules, she once again insinuates they did not deserve to be lumped into the “illegal” status since they had done everything in their powers to become

American. She completes her speech with an appeal to the audience: “somewhere in your lineage someone took a leap of faith to come into America and they gave you the chance to fulfill your dreams (...) will you please help me fulfill mine?”<sup>26</sup> Even her appeal to the American Dream is individualized and based on her deserving a path to citizenship.

Indeed, Dhalla’s advocacy for a path to citizenship relies on an immigrant’s innocence and capacity to assimilate. In the process, she implicitly validates the idea that some “illegal” immigrants do not have the same claim to inclusion as she does. Even as she decries the politics that ignore the lives of 11 million immigrants without papers, she repeatedly emphasizes the need for a path to citizenship for “people like me, who were brought here when we were children.”<sup>27</sup> Her rhetoric is an example of what Lisa Marie Cacho critiques as the tendency to ascribe human value differentially, explaining that “when we distinguish ourselves from unlawful and outlawed status categories, we implicitly insist that these socio-legal categories are not only necessary but should be reserved” for people who are “genuine” breakers of immigration law.<sup>28</sup> Overall, Leezia Dhalla’s powerful narrative, with its appeals to liberation and inclusion, works as a double-edged sword in its effort simultaneously to protest and celebrate the structures that exclude her as an undocumented immigrant.

In contrast, Rossy Evelyn Lima offers an example of an immigrant experience that escapes the logics of the “deserving” DREAMer. In 2015, Lima spoke at a TEDx event in McAllen, Texas, sharing her story as an undocumented immigrant. Unlike Dhalla, Lima rhetorically enacts her belonging and cultural citizenship without appealing to the dominant themes of immigrant assimilation, innocence, or achievement. She begins her story with a short poem describing the US-Mexico borderlands, and then continues with a vivid description of her border crossing at the age of 13. Noteworthy in the story is the feeling of trepidation, uncertainty, and danger, as Lima and her mother ran across the border:

We ran. Pushing aside thorns and branches with our pierced hands, with our backs arched to pass through the wilderness. I was so thirsty. My eyes wide open. Feeling my heart pound all over my entire body. For a moment I thought my legs were going to give up. But the thought of my mother slowing down for me and getting caught kept me running. The Border Patrol was at a visible sight. We heard the door of the van close, but we didn’t look back.<sup>29</sup>

The dramatic narrative of Lima’s experience stands in contrast to Dhalla’s immigrant journey. Unlike Dhalla, whose father applied for her tourist visa, Lima’s story of arrival reveals the stigma of illegality as she paints a picture of the dangerous act of border crossing. Lima explains how the event of her illegal border crossing represented and defined who

she was as a person: “the stranger, the foreigner, the immigrant who does not belong.”<sup>30</sup> Lima’s experience as the immigrant-stranger is characterized by her struggle to adapt to a new culture and by the fear of being arrested. She uses the story to describe the damaging impact of illegality on immigrants’ sense of identity and personhood.

Lima details the numerous times and ways the border traveled with her to create obstacles for her future. Recalling the imagery of her initial border crossing, Lima speaks about her college applications: “I saw my path become a border filled with thorns and branches, with the reminder that I was still a foreigner, that I did not belong.”<sup>31</sup> Rather than appeal to the logics of assimilation and belonging to US American culture, Lima chooses to define herself as an educator and an advocate, thus refusing to allow her “illegal” status to define her identity. Lima reframes her undocumented status as an opportunity, noting that “the struggling experiences I faced as an undocumented immigrant were at times terribly frightful and painful, yet they have shaped who I am, and my experience as an immigrant writer.”<sup>32</sup> Pursuing her dream to become a university professor, Lima details her involvement in the development of college programs that promote education for young people regardless of their legal status. She speaks of the experience as a way to “take an active role in a society where I had been invisible.”<sup>33</sup> This way, achievement is presented as a rhetorical enactment of citizenship based around civic duties and acts, rather than the ascribed rights and privileges of formal citizenship.<sup>34</sup>

Lima’s story contradicts Leezia Dhalla’s experience of growing up as a cultural insider and as someone who “belongs.” In Lima’s immigrant experience, in which she reminisces about her home and the “family we have been unable to hug again, the ones we couldn’t say goodbye to,” one does not need to abandon their culture or family ties in order to become an American.<sup>35</sup> This allows for a more complex immigrant identity, not limited to idealized narratives of belonging. Lima rhetorically offers a mode of civic engagement in which “we are immigrants when we decide to cross the threshold, to follow our dreams, to fulfill our destiny despite our situation,” rejecting the binaries of legal and illegal, deserving and undeserving, immigrant and citizen.<sup>36</sup>

She concludes her story, claiming that “we are all immigrants, overcoming obstacles, and deciding to reinvent ourselves in a new world,” adding that “we are immigrants in the unknown territory of what lies ahead, breaking our literal and metaphorical borders,” reminding her audience that “as long as you have a dream, everything will be just fine. *Todo estará bien.*”<sup>37</sup> Lima’s model of “dreaming” is a way of thinking about belonging and citizenship that rejects the dominant idea of citizenship as status and reframes citizenship as a mode of enactment: “we define who we are with our actions, and not with a label.”<sup>38</sup> Lima does not appeal for inclusion into the institution of nation-state citizenship.

She promotes a kind of cultural citizenship in which individuals define their sense of belonging by resisting normative webs of power that create legal/illegal subjectivities.

## Conclusion

As rhetorical enactments of cultural citizenship, the two speeches illustrate the persuasive powers of individual immigrant narratives but also offer competing visions of immigrant inclusion and immigrant identity. Rosy Evelyn Lima's approach relies on a rhetoric of difference that subverts the legal/illegal binary and reaches outside literal and metaphorical borders of identity, promoting a cosmopolitan version of cultural citizenship as an alternative to legal citizenship in the nation-state.<sup>39</sup> In contrast, Leezia Dhalla uses experiential reasoning to personally distance herself from the "illegal" image. Even as she advocates for immigration policy reform, Dhalla pleads with her audience to help her fulfill *her* American Dream, revealing the self-serving nature of her appeal as the deserving, innocent, and Americanized immigrant. Her speech illustrates that experiential reasoning works effectively to support the appeals for inclusion of some immigrant youth, but it problematically reifies the criterion of the "deserving" immigrant grounded in the narrative themes of innocence, assimilation, and economic achievement. Indeed, undocumented immigrant youth like Dhalla have utilized the themes to facilitate their personal enfranchisement to protest their individual exclusion from the myth of the American Dream, while simultaneously validating its premises and embedded logics of inclusion/exclusion.<sup>40</sup>

Ultimately, their contrasting personal narratives and strategies of identification and disidentification point to "the central dilemma of emancipation: does one concentrate on making the escape or on denying that the escape needs to be made?"<sup>41</sup> The two contrasting DREAMer discourses presented here illustrate that undocumented immigrant youth have not always made the "drastic shift" in departing from the themes of assimilation, achievement, and innocence.<sup>42</sup> Their disparate enactments of cultural citizenship help us see that personal liberation and empowerment don't always create coalitional potential as undocumented youth continue to define inclusion and belonging in different ways.

From an organizing perspective, Lauby is right to point out that activists must "pay attention to tension created by the degree of exclusivity of the narratives they use and the need to expand their coalition of support."<sup>43</sup> As the political debates about undocumented immigrants continue, the movement of DREAMers would need to go beyond the affective dimension of storytelling and organize around a coherent plan of action against a political regime determined to deport them and their families. In the process, DREAMers would also need to address the internal disparities and challenges arising from their dual identity,

politically as DREAMers and culturally as Americans, and the competing understandings and embodiments of citizenship that this dual identity invites.

