
Review Essay

Violent borders, citizenship and the politics of migration

Contemporary Political Theory (2022) 21, S1–S8. <https://doi.org/10.1057/s41296-021-00489-7>; published online 27 April 2021

Bordering Britain: Law, race and empire

Nadine El-Enany

Manchester University Press, Manchester, 2020, 302 pp., ISBN: 978-1-52614542-0

Fencing in Democracy: Border walls, necrocitizenship, and the security state

Miguel Díaz-Barriga and Margaret E. Dorsey

Duke University Press, Durham, N.C., 2020, xi+178, ISBN: 978-1-4780-0693-0

Contemporary borders are hardening, proliferating and collapsing inwards. The proliferation of borders has been matched by a burgeoning body of work in the fields of migration, border and citizenship studies. Within this context, it is commonplace to point out the unjust nature of borders and the immigration policies that produce them. Two recent contributions to this literature are Nadine El-Enany's *(B)ordering Britain: Law, Race and Empire* and Miguel Diaz-Barriga and Margaret E. Dorsey's *Fencing in Democracy: Border Walls, Necrocitizenship and the Security State*. Both books investigate how immigration controls and the bordering practices that flow from them construct citizenship in troubling forms. Yet despite their thematic similarity, they make very different interventions. While El-Enany links together legal scholarship with critical race theory to investigate the colonial origins that shape British citizenship, Diaz-Barriga and Dorsey draw upon a broad range of contemporary political and security theory to undertake an ethnographic investigation into the United States' militarised southern border.

El-Enany's *(B)ordering Britain* is a powerful and exceptionally thorough critical examination of the United Kingdom's immigration laws, their colonial legacy and ongoing racialised effects. The main themes of the book are neatly captured in the title's play on words: through the operation of immigration controls, Britain is 'not only *bordered*, but racially and colonially *ordered*' (pp. 3–4; emphasis added). In addressing these themes, *(B)ordering Britain* sits within a relatively small but well-established field that researches the linkages between Britain's colonial past and its contemporary immigration regime. However, El-Enany's method marks a substantive departure from other work in the field, both conceptually and



empirically: linking together legal analysis with critical race and postcolonial theories, throughout the book she takes ‘legal categories by turn and subject[s] them to race-critical analysis’. In so doing, she strips away the noble-sounding justificatory premises and rights-language that underpin British citizenship to reveal an ‘understanding of law *as* racial violence’ (p. 10). El-Enany undertakes this task across five chapters: the first sets out the book’s main arguments in mostly theoretical terms; chapters two to five elaborate these arguments through close readings of legislative acts, court cases and secondary archival research. The book concludes with a challenge to the traditional relationship between migration and citizenship by proposing a ‘counter-pedagogy’ (p. 225) to immigration law.

In chapter one, El-Enany sets out two interlocking arguments that run throughout *(B)ordering Britain*. The first argument is that contemporary Britain ‘remains a colonial space’. El-Enany demonstrates how racialised hierarchies have been produced throughout history, examining, for instance, the Enlightenment and British Empire. Situating contemporary Britain within this legacy, she proposes that immigration law is the new structure that produces and maintains a system of racialised order. Britain is a ‘colonial space’ because ‘immigration law ... maintains the global racial order established by colonialism, whereby colonised peoples are disproportionately dispossessed of land and resources within and outside Britain’s borders’ (pp. 17–18). Flowing directly from this first argument is a second one concerning what El-Enany identifies as ‘the recognition trap’ (p. 9). Here she draws on authors, such as Glen Coulthard (2014), to argue against recognition politics as a means of achieving justice for racialised migrants. The politics of recognition refer to the strategy of appealing to legal status-recognition and to conceptions of British citizenship in order to claim rights for racialised migrants. If the law that articulates British citizenship is itself a form of racial violence, as El-Enany suggests, then recognition politics compound such violence because they have ‘the effect of legitimising the colonial British state’s immigration regime’ (p. 35). Consequently, the politics of recognition are a trap because they take as given ‘Britain’s claim to being a legitimately bordered sovereign nation-state’ (p. 35), rather than a ‘colonial space’ unjustly enriched through conquest. Taken together, these are forceful arguments that some may find controversial. However, they are coherently articulated and exceptionally well evidenced across the remaining chapters, drawing upon a range of statistical and archival research for support.

