

## Deepening Divides

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How Territorial Borders and  
Social Boundaries Delineate Our World

Edited by Didier Fassin

**PLUTO  PRESS**

First published 2020 by Pluto Press  
345 Archway Road, London N6 5AA

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

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British Library Cataloguing in Publication Data

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

ISBN 978 0 7453 4042 5 Hardback  
ISBN 978 0 7453 4043 2 Paperback  
ISBN 978 1 7868 0562 1 PDF eBook  
ISBN 978 1 7868 0564 5 Kindle eBook  
ISBN 978 1 7868 0563 8 EPUB eBook

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental standards of the country of origin.

Typeset by Stanford DTP Services, Northampton, England

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# 1

## *Introduction*

### Connecting Borders and Boundaries

*Didier Fassin*

We were expelled from Germany because we were Jews. But having hardly crossed the French borderline, we were changed into “boches.”

—Hannah Arendt, “We Refugees”

On January 27, 2017, one of the first decisions made by Donald Trump as the newly inaugurated president of the United States was to issue Executive Order 13769 “to protect the American people from terrorist attacks by foreign nationals admitted to the United States.”<sup>1</sup> This temporarily banned travel and immigration from seven countries: Syria, Iran, Iraq, Yemen, Libya, Somalia, and Sudan. Taking effect immediately, it generated chaos at airports due to refusals of entry, and it also created a surge of protests. Conspicuously, no citizen from these countries had been involved or was suspected of being involved in any fatal attack in the United States, while none of the countries whose citizens had actually carried out deadly attacks on US territory—Saudi Arabia, Egypt, United Arab Emirates, Pakistan, Russia, and Kyrgyzstan—was affected. Because the executive order targeted exclusively Muslim-majority countries without specific security justification, it was referred to as a “Muslim ban.” The White House denied any discriminatory intention, but according to his personal lawyer the president had asked how to “legally” implement the ban he had explicitly designated as such. This affirmation and the various public statements made earlier by him during the presidential campaign were sufficient evidence for federal judges to consider the executive order unconstitutional, even after two modifications in its formulation, before the Supreme Court eventually upheld it. The selectivity of the executive order was nowhere more visible than in the case of refugees. Not only did the number of those admitted for protection dramatically decline, but the

proportion of Muslims among them spectacularly decreased by six times compared to what it was before the executive order. However, the administration's discriminatory practices against immigrants were not only based on their religion. They also concerned their ethnicity, as was clear in the repeated singling out of Mexicans and more generally Latinos by the president, who iteratively described them as "drug dealers," "criminals," "terrorists," and "rapists," although he occasionally conceded that "some are good people." From this perspective, the Mexican border wall, the construction of which has been announced on numerous occasions, has been viewed as a "Latino wall" as much as the ban is a "Muslim ban." In both cases, the enforcement of border control is not the same for everyone. It more or less implicitly outlines boundaries based on faith or origin.

On October 31, 2017, the day before he announced the end of a state of emergency, Emmanuel Macron enacted a law "strengthening internal security and the fight against terrorism."<sup>2</sup> The state of emergency declared two years earlier, after the deadly attacks carried out in Paris, had been prolonged several times over the following twenty-four months. It gave the police additional powers in terms of identity checks, search warrants, and house arrests, at the same time as it allowed the state to prohibit demonstrations and close places of worship, while judicial control was henceforth limited in all these cases. Most of the measures, which had been used in practice much less to fight terrorism than to tackle ordinary delinquency and illegal immigration, were incorporated in the new law the day before the state of emergency was ended. The exception thus became the rule, to quote Walter Benjamin's famous phrase. The most remarkable, albeit little noticed, legal change was the extended opportunities of so-called border checks and searches. Indeed, after the 1993 creation of the Schengen Area, such police interventions had been authorized as far as 20 kilometers from the national border as well as at ports, airports, and international train stations. But the new legislation broadened the 20 kilometer perimeter of border checks and searches by applying it to 118 ports, airports, and stations. As a result, from then on it included all major urban areas of the country, corresponding to two-thirds of the population and the quasi-totality of people of immigrant origin, whether foreigners or French nationals. It was well known that checks and searches were mostly conducted on the basis of the physical appearance of individuals, focusing on Arab and black men, but in the absence of credible suspicion of involvement in a crime having been or on the verge of being committed, legal redress could be filed and several court decisions had condemned the

state for racial discrimination. Under the new regulation, mere appearance became a legitimate reason for what was administratively designated as a border check and search since the redrawing of borders included in fact a large part of the territory. Consequently, this reshaping of national cartography indirectly sanctioned and even encouraged racial profiling. Moreover, with the increasing focus on Muslims in relation to both terrorist risk and veiling laws, this profiling also began to include religious criteria, which had not been the case until recently. In sum, the multiplication of internal zones of exception served as the justification for a surveillance system meant to be applied less to territorial borders than to racial and religious boundaries.