## Notes

- 1 Walter Nicholls, *The DREAMers: How the Undocumented Youth Movement Transformed the Immigrant Rights Debate* (Stanford, CA: Stanford University Press, 2013).
- 2 Tania A. Unzueta Carrasco and Hinda Seif, "Disrupting the Dream: Undocumented Youth Reframe Citizenship and Deportability through Anti-Deportation Activism," *Latino Studies* 12, no. 2 (2014): 279–299.
- 3 Megan E. Morrissey, "A DREAM Disrupted: Undocumented Migrant Youth Disidentifications with US Citizenship," *Journal of International and Intercultural Communication* 6, no. 2 (2013): 153.
- 4 Fanny Lauby, "Leaving the 'Perfect DREAMer' Behind? Narratives and Mobilization in Immigration Reform," *Social Movement Studies* 15, no. 4 (2016): 379.
- 5 Emily Ironside and Lisa Corrigan, "Constituting Enemies through Fear: The Rhetoric of Exclusionary Nationalism in the Control of 'Un-American' Immigrant Populations," in *The Rhetorics of US Immigration: Identity, Community, Otherness*, ed. E. Johanna Hartelius (University Park: Pennsylvania State University Press, 2015), 173.
- 6 J. David Cisneros, *The Border Crossed Us: Rhetorics of Borders, Citizenship, and Latina/o Identity* (Tuscaloosa: The University of Alabama Press, 2014), 5; on imagined communities, see Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983).
- 7 Aihwa Ong, "Cultural Citizenship as Subject-Making: Immigrants Negotiate Racial and Cultural Boundaries in the United States," *Current Anthropology* 37, no. 5 (1996): 738; for further discussion of cultural citizenship, see William Flores, "New Citizens, New Rights: Undocumented Immigrants and Latino Cultural Citizenship," *Latin American Perspectives* 30, no. 2 (2003): 295–308; Renato Rosaldo, "Cultural Citizenship in San Jose, California," *Polar* 17, no. 2 (1994): 57–64.
- 8 Dilip Gaonkar, "Object and Method in Rhetorical Criticism: From Wichelns to Leff and McGee," *Western Journal of Speech Communication* 58, no. 3 (1990): 258–295, doi:10.1080/10570319009374344.
- 9 Karlyn Kohrs Campbell, "Book Reviews: The Sound of Women's Voices," *Quarterly Journal of Speech* 75, no. 2 (1989): 214, doi:10.1080/00335638909383873.
- 10 Hinda Seif, "'Unapologetic and Unafraid': Immigrant Youth Come Out From the Shadows," *New Directions for Child and Adolescent Development* 134 (2011): 69–71.
- 11 Tobias Denskus and Daniel Esser, "TED Talks on International Development: Science Communication, 'Digital Solutionism' and Social Change," *Social Science Research Network* (2015), doi:10.2139/ssrn.2467192.
- 12 Julia Ludewig, "TED Talks as an Emergent Genre," *CLCWeb: Comparative Literature and Culture* 19, no. 1 (2017): 3, doi:10.7771/1481-4374.2946.
- 13 Francesca Polletta, "Storytelling in Social Movements," in *Social Movements and Culture*, ed. Hank Johnston (New York: Routledge, 2016), 31–53.
- 14 Claudia A. Anguiano and Karma R. Chávez, "'DREAMers' Discourse: Young Latino/a Immigrants and the Naturalization of the American Dream,"

- in *Latina/o Discourse in Vernacular Spaces*, eds. Michelle A. Holling and Bernadette M. Calafell (Lanham, MD: Lexington Books, 2011), 83; also see Bernadette Calafell and Fernando Delgado, "Reading Latina/o Images: Interrogating *Americanos*," *Critical Studies in Media Communication* 21, no. 1 (2004): 1–21; Kent Ono and John Sloop, "The Critique of Vernacular Discourse," *Communication Monographs* 62 (1995): 20–46.
- 15 Anguiano and Chávez, "DREAMers' Discourse."
  - 16 Morrissey, "A DREAM Disrupted."
  - 17 Beth Baker-Cristales, "Mediated Resistance: The Construction of Neoliberal Citizenship in the Immigrant Rights Movement," *Latino Studies* 7 (2009): 60–82.
  - 18 Leezia Dhalla, "Hiding in Plain Sight – My Life as an Undocumented Immigrant," transcribed from: [www.youtube.com/watch?v=tBoBC3nBoFs](http://www.youtube.com/watch?v=tBoBC3nBoFs).
  - 19 Oscar Handlin, *The Uprooted: The Epic Story of the Great Migrations that Made the American People* (Philadelphia, PA: University of Pennsylvania Press, 2002).
  - 20 Dhalla, "Hiding in Plain Sight."
  - 21 Ibid.
  - 22 Anne T. Demo, "The Class Politics of Cultural Pluralism: Presidential Campaigns and the Latino Vote," in *Who Belongs in America? Presidents, Rhetoric, and Immigration*, ed. Vanessa B. Beasley (College Station: Texas A&M University Press, 2006), 266.
  - 23 Dhalla, "Hiding in Plain Sight."
  - 24 Ibid.
  - 25 Ibid.
  - 26 Ibid.
  - 27 Ibid.
  - 28 Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012), 18.
  - 29 Rossy Evelyn Lima, "Undocumented Dream," Transcribed from: [www.youtube.com/watch?v=eqVGvfUnkgM](http://www.youtube.com/watch?v=eqVGvfUnkgM).
  - 30 Lima, "Undocumented Dream."
  - 31 Ibid.
  - 32 Ibid.
  - 33 Ibid.
  - 34 Robert Asen, "A Discourse Theory of Citizenship," *Quarterly Journal of Speech* 90, no. 2 (2004): 191.
  - 35 Lima, "Undocumented Dream."
  - 36 Ibid.
  - 37 Ibid.
  - 38 Ibid.
  - 39 Rosaldo, "Cultural Citizenship in San Jose;" Ong, "Cultural Citizenship as Subject-Making."
  - 40 See Anguiano and Chávez, "DREAMers' Discourse."
  - 41 John Greville Agard Pocock, "The Ideal of Citizenship since Classical Times," in *The Citizenship Debates*, ed. Gershon Shafir (Minneapolis: University of Minnesota Press, 1998), 34.
  - 42 Unzueta Carrasco and Seif, "Disrupting the Dream," 288.
  - 43 Lauby, "Leaving the 'Perfect DREAMer,'" 384.



# 12 Indigenous Sovereignty and Nationhood

## The Standing Rock Movement

*Mahuya Pal and Ryan A. D'Souza*

### Introduction

Sovereignty is a particularly significant concept within indigenous discourses that signifies the multiplicities of legal and social rights to cultural, economic, and political self-governance. The utility of the concept is central to the organization of social movements, and the articulation of political agendas for decolonization and social justice.<sup>1</sup> Sovereignty complicates global indigenous efforts that challenge ongoing experiences of colonialism while re-claiming cultural knowledge, practices, resources, and specific territories. Indigenous struggles involving indigenous/local/rural modes of resistances are characterized by their relationality and embeddedness within multiple fields of power.<sup>2</sup> Some of these fields of power, in addition to the sovereign state, include the global neoliberal agenda that marginalizes indigenous lives and voices, and the academic knowledge production steeped in European epistemologies that reduces indigenous ecological living as peripheral.