In chapter two, El-Enany begins to apply her unique method, starting with an analysis of the 1905 Aliens Act. This Act is of interest because it ‘set a legislative precedent for immigration control, which would later be primarily targeted at racialised British subjects and Commonwealth citizens’ (p. 37). She observes a discernible pattern, beginning in the Aliens Act, where the British government developed ‘the art of writing race-neutral terms into legislation which would nevertheless produce racialised effects’ (p. 72). In this case, the Act targeted



predominantly poor Jewish refugees by articulating the concept of the ‘undesirable alien’ (p. 57). Consequently, despite the veneer of neutrality, the 1905 Act resulted in racialised outcomes, evidenced by a dramatic fall in the number of those categorised as aliens between 1906 and 1911.

Chapter three is the longest and arguably most important of the core analytic chapters, covering the period from 1948 to 1981 and Britain’s transition from empire to nation-state. The chapter begins with discussion of the 1948 British Nationality Act that formally codified British citizenship for the first time. The 1948 Act extended the right to reside in Britain to all 850 million colonial subjects, with the unintended consequence of ‘the arrival of around 500,000 racialised people from British colonies and the Commonwealth’ (p. 81). El-Enany argues that in direct response to these new flows of migration, the British government passed a series of laws across the 1960s, 1970s and 1980s that, while race-neutral in language, specifically targeted racialised colony and Commonwealth citizens. The most consequential of these were the 1971 Immigration Act and the 1981 British Nationality Act. El-Enany skilfully demonstrates how the 1971 Act embedded whiteness in the very structure of British citizenship through the concept of ‘patriality’ that gave ‘those born in Britain or with a parent born in Britain’ the right of entry and abode (p. 119). The 1981 Act completed the process, tying a notion of British citizenship to the concept of patriality and drawing a hard border around contemporary Britain. The effect of these laws was not only to embed whiteness in the structure of British citizenship but also to prevent Commonwealth citizens from accessing the spoils of empire, in ‘a final act of seizure of stolen colonial wealth’ (p. 127). The chapter concludes with a discussion of the Windrush scandal, in which many racialised Commonwealth citizens who had arrived prior to the 1971 Act were illegally deported by the UK Government. El-Enany criticises British MP David Lammy for falling into the ‘recognition trap’ by highlighting the injustice of deporting black Britons on the basis of their claims to British citizenship.

Having established the core argument of the book, chapters four and five spell out some of its implications. Chapter four is devoted to a discussion of refugees and asylum seekers through an analysis of the 1951 Refugee Convention and a close reading of several court cases. While El-Enany recognises the importance of the 1951 Convention for many individuals, her argument is that it ultimately reproduces the problematic logic that Britain is a legitimately bordered nation-state. Asylum and refugee law ‘allows Britain to conceal its colonial history beneath a veneer of humanitarianism’ (p. 134).

Chapter five submits Britain’s membership in and its exit from the European Union to similar treatment. El-Enany situates Britain’s decision to join the European Economic Community in 1973 within the context of its declining empire, seeing it as ‘a substitute for colonialism, both in economic and political terms’ (p. 177). Despite the EU’s commitment to liberal principles of human rights, she argues that it is best understood as a club of former empires, and, as such, does not



constitute a radical break from Britain's colonial past. Notwithstanding an internal commitment to freedom of movement, EU citizenship once again embeds whiteness, because 'EU citizens are predominantly white, and the vast majority of those who take up their right to free movement are white' (p. 190). She reads the 2016 'Brexit' referendum vote within the context of Britain as a declining empire, convincingly arguing that it is rooted in nostalgia for empire.

The book concludes with a call for a new approach to the politics of migrant rights and racial justice in Britain. El-Enany argues for postcolonial critique as a 'counter-pedagogy to that of law', a claim she develops by strategically inverting the call for migrants to 'go home' made famous by Theresa May's infamous 'Go Home' vans. If 'Britain is acknowledged as being everywhere' due to its colonial legacies then 'go home' becomes 'an invitation to stay' (p. 231). While conceptually and rhetorically neat, practically speaking, this move does leave some questions unanswered. Specifically, it leaves open the question of what is involved in a political practice that rejects recognition politics. Accepting that British immigration law institutionalises racial violence, should we reject citizenship wholesale? And is there really no place for strategic litigation? The struggles for racial justice and civil rights in the United States are instructive here. The US constitution enshrined the right to own slaves but abolitionists such as Frederick Douglass were still able to successfully frame their arguments in constitutional terms. Similarly, in her reading of the case of *Bugdaycay, v. SSHD* El-Enany argues that the courts cannot deliver racial justice because to do so would be to call into question Britain's sovereignty and 'by implication [the court's] own power of adjudication' (p. 153). However, during the civil rights movement, the NAACP's legal action was an important factor in dismantling the Jim Crow system, often working alongside forms of direct action. In both cases, the law also embedded racial violence, yet constitutional arguments and strategic litigation remained important forms of political practice. While this may not negate El-Enany's arguments against the politics of recognition, it does pose the question of what such a stance entails practically, which would make a fruitful area of future study.

