From Border Control to Border Care: The Political and Ethical Potential of Surveillance

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Abstract

This paper analyzes the use of surveillance by activist groups opposed to the extensive securitization of the US-Mexico border and examines the implications of their activities for scholarship on borders, surveillance, and empowerment. The work of three organizations—the American Civil Liberties Union (ACLU), No More Deaths, and Humane Borders—is covered. While there is some overlap in their practices, these three organizations, respectively, have concentrated on (1) the use of digital photography and video recording equipment to monitor state agents and vigilante organizations; (2) the coordination of citizen-organized foot patrols to locate and assist migrants in danger; and (3) the use of Geographic Information Systems (GIS) to support the provision of water and high-resolution border maps to migrants. In documenting the practical use and symbolic framing of surveillance by secular and faith-based activists, this article adds necessary complexity to prevailing conceptualizations of observational strategies and practices. It demonstrates that, while they may enhance and extend state control over bounded territories and populations, watching, monitoring, and rendering visible are not inherently exclusionary or repressive acts and can, in fact, be used in the service of undermining borders and their attendant consequences. The groups examined herein have applied surveillance towards contesting official gatekeeping strategies and creating alternative moral geographies where the imperatives of sovereignty and national security are subordinated to social justice and global hospitality.

Introduction

Although traditionally peripheral to surveillance studies, the regulation of international boundaries and mobility has received increasing scholarly attention. As political interfaces and putative markers of national sovereignty and identity, territorial borders constitute privileged sites of social closure and control. Since the late 19th century, states have ‘monopolized the legitimate means of movement’ (Torpey 2000, 5) and transformed borders into institutionalized zones of regulation defined by a matrix of surveillance that includes border patrols, military checkpoints, medical inspections and quarantines, X-ray machines, integrated biometric databases, visas, passports, and other official forms of identification. Consequently, while it is spread throughout the social body, nowhere is the state’s gaze more pervasive, exclusionary, and encroaching than at its territorial and jurisdictional boundaries. Additionally, practices of border control and surveillance are constitutive and profoundly political, as they bound protect and order society. In constructing and reproducing the categories of citizen and alien, ‘encaging’ (Mann 1993, 61) social relations, and securing and extending sovereignty—both physically and symbolically—over territories and populations, boundary maintenance projects a sense of institutional coherence and renders perceptions of a unified social order axiomatic and uncontested (Mitchell 1999; cf. Corrigan and Sayer 1985).
Although existing research has illuminated the role of surveillance in monitoring and managing mobile populations, it has tended to overlook other important activities, including the strategic use of surveillance by activist groups. As a result, scholarship has generally interpreted watching, locating, and identifying as innately authoritative and disempowering practices directed toward gatekeeping and exclusion. But what happens when observational technologies and strategies are turned against the state’s gatekeepers and surveillance systems? How should such instances impact scholarly understandings of surveillance as a potential tool of resistance, empowerment and democratization?

In addressing these questions, I assess two interventions employed to address the human consequences of contemporary immigration control: (1) counter-surveillance and (2) strategic and symbolic acts of ‘de-bordering’. While both share common interests in rendering perceived injustice visible, they can be differentiated based on their tactics and overriding objectives. The first refers to the use of surveillance to promote transparency and democratic accountability by ‘watching the watchers’ and turning the gaze of authority against itself (see Huey et al. 2006). ‘De-bordering’, meanwhile, represents broader transformative approaches that employ surveillance to humanize the border environment. While it also seeks to alter existing arrangements, unlike counter-surveillance, such actions are more systemic or counter-hegemonic; rather than implementing a direct response or counter-gaze, they pursue ethical and practical activities that assist migrants, recast the terms of official discourse, and challenge existing institutional arrangements.