Indigenous struggles over land and resources continue to proliferate across the world with the implementation of institutional reforms under the aegis of neoliberalism—a framework that has established organizational forms of power to sustain colonial modes of development in the global economy.<sup>3</sup> In this chapter, we draw upon postcolonial studies to understand the counter-hegemonic potential of indigenous struggles. We focus specifically on the discursive and material practices of the Standing Rock Movement to explore how nationhood is/was imagined by this movement in terms of indigenous assertions of sovereignty. This is particularly important because challenging dominant constructions of nationhood challenges a nation's sense of itself. Drawing attention to indigenous discourses of sovereignty in this context speaks to the interest of democracy and social justice.

With insights from postcolonial studies, we conduct a thematic analysis of the accounts available on the Facebook page of Standing Rock Sioux Tribe because our goal is to understand how the Sioux Tribe pose challenges to the neoliberal order by articulating what it means to belong to the state from their local perspective. First, however, it is important

to understand how postcolonial studies overlap with indigenous studies. Settler colonialism, a distinct form of colonialism, occurs when indigenous populations are taken over by an invasive settler society that, over time, establishes a distinct identity and sovereignty.<sup>4</sup> Settler agents permanently occupy indigenous lands erasing them systematically through claims of state sovereignty and subsequent juridical control over their lands.<sup>5</sup> It is this permanent occupation that makes settler colonialism rather unique from other modes of colonialism. The goal in settler colonialism is not merely to maintain colonial structures but establish the settler collective as invincible and supreme.

Even though the category of indigeneity intersects with analyses of colonization, postcolonial studies have not adequately engaged with local issues of coloniality within North America. “In particular, and despite some notable exceptions, relatively little has been said about whether and how the colonization of American Indians and other indigenous peoples might fit within the postcolonial frame.”<sup>6</sup> The authors point out that indigeneity disrupts the logics of colonialism and questions Euro-American constructions of self, nation-state, and subjectivity—issues that have been the purview of postcolonial studies as well. Those constructs pose ontological and epistemological challenges for and in indigenous studies as they do for and in postcolonial studies. Moreover, self, nation-state, and subjectivity erase indigenous perspectives completely, especially within the juridical exercises of colonialist power that “deploy and constrain sovereignty as justification for land dispossession.”<sup>7</sup> Hence, the two intellectual traditions engage with the struggle between colossal colonial power and resistant actors, and both are committed to the politics of subordinated groups, and to developing alternative national imaginaries. While postcolonial studies bring forth a critique of uneven national development, indigeneity “holds the promise of rearticulating and reframing questions of place, space, movement and belonging.”<sup>8</sup> We attempt to bring the two traditions in conversation with each other in this chapter and try to understand how colonization of American Indians fit within the postcolonial frame.

The study takes a reflexive stance in its analysis with the understanding that the authors are not Native Americans. We situate ourselves critically in this research as part of our struggle to foreground indigenous knowledge. We ultimately hope that local meanings promise to offer an alternative imaginary for the organizing principles of social life that are not rooted in the exclusionary principles of the neoliberal order.

The multi-billion dollar, 1,800-km Dakota Access Pipeline project of the Texas-based Energy Transfer Partners in the United States has been set up to transport about 570,000 barrels of crude oil from the oil-rich Bakken Shale in North Dakota to Illinois. As the pipeline is meant to be laid underneath the Missouri River, it threatens to contaminate

the primary source of drinking water of the Sioux tribal nations.<sup>9</sup> The pipeline also threatens to desecrate a sacred tribal burial ground.<sup>10</sup> The project gained international attention in late 2016 with a momentous resistance movement of the indigenous people from the Standing Rock Indian Reservation, and the outpouring of support they garnered for their land and water protection.<sup>11</sup> They were joined by thousands of protestors, including Native peoples from across the world. Nevertheless, while the outbound Obama administration had blocked construction of the pipeline honoring the demands of water protectors, the Trump administration reversed that decision soon after winning elections.<sup>12</sup>

By critically reading the narratives of the Standing Rock Movement through the lens of postcolonial studies, we aim to understand the inscription of unequal relations of colonial rule in the new global order. The radical agenda of postcolonial studies is to challenge the unquestioned sovereignty of Western categories—cultural, economic, epistemological, political, social.<sup>13</sup> Working with these categories, we aim to demonstrate how dominant conceptions of land and property rights colonize indigenous lives by defining what/who may belong to a nation, and thus help to sustain politics of exclusion.<sup>14</sup> A postcolonial engagement with indigenous struggle such as the Standing Rock Movement situates their organizing in opposition to the state-market nexus, and demonstrates how imperial patterns are reproduced under colonial forms of development. Because sovereignty from a postcolonial perspective entails recovering culture, land, language, resources, and, most importantly, human dignity that have been erased by colonial practices, it is important to understand how indigenous groups recover their sovereignty. Pursuit of sovereignty is a pursuit of possibilities.<sup>15</sup>

Understanding indigenous discourses of governance and culture through lens of sovereignty requires unpacking the historical conditions and social forces at each moment when it is invoked.<sup>16</sup> Following Barker, we ask: how do those forces cohere? How do universal neoliberal discourses write over local indigenous specificities? How do schemes of representation, media ecologies, and material conditions keep indigenous communities on the peripheries of the nation and how are those conditions challenged? What kinds of identities do they claim and assert? What decolonizing actions and discourses do they undertake to demand inclusion? We interrogate these questions in this chapter and bring forth an understanding of indigenous sovereignty and nationhood as demanded by the Standing Rock Movement. Standing Rock's articulation of a specifically indigenous iteration of sovereignty reshapes dominant conceptions of nationhood and gesture toward questions of greater democracy. In other words, demands for right to self-determination and self-government offer to deepen democracy because democracy is a value, a practice that promotes, protects, and respects human rights.<sup>17</sup>

## Claims of Indigenous Sovereignty

Indigenous peoples' sovereignty is intricately connected to wider decolonization projects.<sup>18</sup> Understanding indigenous knowledge is recognizing how indigenous sovereignty is reflected over cultural meanings, epistemologies, and nature.<sup>19</sup> We aim to explore some of the indigenous claims of sovereignty articulated by members of the Standing Rock Sioux Tribe that remain in opposition to dominant claims of settler-state sovereignty. The history of settler colonialism is one of deterritorialization and reterritorialization, where nationhood does not afford everyone the benefits of state sovereignty. The Standing Rock Indian Reservation is one such site where people live under threat of internal colonialism marked by resource extraction and a politics of exclusion. They experience dual mechanics of exclusion such that at once they are removed from the everyday functioning of the sovereign state because they challenge its legitimacy, yet they are sought for the resources they provide for the functioning of the state.<sup>20</sup> With the dominance of neoliberal policies, it is important for transnational corporations to identify these states of exceptions where law can be suspended for the business expansion to continue.<sup>21</sup> The process of accumulation by state and market actors is accompanied by dispossession of indigenous communities who remain powerless in their own land to determine their own future. So, how are the people of Standing Rock Sioux Tribe resisting? What are their narratives? What are their modes of organizing? What are their claims of sovereignty? In our analysis, their relationship with nature, their concern for future, and their perspectives on consent emerge as the main themes.