In *Fencing in Democracy*, Diaz-Barriga and Dorsey switch the focus away from the UK as a colonial space and towards the construction of the United States' militarised southern border, in what is a timely and innovative intervention. The book is the culmination of over a decade of fieldwork and represents 'the perspectives of a population often overlooked in policy making—those of border residents themselves' (p. x). The book is not just thematically distinct from *(B)ordering Britain* but also methodologically, utilising a range of ethnographic methods in its investigation into the effects of border wall construction along the US–Mexico border. *Fencing in Democracy* occupies a similar space in the field to works such as Wendy Brown's *Walled States, Waning Sovereignty* (2014). Where Diaz-Barriga and Dorsey depart from theorists like Brown is their argument that the



contemporary proliferation of border walls is not an indicator of waning sovereignty, but of 'sovereign practices based on the state's power to perpetrate violence and exempt itself from its own laws' (p. 11). Linking together an ethnographic focus on border communities with an account of the securitisation of migration in the US, particularly in the wake of 9/11, the authors set out a novel account of how the militarisation of the border is reshaping citizenship.

To explain how 'sovereign practices' of bordering shape citizenship and rights, Diaz-Barriga and Dorsey introduce the concept of 'necro-citizenship'. Necro-citizenship is the book's primary conceptual innovation and most significant contribution to the field. Drawing on Achille Mbembe's account of necropower (2019), Diaz-Barriga and Dorsey deploy the concept of necro-citizenship to analyse and explain their findings from the field. In so doing, they draw out three interrelated dynamics: the operation of necropower by the state as a way of managing exclusion and death, the deterritorialization of Mexican/American identity as method of making Mexican-Americans subject to exclusion and forms of patriotic citizenship performed by Mexican-Americans as a practice of belonging (p. 12). The book's five chapters each analyses one or more case studies to draw out these three dimensions of necro-citizenship.

The first chapter sets the scene, both visually and discursively. In perhaps the most novel chapter in the book, the authors undertake a visual ethnography of the border wall as it cuts across the landscape and communities, capturing 'the intrusion of border security measures into the everyday lives of border residents' (p. 16). They represent the border as both a state of exception and part of everyday life: a state of exception because, in the wake of 9/11, the Real ID Act allowed the Department of Homeland Security (DHS) to waive environmental laws in order to prioritise border wall construction; quotidian, in the sense that militarised border walls are a continual presence in the lives of local residents, often diminishing their rights as citizens.

Chapter two explores the politics of (neco)citizenship through the examples of the Granjeno Friendship Festival and the 'El Veterano' Conjunto Festival. Diaz-Barriga and Dorsey set out their understanding of citizenship as not simply a legal status but also 'a discursive construct that circulates through culture' (p. 50). This move is crucial to their argument, for if citizenship is a set of cultural practices that are discursively articulated, then they can also be *rearticulated*. The Mexican American Vietnam veteran Reynaldo Anzaldúa exemplifies this argument. As a resident of the border town Granjeno, he resisted the building of the wall but did so while proudly wearing a patriotic cap that drew attention his status as a veteran. He did this because 'he recognised that national actors label resistance to security measures unpatriotic' (p. 49). Moving between necro-citizenship (the willingness to die for your country) and cultural citizenship (discursive articulation), the authors argue that such performances of citizenship rearticulate the meaning of patriotism in a form that is 'not jingoistic like those promulgated by the right wing' (p. 77).



However, this argument is only partially convincing from a political perspective. In the case of both Anzaldúa and the ‘El Veterano’ Conjunto Festival, these practices of citizenship are articulated within a militaristic idiom, and it is hard to see how they break with the dominant logic of militarised borders and the constraints of necro-citizenship.