Three specific practices are of particular interest, the first of which is a form of counter-surveillance and the other two constitute forms of ‘de-bordering’. They include (1) the use of digital photography and video recording equipment to monitor vigilante organizations; (2) the coordination of citizen-organized foot patrols to locate and assist migrants in danger; and (3) the use of Geographic Information Systems (GIS) and other locational technologies to augment the placement of water stations in the desert and dissemination of maps providing their locations. These three activities, advanced (respectively, although there is some overlap between the groups’ activities) by the ACLU, No More Deaths, and Humane Borders, provide instrumental and expressive responses to border militarization and securitization.

Many scholars have already noted how border control and surveillance exceed the exclusive purview of nation-states and are also carried out by emergent practitioners such as supranational institutions, municipalities, private security firms, airlines, travel agents, and vigilante patrols (Guiraudon 2001; Walsh 2008). While emphasizing the distributed and heterogeneous nature of surveillance, I also intend to reorient analysis by illuminating how private citizens and civil-society actors have used observational technologies and practices as mechanisms of empowerment—here defined as a demonstrable improvement in the economic, juridical, social, or symbolic status of marginalized groups. Paying attention to such dynamicsshould result in a more nuanced understanding of border control as a complex institutional field defined by negotiation and struggle among multiple actors, both internal and external to the state, and help assess the activists’ use of surveillance in protecting migrants and in promoting a moral geography of recognition, responsibility and hospitality.

This paper is divided as follows. First, with particular attention to the US-/Mexico border, I summarize received scholarship on globalization, surveillance, and national boundaries. Second, I apply studies emphasizing surveillance’s flexibility and ambiguity to the institutional field of the border. Here I argue that, along with restricting entry and expelling ‘undesirables’, observational technologies and practices may also be applied to promoting human security and challenging perceived injustice. Finally, before offering a brief summary and conclusion, I situate this argument empirically, analyzing the use and framing of surveillance by border activists. This third section also assesses each group’s transformative potential and its relations with state authorities and official border practitioners.

Far from a definitive statement, the propositions advanced here are intended to illuminate a rich but unappreciated research site, transcend the opaqueness of current debates and inspire further studies oriented towards identifying the contexts and conditions under which surveillance may succeed as a mechanism of protection and care.

While an exhaustive discussion is beyond this paper’s scope, it is essential to note that globalization involves more than transnational mobilities, flows, and exchanges; it is equally defined by practices of gatekeeping, immobilization and exclusion. For many individuals, rather than ‘flexible citizenship’ (Ong 1999), the most striking trend of the last century has been the growth and increasingly preemptive, punitive, and technologically sophisticated nature of border control and surveillance. Such dynamics have resulted from neoliberal restructuring and the replacement of ‘managed capitalism’ with programs of socioeconomic deregulation and market rationality. Unable to provide safety, security, and certainty through redistributive and market interventions, states increasingly face anxious publics and patterns of social polarization and antagonism. In response, governmental agents have escalated the policing of boundaries, mobility, and ‘placement of people’ (Trouillet 2001) to preemptively identify and neutralize risks and ‘undesirable elements’. According to Garland (2001, 100), this trend has inverted the post-war political principles of ‘economic control and social liberation’ into ‘economic freedom and social control’.

We see this increased policing and security in a constellation of social practices, including the mass incarceration of minorities, the policing of the poor, the emergence of guarded and sanitized enclaves of affluence (such as gated communities and shopping malls) and the surveillance and fortification of urban landscapes. But the dynamics of boundary maintenance are uniquely applicable to international borders. Through surveillance and architecture, the latter globally regulate the spatial placement of bodies (Monáhan 2008; Turner 2007).