\* \* \*

The evocation of these two recent situations—however different the historical and political contexts of the United States and France may be—shows both the volatility and intertwinement of borders and boundaries. While Donald Trump establishes new border controls allegedly to reduce the threat of terrorism or criminality linked to immigration, he endeavors to harden boundaries, which are religious in the case of the Muslim ban and ethnic in the case of the Mexican border wall, to satisfy the Islamophobic and xenophobic tendencies of the core of his constituency.<sup>3</sup> Whereas Emmanuel Macron displaces borders from the periphery of the national territory to the urban centers of the country, he simultaneously shifts the official goal of defending the security of the country from possible attacks toward the disguised objective of legalizing checks and searches on the basis of racial, ethnic, and religious boundaries.<sup>4</sup> In both cases, it is clear that borders cannot be thought of without the boundaries they establish or reinforce, and boundaries have to be analyzed in relation to the justifications they provide for the control or even the shifting of borders.

Yet, in theory, the difference between the two seems relatively straightforward. On the one hand, borders are generally considered to delimit territories (Rudolph 2005). They have to do with states and the space of exercise of their sovereignty. They entail law and its power to determine the perimeter of citizenship. They are political creations resulting from wars and peace treaties, colonialism, and the decolonization process. On the other hand, boundaries are habitually viewed as distinguishing between groups (Lamont & Molnár 2002). They have to do with representations and the establishing of categories. They encompass a multiplicity of

potential criteria, such as race, ethnicity, language, religion, class, gender, and sexual orientation. They are social constructions proceeding from history and culture, identification and otherization. While both borders and boundaries involve relations of power and dynamics of the imagination, the former work on principles of inclusion and exclusion, and the latter on logics of solidarity and inequality.

But such straightforward characterizations tend to essentialize notions that are elusive and changing, as revealed in the two initial examples. When Étienne Balibar writes that “we cannot attribute to the border an essence which would be valid in all places and at all times, and which would be included in the same way in all individual and collective experience” (Balibar 2002: 75), his observation resonates with the argument developed by Fredrik Barth in his pioneering study of ethnicity where he argues that it is “the ethnic boundary that defines the group, not the cultural stuff that it encloses” (Barth 1998: 15). We should therefore avoid reifying borders or boundaries, but we should also be aware that the two are often linked. As the cases of the United States and France discussed above suggest, the clear-cut differentiation between the two entities is often blurred, and even what we think we know about each of them appears questionable and uncertain (Fassin 2012). Issues related to territorial, legal and political delimitations are interwoven with issues related to racial, ethnic, religious, gender, and sexual delineations. As Aristide Zolberg (2008) observes, viewing and even lauding the United States as a country of immigration comes down to forgetting that all along its history it has not been welcoming to all newcomers. The same is true for numerous countries in the world: immigrants are not all treated in the same way when they enter a foreign country (borders) and not all citizens are protected in the same way by their legal status (boundaries).

Past and present examples of the intertwinement of borders and boundaries abound, from the expulsion of the Jews in fifteenth-century Spain and the repression of Algerian colonial subjects in early twentieth-century France to the persecution of Tibetans in China, Rohingyas in Myanmar, and Kurds in Turkey in the present moment. The current situation of the Palestinians is a contemporary case in point, with the permanent reduction of the living space of those dwelling in the Occupied Territories, via the extension of settlements, destruction of fields, and construction of walls, and the growing deprivation of the civil rights of those residing in Israel, via religious and ethnic discrimination increasingly inscribed into the law. And the recent so-called refugee crisis in Europe also revealed