Prayerful and peaceful, the Standing Rock Movement demanded justice and joined the global indigenous struggle against broken treaties, centuries of injustice, and displacement from their own land. Even though treaties are meant to be constitutional, retraction of treaties in the United States has become common to the point where it is not questioned any more. At an immediate level, the movement was against the construction of a 1,172-mile oil pipeline by the natural gas pipeline operator that would demolish what the tribe call their *sacred sites*. They also wanted to protect the Missouri River, the primary water source of the Standing Rock Reservation, from a potential pipeline leak. However, at a broader level, as NPR reports, this is a centuries-old resistance of indigenous people fighting to protect not just *their* land but *the* land.<sup>22</sup> This is the gist of the context of the Standing Rock Sioux Tribe's movement that gets constructed on their Facebook page. We will now move on to elucidating our themes.

The most prominent message of the movement—Mni Wiconi (Water is life)—communicates the importance of protecting water. The cultural relationship Native Americans have with water comes alive on social media with abundant messages on water preservation. A post along with

a video of sublime blue water says, “What waters are sacred to you? The river, the lake, the ocean, the pond, in a glass, a waterfall, the clouds? Here’s some of ours over at Lake Oahe!”<sup>23</sup> The post continues: “Water is what unites humanity, it’s what the next generation needs greatly, and we know there are millions supporting us globally as we say #NoDAPL with fierce determination... .” Another narrative on a video link historicizes the fight for water:

Our grandmothers have always told us how sacred our water is. First, it carries us, then everyday it gives us life. On its journey to the ocean, the Mississippi river provides for 18 mn people and countless relatives who run, fly, and swim in its abundance. Fossil fuel pipelines have desecrated our indigenous lands. It is our sacred duty to protect it. This would go through the heart of our cleanest waters, wild rice beds, and 1855 Treaty Territories.

Such narratives reveal local knowledge and spiritual meanings passed down through generations. It is a deeply culturally rooted relationship with water. Recognizing water as sacred and central to the life world of broader humanity and the larger ecology presents an indigenous ontology that is paradoxical to the neoliberal framework where value of nature is determined by market metrics. Therefore, members of the Standing Rock Sioux Tribe calling themselves *water protectors* rather than protestors have a profound ontological meaning—the meaning that gets lost in the modern Eurocentric structure.

The repertoire of symbols and messages conjures up a similar sentiment for land. The Standing Rock Sioux shared a post from “EarthJustice” that demonstrates a similar sentiment:

THE STANDING ROCK STORY YOU DON’T HEAR: We’re bombarded with news of the seemingly chaotic protests against the Dakota Access Pipeline, but as Earthjustice staffer Raul Garcia discovered when he traveled to the camp, there’s a huge story missing from the national news coverage: the peaceful, solemn, respectful ceremonies of the Native American tribes who are united in their love for these sacred lands.<sup>24</sup>

This rhetoric such as *love for the land* and *sacred lands* similar to their narratives of water marks the identity of Native Americans of Standing Rock Sioux Tribe. Their social affinity to land and water marks a communal and intricate relationship with nature that offers a sharp contrast to neoliberal meaning of land and water as private property. Similarly, their peaceful resistance, juxtaposed against the militarized police on their site who attacked the members of the Standing Rock Sioux Tribe viciously a number of times, becomes an embodiment of

an indomitable spirit and resilience. Their ceremonies, cultural rituals, and nonviolent organizing in the face of cynical state-sponsored attacks demand their indigenous sovereignty, and establish an indigenous political economy committed to a collective well-being that ruptures the corporatized, exclusionary, and extractive US empire morphing into fascism. Furthermore, members of the Standing Rock Sioux Tribe demonstrate the continuation of colonial legacy in the neoliberal machinery by claiming their prior ownership of their land. For example, one post put forth the following challenge to the present and future of the United States:

If this country is not going to move forward with green renewable energies, then let's do it in Native country. Let's set an example because we are the ones, the first people of this land. We know how to take care of this land, we know how to live and treat Unci Maka Mother Earth in a good way.

Situating Native Americans as the original inhabitants of the Americas, the statement above articulates the history of settler colonialism and its continuing legacies in our present. Their discourse of preserving and sustaining Unci Maka (Mother Earth) as opposed to the discourse of resource extraction reveals the colonial forms of development in the neoliberal economy marked by displacement, dispossession, and even disposal of certain populations through death—a renewed attempt at genocide.

The Standing Rock Sioux Tribe makes a number of references to state-sponsored violence and corporate greed on social media. For instance, a post by American Civil Liberties Union (ACLU) shared on their Facebook page states, “It should not take 75 law enforcement agencies from 10 states to police the nonviolent protests at Standing Rock. We are calling on the DOJ to demilitarize Standing Rock.”<sup>25</sup> Another media telecast by *Democracy Now* shared images of how the water protectors were attacked by police with mace canisters, rubber bullets, tear gas, and water canisters in freezing temperatures on a Sunday night in November of 2016 near the Oceti Sakowin resistance camp.<sup>26</sup> The images and narratives on social media demonstrate how the intersection of state and market actors has led to resource conflicts between members of the Standing Rock Sioux Tribe, a transnational corporation, and state actors. Note this post quoting Lancaster Against Pipelines cofounder Malinda Clutterbuck,

The hardest thing to accept is that large corporations are given permission to devastate our lives and threaten our health and safety for private profits, while we who live here have no say in the process. Eminent domain for private gain is wrong.

Clutterbuck continues, “From North Dakota to Pennsylvania, people everywhere are standing up against the oil industry and corporate greed.”<sup>27</sup> Indigenous perspectives on private profit and their exclusion from policy-making platforms communicate not only their absences and erasures from political and economic structures but how their ethical imperatives are incompatible with that of the neoliberal economy. For instance, one other post urges, “It is the government support for corporate corruption that needs to stop...” Calling the pipeline project state-sponsored corporate corruption, they reinforce that it is ultimately an ethical issue for them. They consider land and water as their polity, as a political economy, and a threat to ecology is a threat not only to their way of being but to all of humankind. State policies predicated on top-down rationalities of development fail to recognize their worldview, disallow them from decision-making, and alienate them from their own land by assigning a profit-driven value to it. Colonizing the indigenous cultural and economic institutions and ideologies, state and market actors jeopardize both democracy and Indigenous peoples’ sovereignty.<sup>28</sup> As citizens of a democratic nation, the indigenous people do not have power to exercise the democratic right to determine their future.

Concern for the future also appears to be a dominant theme on their social media. Several posts, images, videos, and memes invite everyone to “march for the future of Unci Maka.” The posts often mention their “fight is against corporate greed to ensure that future generations have a safe environment to thrive in.” Phrases such as “clean resources for future generations,” and “protecting this planet, this earth, this Mother we call home for those future generations,” communicate their concerns that transcend local territories and convey their care for environmental preservation on a global scale. In doing so, their narratives bring into focus the long-lasting impact of the pipeline project on planet earth. A Lakota proverb on their page beautifully sums up their perspective in this regard: “We do not inherit the earth from our ancestors, we borrow it from our children.” These posts once again present the incompatible values and interests between indigenous communities and neoliberal market actors. Such an outlook suggests that corporations are invested in short-term returns in the name of development, while indigenous communities think of long-term consequences. Their commitment lies in protecting the environment from enduring negative consequences of unbridled corporate growth. For example, the tribe’s mayor contributes a holistic worldview: “A handful of millionaires and billionaires in the fossil fuel industry might benefit, but [DAPL] is a disaster for the rest of us.” Another post reiterates the same point: “We’ve said it before and we’ll keep saying it: pipelines leak, pipelines break.” Such discourses emphasize the potential danger of the pipeline on the environment and the general apathy toward environmental degradation for economic growth. In other words, they reveal that centrality of profit within the logic of



capital makes the neoliberal model of development incommensurate with their vision of nurturing nature.