Chapters three and four are thematically linked through the concept of ‘spillover violence’. The authors undertake a discursive analysis of a 2010 border security hearing in McAllen, Texas, where the meaning of spillover violence was debated. In so doing, they draw out how ‘security intertwines with sovereignty, race, and sexuality’ (p. 107). They argue that spillover violence designates border communities as warzones, thus normalising states of exception. In keeping with Mbembe’s account of necropower, Diaz-Barriga and Dorsey highlight how such designations always map onto deeper conceptions of race, class and gender. The logic of spillover works to ‘construct a vulnerable feminised citizenry threatened by unseen dark, Mexican, and masculine forces of extreme violence’ (p. 83).

Chapter four makes use of an infamous graphic that uses large red arrows to depict the flow of people and crime from Latin America in order to argue that the logic of spillover violence has been thoroughly cemented. The authors draw attention to the ‘circular evidence producing machine’ that advocates for ‘border militarisation at its core’ (p. 113), with little regard to scientific evidence and the knowledge of local experts. They illustrate how the violent effects of border militarisation extend beyond traditional security actors, citing an example from 2012 where Texas Parks and Wildlife game wardens chased and killed two Guatemalan migrants. While these kinds of discursive analysis are not wholly novel, the lens of necro-citizenship illuminates new dimensions of border violence, leading the authors to ask: ‘has necro-citizenship killed liberal citizenship?’ (p. 117).

The fifth and final chapter delineates the hierarchies of necro-citizenship by analysing Fox News coverage of a congressional hearing between a US Army General and two Mexican–American Congressmen. The authors deftly juxtapose highly edited Fox News coverage with the actual hearing transcript to once again analyse how border militarisation is discursively constructed through the logic of necro-citizenship. The hierarchical dimension of necro-citizenship is revealed when Congressman Henry Cuéllar challenges aspects of the General’s testimony. Even though he does so by affirming ‘his support for border security’ (p. 131), and noting that he has three brothers in law-enforcement, his motive remains suspect due to his Mexican–American heritage. Framed within the terms of necro-citizenship, Diaz-Barriga and Dorsey claim that despite his assertions of patriotism, Congressman Cuéllar is ‘denationalised’ (p. 132). When an elected representative cannot question basic facts without having their patriotism questioned, the authors ask, ‘how can democracy thrive in such a context?’ (p. 131). Given the prominence that democracy is given in the title of the book, it does at times feel like an afterthought



in the authors' analysis. Consequently, a more substantive discussion of how democracy interacts with, and is threatened by, necro-citizenship might have benefitted their arguments.

There is a more important conceptual ambiguity that runs throughout the book regarding questions of security and securitisation. Theorists in the field of security studies highlight that security threats are not pre-existing objects of concern but constructed through discourse. The authors' arguments regarding border militarisation and the construction of migration as a threat clearly participate in this theoretical tradition. However, within security studies, there is a split between theorists who focus on the speech acts of securitising actors (politicians, military personnel) and those who are more interested in day-to-day, routine practices of governance (surveillance, risk analyses). Methodologically, Diaz-Barriga and Dorsey draw upon both schools, but there are important differences between them with real-world consequences, particularly regarding processes of desecuritisation. The example of the Abolish ICE movement helps to draw out some of these differences. Rather than focusing on the speech acts of anti-immigrant politicians, the movement's central demand is to abolish the Immigration and Customs Enforcement Agency (ICE), take day-to-day migration management out of the remit of DHS and desecuritize migration by making it an issue of community development and human rights (McElwee, 2018). Given that the logic of necro-citizenship can appear inescapable, the book might benefit from further interrogation of the different ways that migration is securitised as a way of thinking through and beyond militarised discourses.

Contemporary academic and political debates on borders and migration have reached something of an impasse. *(B)ordering Britain* and *Fencing in Democracy* sit on opposing sides of these debates. On the one hand, Diaz-Barriga and Dorsey want to 'rescue citizenship from the rocky shoals of state policies aimed at exclusion and death' (p. 139) by investigating practices of citizenship that disrupt traditional modes of patriotism. On the other hand, El-Enany argues for the rejection of recognition politics, seeing citizenship and immigration law as the embodiment of racial violence. Neither book offers a definitive way out of the current impasse, but this is more a reflection of the political moment than a shortcoming of the books. The struggle for migrant rights around the world remains contested, and both *(B)ordering Britain* and *Fencing in Democracy* offer new and insightful ways of thinking through the injustices of contemporary borders.

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