how the control of borders at whatever cost in terms of human lives (more than 15,000 deaths were reported in the Mediterranean between 2014 and 2018) was linked to the making of racial and ethnic rather than merely national boundaries, which served to justify policies (there were more citizens of the United States obtaining a first residence permit than people from Africa and Asia trying to reach the continent by sea in 2017).<sup>5</sup> But the history of the overlapping of (national) borders and (ethno-racial) boundaries is fortunately not always as tragic, even if it remains quite problematic when one thinks of how it is also at play in the labor market, housing policies, legal matters, and even sports. The case of the Roma in Europe is of particular relevance since, despite the fact that, as citizens of Romania, Bulgaria, or Hungary, they belong to the European Union, they are nevertheless treated as aliens and even deported.<sup>6</sup> The most banal evidence of this overlapping is seen in the intergenerational transition from immigrants coming from the so-called Global South, who by definition have crossed a border, to their racialized or ethnicized children born in their host country, for whom the state and society at large often consolidate boundaries by not recognizing them fully as citizens or, when they do, as equals. Interestingly, in the parents' generation, there was little protest against the blatant discrimination of which they were victims since, as foreigners, they felt that they had no other choice than to resign themselves to their illegitimate status, while in the generation of the children, discrimination was not tolerated anymore since, for these often-French citizens also born in France, it was now unequal treatment that was viewed as illegitimate.

Connecting national territorial borders and ethno-racial boundaries is therefore crucial for scientific reasons (to understand the deepening divides of contemporary societies) as well as political ones (due to the sense of urgency resulting from the current situation). But in fact, this connection is more complex than suggested here. On the one hand, the most relevant borders are not necessarily those of the national territory. They can be supra-national, as was the case with the British Empire and is the case with the European Union today (Green 2013), especially in the context of the externalization of the control of immigration beyond the border, in Turkey, Libya, and Morocco. They can also be infra-national, as in Ireland during the so-called Troubles between nationalists and unionists, or Berlin, with the city physically divided in two during the Cold War by the Wall (Borneman 1992), the symbolic traces of which having remained long after its physical destruction. On the other hand, boundaries are not

solely ethno-racial even if this is a major component at the border. They also involve religion, as illustrated by the previous examples of the United States and France, as well as class, gender, and sexuality. Social class appears to be an important element of differentiation between the wanted and the unwanted as well as in the public debate about selective immigration (Ypi 2018). Gender plays a less visible but no less important role in transnational networks and border control, including in sex work and domestic labor (Pessar & Mahler 2003). Disability has also been analyzed as a source of discrimination at the border in the name of what is criticized as “ableism” (El-Lahib & Wehbi 2012). But rather than examining these boundaries individually, it makes more sense to apprehend them from an intersectional perspective revealing the interactions between ethnic or racial characteristics, religion, class, gender, and disability.

A considerable literature has been dedicated to both borders and boundaries. This is not the place to review it in detail as there exist various comprehensive reviews (Schultz 2015; Winant 2000) and edited volumes (Goldberg & Solomos 2002; Wilson & Donnan 2012). Although the terms borders and boundaries are often used interchangeably, they have been the object of two distinct approaches and have generated two prolific fields of research. Borders, research into which overlaps with migration studies (Hollifield et al. 2014), have been analyzed in political geography in terms of the permanence of processes of inclusion and exclusion (Newman 2007), in international relations from the perspective of conflicts related to territorial disputes (Fravel 2008), in sociology through the question of detention and deportation of illegal migrants (Pratt 2005), and in anthropology via the production of borderlands as socially and culturally distinctive territories (Alvarez 1995). They have also been conceived of as a method to decipher contemporary crises, global transformations of economies, and local sites of violence (Mezzadra & Neilson 2013). Boundaries, which have been a major topic in the studies of race (Essed & Goldberg 2002), have been explored via the formation of hybrid identities resulting from the combination of ethnic, gendered, and sexual differences (Anzaldúa 1987), in terms of escape routes that allow people to cross them so as to redefine themselves and transcend ascribed identities (Telles & Sue 2009), and via the exclusionary strategies that they may reveal (Stolcke 1995) or, conversely, in terms of the politics of diversity and multiculturalism to which they have given birth (Brubaker 2015). They have also been examined by psychologists to apprehend group

relations and conflicts (Prentice & Miller 1999). Thus, for the most part, borders and boundaries are inscribed in two separate sets of scholarship.

The interest in the way in which they are intermingled is, however, far from new. To cite only a few examples, John Cole and Eric Wolf (1974) described how two villages situated on both sides of the border between Austria and Italy developed, in the same physical environment, completely different cultural practices and social organization; Peter Sahlin (1989) analyzed how the creation of the border between France and Spain in the seventeenth century generated, via the distinction between the two territories, a sense of national differentiation nourished by local disputes; Ronald Frankenberg (1957) studied the conflicting relationships in a village situated at the border between England and Wales, showing that the boundaries between the residents were not only determined by the colonial, including linguistic, domination of the latter by the former, but also by class distinctions and inequalities related to capital-intensive agriculture; and Abner Cohen (1965) examined how the birth of the Israeli state transformed kinship practices and land distribution, thus establishing new boundaries in Arab villages situated at the border as a result of the dispossession of part of their territory.