Finally, indigenous perspectives on informed consent raise the question of how state sovereignty is a contested terrain. One post advises: "Moving forward, we must have #ConsentNotConsultation." The hashtag #ConsentNotConsultation becomes a powerful statement for the Standing Rock Sioux Tribe among many other hashtags such as #NoDAPL, #NativeNationsRise, #Divest, and #BankExit. The Standing Rock Sioux Tribe assert their right to self-determination when they bring up issues of consent. One post demands: "We must have political equality. We must ensure that every decision that is made is with our free, prior, and informed consent. No country should ever take unilateral action against our objection without consulting us." It may be mentioned that 45 of the 46 articles in the U.N. Declaration appear to approve indigenous people's right to self-determination in terms of use of their territories, and ask states to obtain "their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources." However, the final article in the same Declaration makes these principled visions for indigenous rights meaningless when asserting "nothing in this Declaration may be interpreted as implying or authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States."<sup>29</sup> The UN thus does not quite ensure rights over resources for indigenous communities because actions considered legitimate by state and market actors for "political unity of sovereign and independent states" are incommensurable with the worldview of indigenous communities as seen historically and in this particular case.

### **Partial Sovereignty**

In this section, we explore the theoretical implications of the narratives of the Standing Rock Sioux Tribe's Facebook page. Most significantly, the water protectors of the movement establish an indigenous political economy that is incompatible with the dominant neoliberal economy. Their narratives reveal their erasure from decision-making platforms and undermining of their ideologies. Despite being citizens of a sovereign democratic nation, they fight for their right to self-determination. Hence, we argue that understanding negotiation of indigenous sovereignty or indigeneity in general is central to decolonization of institutions and neoliberal ideologies.<sup>30</sup>

The discourses of the Standing Rock Movement tell us how they attempt to claim sovereignty over land, water, and their epistemologies. Research projects on decolonization are primarily conducted in the

Global South where the end of colonialism did not necessarily confer sovereignty to all communities. However, this study demonstrates how colonial legacy is maintained through extractive regimes within the heart of the empire, where colonialism never actually ended for the Native Americans. Sovereignty determines political authority of nation-states, and is understood as a fixed category in the sense that sovereignty is equally distributed among citizens. That is a myth as illustrated by our analysis of the Standing Rock Movement. Sovereignty is partial, and not unitary as presented in the dominant discourse.<sup>31</sup> The nation bestows unequal rights and differential status to its citizens. Hence, we argue that sovereignty is granted only when citizens can be included into the modern, European framework governed by capital distinct from the model of indigenous sovereignty constituting indigenous identities, and their cultural and social norms. This phenomenon also illustrates Agamben's postulate that sovereignty operates by suspending law and by political mechanism of rule and exception.<sup>32</sup> In other words, we elucidate how Western neoliberal politics relies on dual mechanics of exclusion, i.e., inclusion by means of exclusion.

Drawing on Agamben, Rifkin also notes the *mutable* nature of sovereignty. Invocation of sovereignty in the United States casts Native people as exceptional but one that is contained within the broader operations of national authority.<sup>33</sup> Native tribes have only *quasi-sovereign* claims with decision-making power lying within the United States. Sovereignty thus is an alterable entity that can be manipulated to portray Native occupancy as *peculiar*.<sup>34</sup> While discourses around the treaty system and indigenous populations as domestic subjects manage to bring forth the nation's apparent geopolitical unity and conceal the colonial power of the settler-state, it is at moments of resistance by Native polities such as the one by Standing Rock that the idea of sovereignty is called into question. Sovereignty thus is the foundation for defining what counts as organizing principles of social order, Rifkin argues. Settler colonial societies rely on power structures and social narratives. For instance, *terra nullius* means no man's land, suggesting that lands of indigenous people are empty and value can only be added by making the land into private property. "Often configured as a zone of indeterminacy...a no-man's land at the threshold between civilization and outlaw...According to Agamben...is an anthropological machine in which the state defines itself at the line of differentiation..."<sup>35</sup>

Decolonization demands we value indigeneity in all its forms in order to challenge the uneven nature of state sovereignty and its politics of exclusion. This leads to questions of modes of political and cultural belonging—political belonging as a citizen and cultural belonging as a national. Indigenous people are denied full participation as citizens. They may have the right to vote, but social, economic, and cultural exclusion denies them political representation. Decolonization is about

enhancing democratic citizenship through empowerment of indigenous peoples in natural and social environments.<sup>36</sup> Such an idea characterizes a polity with plurality of voices in decision-making and promotes multiple sovereignties. Ultimately, the discourses of Standing Rock Movement offer social imaginaries for a respectful relationship between economy, nature, and polity, and help us envision a politically just society.<sup>37</sup> Interrogating indigenous knowledge opens up the possibility of confronting neoliberal logic while demonstrating the need for re-claiming democratic ideals.

Decolonization also demands we acknowledge our complicities and unlearn our privileges. As part of the colonial power nexus, the Euro-American intellectual tradition has historically subordinated indigenous knowledge to the peripheries. Following Spivak and Beverley, we ask: how can we engage in a politics that lets the indigenous *emerge into hegemony*?<sup>38</sup> It requires we take upon the task of *epistemic inversion* by situating indigenous knowledge within dominant academic knowledge systems. Fundamentally, we commit to bring forth indigenous knowledges by producing learning from colonial differences, and this involves a vigorous critique of our own intellectual practices.

## Notes

- 1 Adam J. Barker, "Locating Settler Colonialism," *Journal of Colonialism and Colonial History* 13, no. 2 (2012). doi:10.1353/cch.2012.0035.
- 2 Donald S. Moore, "Subaltern Struggles and the Politics of Place: Remapping Resistance in Zimbabwe's Eastern Highlands," *Cultural Anthropology* 13, no. 3 (1998): 344–381.
- 3 David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005).
- 4 Barker, "Locating Settler Colonialism."
- 5 Patrick Wolfe, *Traces of History: Elementary Structures of Race* (New York: Verso, 2016).
- 6 Jodi A. Byrd and Michael Rothberg, "Between Subalternity and Indigeneity," *Interventions* 13, no. 1 (2011): 3.
- 7 Ibid.
- 8 Ibid.
- 9 Justin Worland, "What to Know about the Dakota Access Pipeline Protests," *Time*. October 28, 2016. <http://time.com/4548566/dakota-access-pipeline-standing-rock-sioux/>.
- 10 Debashish Munshi and Mahuya Pal, "Colonialism/Postcolonialism," In *The International Encyclopedia of Strategic Communication*, eds. Robert L. Heath and Winni Johansen (Hoboken, NJ: John Wiley & Sons, 2018), <https://doi.org/10.1002/9781119010722.iesc0023>; Nancy Wilson, "Pipeline Company Desecrates Graves on Sioux Sacred land," *HuffPost*. September 14, 2017. [www.huffingtonpost.com/rev-dr-nancy-wilson/pipeline-company-desecrates-graves-on-sioux-sacred-land\\_b\\_11992652.html](http://www.huffingtonpost.com/rev-dr-nancy-wilson/pipeline-company-desecrates-graves-on-sioux-sacred-land_b_11992652.html).
- 11 Ibid.
- 12 Mary Louisa Cappelli, "Standing with Standing Rock: Affective Alignment and Artful Resistance at the Native Nations Rise March," *Sage Open* 8, no. 3 (2018): 1–13.