More recently, studies have explored the making of identities and networks among minorities of migrant origin in the United States, often on the basis of a common experience of racialization and discrimination. They concern in particular Salvadorans (Menjívar 2000), West Indians (Waters 2001), Chinese (Ngai 2004), and Mexicans (De Genova 2005), the latter having received considerable attention in relation to the southern border of the country (Vélez-Ibáñez & Heyman 2017). In parallel, research on Europe has been conducted on ethnic group formation among immigrants in Britain and Germany (Castles 1984) as well as in Switzerland (Wimmer 2013), in some cases with an emphasis on the experience of specific groups such as Poles in London (Garapich 2016), Libyans in Milan and Berlin (Fontanari 2019), and, in a sort of symmetrical perspective, Andalusians, whose status has changed from that of migrants in Northern Europe in search of work to being forced hosts for African immigrants (Suárez-Navaz 2004). This renewal of attention to connections between borders and boundaries thus seems to respond to Paul Silverstein's call for more research into "the dialectical relationship between state racial formations and migration studies" (Silverstein 2005: 376). The present volume participates in this mobilization.

It offers however certain differences. First, taking advantage of the fact that English has two words when most languages only have one—such as French with *frontière* and Spanish with *frontera*—we have chosen to establish a distinction between borders and boundaries, the former corresponding to territorial and legal limits, the latter to social and symbolic ones. We are aware that it is a convention, but we think that it is heuristically useful, even when it involves showing, in concrete contexts, the blurring of the two or the obscuring of one by the other. We do not reify the concepts, but use them as tools to uncover certain logics that would be less evident otherwise. They are for us critical instruments. Second, playing with this distinction, we could say that we have attempted to cross national borders as well as disciplinary boundaries. Indeed, our case studies are taken from five continents: Africa, Asia, Europe, North America, and South America. And the authors of this volume come from history, sociology, anthropology, law, and political science.

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The first part of this book examines the political and moral economies at work in the connections between borders and boundaries on a global scale as well as within national contexts. By political economies we mean the production, circulation, and appropriation of goods and services, whereas by moral economies we mean the production, circulation, and appropriation of values and affects. Both dimensions have considerable consequences on the way immigration is approached and migrants are treated by states as well as societies.

In that regard, the contrast is striking between the opportunities open to wealthy Russians, Chinese, or Saudis who can buy a residence permit or citizenship status from a microstate in the Mediterranean or the Caribbean, as discussed by Kristin Surak, and the fate endured by Filipina domestic workers in Middle Eastern Arab countries, Israel, Singapore, Taiwan, Canada, and Denmark, as studied by Rhacel Parreñas. In the case of rich foreigners, substantial donations to or investments in countries with corresponding regulations allow billionaires to benefit from their acquired identity—for instance, by obtaining a Maltese or Cypriot passport they gain access to the European Union without the legal constraints imposed on those who do not belong to it. But one could add that money is not the only resource providing a free pass to residency rights or citizenship and that small states are not the only ones to offer special privileges to appli-

cants endowed with a particular form of capital. So-called talent, in sports, science, or technology, has the same function in Western countries. In the case of domestic workers, migrant women are bound to their employer, whom they can only leave under very restrictive conditions, which depend on national policies, because doing so would cause them to lose automatically their residency permit and face deportation. Such unfavorable work contracts, for which the Philippine state develops services dedicated to the preparation of its domestic workers before their departure, lead to situations of extreme dependence and precariousness. The lack of freedom and intimacy as well as the absence of minimal wage and social protection are assimilated by some to a form of indenture, notably in the case of the United Arab Emirates, where the situations of these women can be particularly appalling.

Differences in the regimes of immigration thus reveal hierarchies in the evaluation of the worth of human lives, borders being regulated in dramatically divergent ways determined by economic or national boundaries and with frequent ethno-racial undertones. This is what Ayşe Parla shows in the case of Turkey, where the state distinguishes migrants of Turkish origin and Turkish culture, especially those of Bulgarian descent, from other foreigners. However, society at large does not completely recognize these blood kin as equal to purebred nationals, despite their efforts to perform their belonging to Turkey. The multiple boundaries drawn both across and within borders, which induce attitudes that go from hostility against Kurds to racism toward Africans, are hardly surprising in a country that has not yet recognized the Armenian Genocide, which occurred more than a century ago. That the state establishes distinctions between legitimate and illegitimate migrants is common practice across the globe. In the French case, the state goes as far as to explore and police the intimacy of relationships between men and women, as Mayanthi Fernando demonstrates, analyzing situations that involve binational couples who are tested on their affective and sexual bonds before the foreign partner can obtain a residence permit. Of particular importance here is her analysis of Muslim men, who are taught how to respect gender equality within the space of the family. The specter of deceit in the first case (foreign nationals) and of communalism in the second one (Muslim men) haunts public discourses and policies, adding moral and religious boundaries to the already strictly controlled national borders.