- 13 Mahuya Pal, "Organization at the Margins: Subaltern Resistance of Singur," *Human Relations* 69, no. 2 (2015): 419–438; Anshuman Prasad, "The Gaze of the Other: Postcolonial Theory and Organizational Analysis," in *Postcolonial Theory and Organizational Analysis*, ed. Anshuman Prasad (New York, NY: Palgrave Macmillan, 2003), 3–43.
- 14 Pal, "Organization at the Margins."
- 15 Scott Richard Lyons, "Rhetorical Sovereignty: What Do American Indians Want from Writing?" *College Composition and Communication* 51, no. 3 (2000): 447–468.
- 16 Joanne Barker, *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination* (Lincoln: University of Nebraska Press, 2005).
- 17 K. Tsianina Lomawaima and Teresa L. McCarty, "When Tribal Sovereignty Challenges Democracy: American Indian Education and the Democratic Ideal," *American Educational Research Journal* 39, no. 2 (2002): 279–305.
- 18 Jeff Corntassel, "Re-Envisioning Resurgence: Indigenous Pathways to Decolonization and Sustainable Self-Determination," *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012): 86–101.
- 19 See Aman Sium, Chandni Desai, and Eric Ritskes, "Towards the 'Tangible Unknown': Decolonization and the Indigenous Future," *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012): I–XIII.
- 20 Michel Foucault, *Discipline and Punish: The Birth of the Prison* (England: Vintage Books, 1977); Andrea Smith, "Not-Seeing: State Surveillance, Settler Colonialism, and Gender Violence," in *Feminist Surveillance Studies*, eds. by Rachel Dubrofsky and Shoshana Magnet (Durham, NC: Duke University Press, 2015), 21–38.
- 21 Subhabrata B. Banerjee, "Voices of the Governed: Towards a Theory of the Translocal," *Organization* 18, no. 3 (2011): 323–344.
- 22 Leah Donnelly, "The Standing Rock Resistance Is Unprecedented (It's Also Centuries Old)," *NPR Code Switch*. November 22, 2016. [www.npr.org/sections/codeswitch/2016/11/22/502068751/the-standing-rock-resistance-is-unprecedented-it-s-also-centuries-old](http://www.npr.org/sections/codeswitch/2016/11/22/502068751/the-standing-rock-resistance-is-unprecedented-it-s-also-centuries-old).
- 23 See Standing Rock Sioux Tribe's Facebook page: [https://pt-br.facebook.com/402298239798452/photos/a.422881167740159.110630.402298239798452/1388486584512941/?type=3&comment\\_id=1388494944512105&comment\\_tracking=%7B%22tn%22%3A%22R0%22%7D](https://pt-br.facebook.com/402298239798452/photos/a.422881167740159.110630.402298239798452/1388486584512941/?type=3&comment_id=1388494944512105&comment_tracking=%7B%22tn%22%3A%22R0%22%7D).
- 24 See EarthJustice's Facebook page: [www.facebook.com/Earthjustice/posts/the-standing-rock-story-you-dont-hear-were-bombarded-with-news-of-the-seemingly-/10157857223005301/](http://www.facebook.com/Earthjustice/posts/the-standing-rock-story-you-dont-hear-were-bombarded-with-news-of-the-seemingly-/10157857223005301/).
- 25 Thomas Dresslar, "How Many Law Enforcement Agencies Does It Take to Subdue a Peaceful Protest?" *ACLU*. November 30, 2016. [www.aclu.org/blog/free-speech/rights-protectors/how-many-law-enforcement-agencies-does-it-take-subdue-peaceful?fbclid=IwAR2BBHxPqqArhbOkfwlrmwD8d0rcJ8YXpmVI44oS4DIVnwka-lvm6fhG\\_4&redirect=blog/speak-freely/how-many-law-enforcement-agencies-does-it-take-subdue-peaceful-protest](http://www.aclu.org/blog/free-speech/rights-protectors/how-many-law-enforcement-agencies-does-it-take-subdue-peaceful?fbclid=IwAR2BBHxPqqArhbOkfwlrmwD8d0rcJ8YXpmVI44oS4DIVnwka-lvm6fhG_4&redirect=blog/speak-freely/how-many-law-enforcement-agencies-does-it-take-subdue-peaceful-protest).
- 26 Democracy Now, "WATCH: 'Is This America?'" Co-Founder of Sacred Stone Camp Recalls Dog Attack on Native Americans," *Democracy Now*. September 21, 2016. [www.democracynow.org/2016/9/21/watch\\_is\\_this\\_america\\_co\\_founder](http://www.democracynow.org/2016/9/21/watch_is_this_america_co_founder).
- 27 Judy Wicks, "Pennsylvania's Standing Rock," *Judy Wicks*. March 2, 2018. <http://judywicks.com/blog/2018/3/2/pennsylvanias-standing-rock>.
- 28 Banerjee, "Voices of the Governed."
- 29 United Nations 2010, as cited in Banerjee, "Voices of the Governed."
- 30 Sium, Desai, and Ritskes, "Towards the 'Tangible Unknown.'"

- 31 Banerjee, "Voices of the Governed."
- 32 Giorgio Agamben and Daniel Heller-Roazen, *Homo Sacer: Sovereign Power and Bare Life* (Palo Alto, CA: Stanford University Press, 1998).
- 33 Mark Rifkin, "Indigenizing Agamben: Rethinking Sovereignty in Light of the "Peculiar" Status of Native Peoples," *Cultural Critique* 71 (Fall 2009): 88–124.
- 34 Ibid.
- 35 Jodi Byrd, "Mind the Gap: Indigenous Sovereignty and the Antinomies of Empire," in *The Anomie of the Earth: Philosophy, Politics, and Autonomy in Europe and the Americas*, eds. Federico Luisetti, John Pickles, and Wilson Kaise (Durham, NC: Duke University Press, 2015), 119–136, 125.
- 36 Stephen Castles and Alastair Davidson, *Citizenship and Migration: Globalization and the Politics of Belonging* (New York, NY: Routledge, 2000).
- 37 Pal, "Organization at the Margins."
- 38 Gayatri Chakravathy Spivak, *A Critique of Postcolonial Reason* (Boston, MA: Harvard University Press, 1999); John Beverley, *Testimonio: On the Politics of Truth* (Minneapolis: University of Minnesota Press, 2004).

# Contributors

**Ryan A. D'Souza** is a PhD Candidate in the Department of Communication at the University of South Florida. His research examines representations of minoritized communities in South Asian media. Although his work focuses on South Asia, the move to co-author a piece on Native American sovereignty is to acknowledge that his research as an international student in the United States is possible because of the blood that coagulates the soil of the land.

**Marjorie Florestal** is a lawyer, novelist, and consultant who teaches international trade in the King Hall School of Law at the University of California, Davis. A graduate of New York University law school, Marjorie also holds a Masters in Jungian Psychology with an emphasis on the archetypal roots of story. She is the recipient of a Fulbright Scholarship to France, and has won several writing awards, including the American Bar Association Ross Essay Contest and the Amazon Kindle Scout Award.

**Margaret Franz** is Assistant Professor in the Department of Communication at the University of Tampa. She researches legal communication as it relates to race, coloniality, and national belonging. Her current project investigates the evolution of citizenship status in the United States by analyzing how official methods of interpretation co-evolve with and respond to vernacular legal cultures that challenge state authority to define and enforce citizenship status. Her work on the cultural politics of birthright citizenship has appeared in *Social Identities*, *Advances in the History of Rhetoric*, and *Communication and Critical/Cultural Studies*.

**Luis Gómez Romero** is Senior Lecturer at the School of Law in the University of Wollongong. He is currently a member of the Legal Intersections Research Centre. Luis has widely published on migration issues and Latin American politics from the methodological perspective of law and the humanities. He co-edited, in a special issue of *Law Text Culture*, the first collection of essays on the nexus between law and comics and pioneered the Law and Literature movement in

the Spanish-speaking work with his monograph *El Tiempo de los Débiles: Garantismo y Literatura* (Porrúa, 2008).

**María de la Macarena Iribarne González** is Associate Lecturer at the University of Wollongong, where she has taught since 2015 at the School of Humanities and Social Inquiry (Methods in International Studies and Politics), School of the Arts, English and Media (Emerging Issues in Media and Communication), and the School of Law (Law, Business and Society, and Contract Law). Macarena is also an Adjunct Fellow at the Humanitarian and Development Research Network (HADRI) at Western Sydney University. In 2016 she co-edited a Special Issue of *Australian Feminist Studies* on “Medical Bodies.”

**Kalemba Kizito** is a PhD candidate in the Department of Communication and Film at the University of Memphis. He obtained a BA in Law (LLB) in Uganda before moving to the United States where he graduated from California State University East Bay with an MA in communication. His current research explores the social, cultural, and global responses to the impact of hyper mediation, and the critical questions arising in a highly digitized and techno-driven era.

**Magdalena Kmak** is Associate Professor in Minority Studies at the Åbo Akademi University in Helsinki, Finland. She is also a team leader and university researcher at the Centre of Excellence in Law, Identity and the European at the University of Helsinki. Her current research focuses on the conceptualization of undocumented migrants as the new European minority and on the epistemological role of exile for a law. Her research interests on new minorities, exile studies and history of migration, and public international law have been published in *No Foundations*, *Social Identities*, *Journal of Sociology*, and elsewhere.

**Sneha Krishnan** is Associate Professor in Human Geography at the University of Oxford. She is interested in how histories of colonialism and imperial afterlives shape the experience of childhood. She is currently writing a book about women’s hostels in Southern India, and has ongoing projects on childhood and geopolitics, as well as on gender and archival practice.

**Carola Lingaas** is Associate Professor of Law at VID Specialized University in Oslo (Norway). She earned her PhD from the University of Oslo with a thesis on “The Concept of Race in International Law” (under contract for publication by Routledge). Her legal research, with a particular focus on international criminal law, incorporates social sciences research on “othering.” Carola obtained a Master of Laws degree from the University of Zürich (Switzerland) and LLM in Public International Law from the University of Oslo. She has more than eight years of professional experience from the Red Cross,



internationally from the International Committee of the Red Cross (ICRC) in South Sudan (2002–2003) and nationally from the Norwegian Red Cross (2005–2013).

**China Medel** is Assistant Professor in the Department of Communication at the University of North Carolina, Chapel Hill. Her research works at the intersections of Latinx Studies and media studies using critical, ethnic studies frameworks and new materialist interventions. Her current book project, *Spectral Aesthetics: Media and Alternative Visibilities at the U.S.-Mexico Border*, examines film, media, and digital performance art about the crisis of migrant death in the borderlands in the context of the border enforcement policy known as Prevention Through Deterrence. Her research on the role of art and media in imagining and generating new modes of political recognition in the Americas has been published in *South Atlantic Quarterly*, *Camera Obscura*, and *Third Text*. She teaches courses in film and media studies, performance, border studies, and women of color feminism. In addition to her scholarship and teaching, she is a SONG (Southerners on New Ground) member working on local anti-criminalization campaigns.

**Mahuya Pal** is Associate Professor in the Department of Communication at the University of South Florida. Her research uses postcolonial framework to understand organizing among underprivileged groups and their politics of resistance against institutional power. Her work explores communicative processes within the contexts of marginality, poverty, human rights, social justice, and democratic ideals. Her research has been published in *Human Relations*, *Communication Monographs*, *Communication Theory*, *Communication Yearbook*, *Communication*, *Culture & Critique*, and elsewhere.

**Leah Perry** is Associate Professor of Literature, Communication, and Cultural Studies at SUNY-Empire State College and a Fulbright Fellow. She is the author of *The Cultural Politics of U.S. Immigration: Gender, Race, and Media* (NYU Press, 2016). Her work can also be seen in journals such as *Cultural Studies* and *Lateral*, and in the collections *Cultural Studies and the 'Juridical Turn': Culture, Law, and Legitimacy in the Era of Neoliberal Capitalism* (Routledge, 2016) and *American Shame: Stigma and the Body Politic* (University of Indiana Press, 2016). Her new book project examines the nexus of Indi-geneity, immigration, race, gender, and media.

**Yuridia Ramírez** is Ford Foundation Fellow and Assistant Professor of Latina/o Studies and Global and Intercultural Studies at Miami University. Yuri received her PhD in history from Duke University with a certificate in Latin American Studies. She also holds a BA in history and journalism from the University of Minnesota-Twin Cities, and an

MA in history from Duke University. She is currently working on her book manuscript tentatively titled, *The Politics of Indigeneity on the Move: P'urhépechas in Michoacán and North Carolina at the End of the Twentieth Century*, a historic and interdisciplinary analysis of a diasporic indigenous community and their transforming sense of indigeneity.

**Kumarini Silva** is Associate Professor of Communication at the University of North Carolina in Chapel Hill. She is the author of *Brown Threat: Identification in the Security State* (University of Minnesota Press, 2016) and a co-editor of *Feminist Erasures: Challenging Backlash Culture* (Palgrave UK, 2015). Her current research extends the exploration of racialized identification in *Brown Threat* to understand how affective relationships, especially calls to and of love, animate regulatory practices that are deeply cruel and alienating.

**Nadezhda Sotirova, PhD**, is Assistant Professor at University of Minnesota Morris. Her research focuses on examining ethnographically various public discourses on emigration, identity, and post-socialism within Bulgaria.

**Svilen V. Trifonov** teaches rhetoric, public address, and social movements at the University of Georgia. His current research examines the rhetoric of contemporary US immigrant rights activists for its potential and capacity to reimagine the meaning of citizenship. His research on US presidential rhetoric, social movements, and political protest has been published in *Advances in the History of Rhetoric*, *Journal of International and Intercultural Communication*, and *Southern Communication Journal*.

**Alana Vehaba** is a scholar-activist whose research examines collective liberation, protest, self-sacrifice, martyrdom, and trauma. Her ethnographic research focuses on international social movements and critical theories of solidarity, with a concentration on Tibetan self-immolation protests inside China and the struggle of the Tibetan diaspora for self-determination. Her teaching and research interests converge on issues of social justice, political agency, and empowered citizenship. She has published in *Politics, Religion and Ideology*, and *Capacious: Journal for Emerging Affect Inquiry*.

# Index

Note: Page numbers followed by “n” denote endnotes.