The second part of the volume moves deeper into the ethnic and racial discriminations produced by legal texts and social norms. It does so

notably by considering historical precedents to the current moment, thus allowing us to avoid the pitfalls of presentism.

In the United States, the Trump administration's "Muslim ban" thus offers interesting similarities with previous exclusionary measures adopted at the end of the nineteenth and the beginning of the twentieth century. The best known is the 1882 Chinese Exclusion Act, which was the first of its kind directed against a class of aliens, as reminded by Mae Ngai. The act was voted for by Congress and, when it was contested a little later, the Supreme Court ruled that it was a matter of national security and that the government consequently had a sovereign right to refuse and deport foreigners. This decision paved the way for future exclusionary measures. The legislation was enacted in a context of racist violence against Chinese, which it contributed to fueling and legitimizing. It also inspired the passage in 1917 of the Immigration Act, also known as the Asiatic Barred Zone Act, which, as Sherally Munshi explains, was a euphemistic way to designate what was in fact a "Hindu ban," the geographic definition of those excluded avoiding a racial language even in the disguised form of national delineation. Blatant racism was, however, overtly expressed at the time in the congressional debates. Thus, in the exclusion of both Chinese and Hindus, the alleged control of national borders was no less than the endorsement of racial boundaries by the state.

Opening a perspective on both American continents, Michael Hanchard analyzes the historical formation of states under racial regimes from the colonial to the postcolonial times. In a context of the permanent revision of borders through wars of liberation or conflicts with neighboring countries, the definition of racial boundaries in Brazil and Gran Columbia was haunted by the dual question of natives and slaves, including when the latter were freed. The case of the Haitian Revolution was intolerable for Western powers since, for the first time, a black nation-state was created, which made borders and boundaries coincide in an unprecedented way as citizenship and race became coextensive. Moving to a more abstract terrain, Tugba Basaran revisits the founding principle of the recognition of individuals as persons before the law. Although it is included in the 1948 Universal Declaration of Human Rights, it is not implemented everywhere for everyone, in particular where foreigners are concerned, whether in contexts of war, such as in Guantanamo for the United States, or in context of immigration, such as in Nauru for Australia. These extreme cases, which are underlain by the construction of racial boundaries, show that the control of borders often relies on border-enforcing legal practices that

do not conform to usual territorial legislation and produce lives outside the law.

The third and last part considers borders from a spatial perspective, either as the line separating two territories or, more indefinitely, as the demarcation of an area of sanctuary, for military objectives in no-man's land, and finally for economic purposes in free zones. The authors show that both lines and areas are the result of processes of border-making.

These processes can be used to protect. This is what Linda Bosniak illustrates with the development of sanctuary practices in the United States and elsewhere in response to increasingly drastic and repressive immigration policies. Thus, certain cities declare themselves to be sanctuaries in the tradition of ancient asylum sites in which various classes of people could find refuge, and thus today where illegal immigrants cannot be arrested. The arguments used to justify these practices are diverse, from humanitarian principles and pragmatic self-interest to broader ideas of justice and even radical claims of a right to stay for those who have settled in their host country. At the same time as these movements produce internal borders delimiting sanctuaries where the federal state cannot enforce its law, they construct legal boundaries between those who have access to certain measures, like the DREAM Act of 2001, for alien minors, and others.

In contrast with this logic of protection, the making of borders and boundaries can proceed from logics of dispossession and oppression. The no-man's-land on the northern edge of the Gaza Strip described by Ilana Feldman illustrates the fate of a small town affected by both long-term occupation by the Israeli state and repeated deadly attacks by its army. Episodes of destruction have multiplied since the creation of Israel in 1948. The Nakba, as it is called in the Arab world, not only established a border between the new state and the Occupied Territories, it also created boundaries among Palestinians, notably between natives and refugees, who were dislodged from their land and depended on the assistance of the United Nations. With time, the ordeal of the cycle of ruination and rebuilding has been redoubled by the increasing difficulty in crossing the border and the institution of a new boundary between those who benefit from a permit and those who do not. The tragic history of this town epitomizes the making of borders and boundaries through the politics of colonization, which in this case involves not only land but also water as Palestinians are denied access to the sea.