- Anderson, B. 1–4, 161n6; and  
  race and nation 4–9; and print  
  capitalism 9–11; and time 12–14
- Anzaldúa, G. 81, 85
- Appadurai, A. 11
- asylum 41, 67–78, 90; asylum law  
  19, 35
- autoethnography 20, 99–100, 106; as  
  embodied stories 101
- Bhabha, H. 14
- Biolsi, T. 12, 14
- border: defined 4, 18–20, 31–32,  
  48, 76, 81–83, 101, 105–106;  
  border stories 100–102; crossing  
  of 55, 72, 87, 99–100, 154,  
  156–159 (*see also* “illegal” entry);  
  dismantling of 69; figural (*see* Ono,  
  K.); internal and external 39–41,  
  44–45; proliferation of 1–2, 14,  
  75; national belonging and 49, 51;  
  territorial (geographical) 14, 32, 45,  
  50; and valuable life 76
- border control and restrictions 33–35,  
  54, 61, 142; enforcement 103;  
  militarization of 59, 87; policing  
  51–52, 54, 78; securitization and  
  security 32, 72; US Border Patrol  
  52, 158; US Customs and Border  
  Protections (CBP) 71
- Bulgaria 142–151
- Cacho, L. M. 71–73, 85, 158
- Central America 70, 74, 90
- Chatterjee, P. 3, 13–14
- Chinese Exclusion Act (1882)  
  51–52
- Church of South India (CSI) 117
- citizenship and citizen 6, 16, 41–42,  
  154–155, 172; alien citizens 6;  
  citizenship law 16, 31–32, 34–36;  
  cultural citizenship, 155–158, 160;  
  in India 134–136; as neoliberal  
  71, 156; as normative 75,  
  155–156; race and 6, 52; rhetorical  
  enactments of 159–160
- colonialization 5, 14, 17; of African  
  continent 102; of Latin America 10,  
  87; of North America 48, 51; and  
  settler colonialism 49, 50, 164, 166,  
  168, 171
- communication ritual 21, 143, 148
- cultural discourse analysis (CDA)  
  143, 152n7
- daragavata* (blaming the state) 21,  
  143–144
- decolonial (studies) 3–4, 12, 121;  
  tension with postcolonial studies  
  17–18, 163–4
- decolonization 3, 5, 12, 14, 163, 166,  
  170–172
- Dhalla, L. 155–158, 160
- diaspora 16, 18, 77, 126, 143; defined  
  128–129; Tibetan 127, 129–130,  
  132, 136
- dream and dreaming 86, 109–110,  
  122–123, 132, 134; American  
  dream, 156–158, 160
- DREAM Act 155–156
- dwelling 149–150
- emigration 142–144
- ethnography of communication 152n7
- European Union (EU) 4, 19, 39,  
  142, 151

- exile 21, 100, 102–104, 106, 125, 129; of Dalai Lama 131; Tibetan Government in Exile 130; Tibetan 136, 139n22; Tibetan youth 126–128, 130–137
- Flores, L. 15
- frontera 81–82, 85–91; *see also* border; US-Mexico border; Mexico-US border
- Gilroy, P. 3, 5–7, 9
- globalization 1–2, 14, 19, 32, 41
- Guatemala-Mexico border 75
- Haiti 108–109
- Hall, S. 3, 14, 17
- Harris, C. 51
- heteronormative and  
heteronormativity 68, 75, 78, 123
- Hindu and Hinduism 118, 120, 122; and nationalism 121, 124n20
- home and homeland 4, 90, 113–114, 117–118, 120–122, 156, 159; defined 16–17, 18, 101; European homeland 39; safety and 102, 104–105; Tibetan homeland 126, 129
- human rights 39–40, 45, 126, 137, 165; European Convention on Human Rights, 40, 43; law 42–44, 46n17; *Universal Declaration of Human Rights* 90; violations of 132, 134
- identity 11, 20, 103, 108, 126, 129, 144, 149, 152n7 (*see also* national identity); colonization of the Americas and 113; diaspora and 128; immigrant 155, 159–160; law and 41–42; state and 31, 36; storytelling and 85
- Immigration Reform and Control Act (IRCA) 49, 72
- India 13, 18, 21, 126; Christian Internationalism in 117–119; citizenship in 126, 134–136; Hindu nationalism in 121, 124n20
- immigration law 19, 31, 41; crimmigration law 32–33
- Immigration and Customs Enforcement (ICE) 71, 76, 78, 106
- “illegal”: alien/immigrant 84–85, 87, 157, 159, 160; entry 90, 157
- international law 32, 43
- jurisdiction 2, 12–13; *juris-dictio* 20, 83, 86, 91
- jurisprudence 19–20, 40, 42–45, 81, 84
- Lima, R. E. 155–156, 158–160
- McKittrick, K. 121
- mestizaje 7–8
- Mexico 7–8, 52, 75, 82, 87; *see* Guatemala-Mexico border; Mexico-US border; US-Mexico border
- Mexico-US border 81, 86
- Miroluba Benatova Presents* 143–144, 150
- Moreton-Robinson, A. 16–17, 51
- Nail, T. 31–32
- nationalism 1–16; and anti-colonialism 120; in Bulgaria 150; consumer 57; in Europe 40, 42, 45; in India 118–119, 124n20 (*see also* India); *see also* Anderson, B.
- national identity 11, 14, 41, 48, 142, 148–150; American 154–155; Bulgarian 142, 149; European 19, 31, 40, 41–42, 44–45; exclusion of Indigenous peoples from 49; Haitian 108; Indian 119; Mexican 7; Native American 113, 167; representation in popular culture 48–49, 50; Tibetan 126–132, 135, 137–138
- national imagination *see* Anderson, B.
- neoliberalism 48–49, 87; and borders 19, 50; and colonialism 50, 163; and racialization 50–51
- nomos* 83
- Ong, A. 69, 71, 155
- Ono, K. 15, 101
- Operation Janus 35
- others and othering 3, 16, 39–42, 44–45, 150
- postcolonial: studies 3–4, 12, 15–18, 163–165; subjectivity 103

- racism 17, 61; and nationalism 4–9  
 (*see also* Anderson, B.)
- racialization 3, 5–6, 7, 9, 10, 58, 71;  
 and border 76; of immigrants 6, 51
- Reagan, R. 48–50
- refugee 111, 125–126; categorization  
 of, 75–78; children 133; crisis  
 18, 41–42, 70, 76; as exceptional  
 69; status 67–72, 76–77; Tibetan  
 125–127
- Rifkin, M. 12, 171
- Saldana-Portillo, M. J. 50–51
- Simpson, A. 13–14
- social death 19, 68, 73; *see also*  
 Cacho, L.M.
- sovereignty 68–69, 83, 87; European  
 Union and 41; dispossession and  
 49; geopolitical 56; Indigenous  
 peoples' sovereignty 12–13, 55,  
 57, 61, 165–166, 168, 170–171; of  
 nation-state 31–32, 34, 44
- Standing Rock Sioux Tribe 12–13,  
 163–172
- Tibet 125–138
- time: heterotemporal 50; homogenous  
 9, 12–13 (*see also* Anderson, B.);  
 juridical 12; national 4, 9–10
- Treaty of Guadalupe Hidalgo 52, 82
- Uganda 20, 101, 104
- Uganda-Tanzania border 101
- US-Mexico border 15, 53, 67, 74–75,  
 158; *see also* Mexico-US border
- Waisbord, S. 10–11
- Wiley, S. 11, 14
- xenophobia 42, 61



Taylor & Francis Group  
an informa business

# Taylor & Francis eBooks

[www.taylorfrancis.com](http://www.taylorfrancis.com)

A single destination for eBooks from Taylor & Francis with increased functionality and an improved user experience to meet the needs of our customers.

90,000+ eBooks of award-winning academic content in Humanities, Social Science, Science, Technology, Engineering, and Medical written by a global network of editors and authors.

## TAYLOR & FRANCIS EBOOKS OFFERS:

A streamlined experience for our library customers

A single point of discovery for all of our eBook content

Improved search and discovery of content at both book and chapter level

**REQUEST A FREE TRIAL**

[support@taylorfrancis.com](mailto:support@taylorfrancis.com)

 **Routledge**  
Taylor & Francis Group

 **CRC Press**  
Taylor & Francis Group