Under such conditions migrants encounter a highly stratified ‘mobility regime’ (Shamir 2005) where all travellers are identified, sorted, and classified as desirable or undesirable, safe or risky, and, thus, admissible or inadmissible. Consequently, access to the territories and societies of rich nations has emerged as a significant determinant of life-chances and a primary axis of global inequality (Bauman 1998).1 For tourists, professionals and other affluent transients, borders are generally experienced as conduits or zones of transit where surveillance is ‘thin’, momentary and superficial (Torpey 2007). For undocumented workers, sanspapiers and other ‘undesirables’, borders are sites of intensive scrutiny, closure and trauma where surveillance is ‘thick’ (Torpey 2007) and functions as a ‘banopticon’ (Bigo 2002) oriented towards exclusion rather than correction or discipline. Through regimes of surveillance and classification, states do not merely control movements but also enact rituals of ‘purification and prophylaxis’ (Douglas 1966; cf. Salter 2007) that construct and codify moral distinctions between those worthy and unworthy of membership. Here those marked as undeserving and undesirable are constituted as ‘anti-citizens’ whose presence is deemed hazardous and whose sociopolitical existence is rendered invisible and unauthorized (Inda 2006). Thus, more than just administrative techniques, border patrols, workplace raids, and related forms of surveillance provide normative performances that call into existence the very categories and divisions (legal/illegal, alien/citizen) they purport to represent and enforce.

Nowhere are these trends more visible than along the US-Mexico border. Despite America’s perennial definition as a ‘nation of immigrants’, politicians and the general public have recently displayed a deep ambivalence about this heritage, as demonstrated by rising restrictionary sentiments and the alignment of the migrant which multiple suspect categories and ‘folk devils’ whether the pauper, recalcitrant minority, diseased or the criminal, terrorist and subversive. Additionally, for state officials many foreigners- given their precarious juridical status- constitute an inherent criminal element and ‘legal impossibility’ (Ngai2004, 4). Amidst these moral panics, since the early 1990s the US government has recalibrated enforcement efforts between ports of entry.2

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1 Scholars have also noted that, by providing access to an elastic and uniquely tractable fraction of the post-industrial laboring class, social categories of illegality and deportability are functional for global capitalism (Degenova 2002).

2 Although space constraints preclude an exhaustive discussion, sophisticated surveillance systems for sorting, tracking, and monitoring mobility have also been implemented (Heyman 1999). For more on the construction of immigration as a social problem and threat to social order, see Chavez 2008.
Officially termed ‘targeted enforcement’ and ‘prevention through deterrence’, these strategies have included: (1) the strengthening of the country’s border architecture through new stadium lighting and reinforced steel fencing; (2) formal interfacing and intelligence sharing with the military; (3) high-profile enforcement efforts with names ranging from Operation Blockade to Gatekeeper; and (4) the use of sophisticated information technologies and surveillance systems ranging from unmanned aerial vehicles to seismic and infrared sensors (Andreas 2000). The logic underlying this shift was that targeting highly trafficked urban corridors (like San Diego and El Paso) would redirect migrants into ‘hostile terrain’ less ‘suited for crossing and more suited for enforcement’ (US Border Patrol 1994, 7). Additionally, in contrast to prior strategies that focused on locating and apprehending individuals already in the US, it was assumed that preemptive ‘forward deployment strategies’, by increasing the physical, financial, and psychic costs associated with crossing through isolated rural areas, would dissuade potential migrants (US Department of Justice 1998).

Following the terrorist attacks of September 11, 2001, securitization strategies have been further accelerated as media pundits and government officials have described the border as an ungoverned frontier prone to terrorist infiltration, thereby transforming the migrants into categorically suspect security risks. Additionally, with the establishment of the Department of Homeland Security (DHS) as the central policing agency, the Bush administration introduced a sweeping reinscription of national spatiality. These measures have included the deployment of the National Guard to strategic sectors; further funding for recruitment, hiring, and surveillance technologies; and the construction of 700 miles of new fencing, which, once completed, will make the US-Mexico divide the most heavily guarded border in the developed world.3

The government is not alone in its aggressive efforts, as vigilante organizations have emerged to provide additional surveillance and policing. Although existing in numerous forms over the past 150 years, border vigilantes, which now include the Minuteman Project, Minutemen Civil Defense Corps, American Border Patrol, Border Patrol Auxiliary and Cyber-vigilantes, have recently proliferated (Walker 2007). Guided by insular nationalism and viewing undocumented migration as an affront to national sovereignty and security, vigilantes have engaged in civilian-led border watches and patrols, the use of unmanned surveillance drones, and the installation of their own high-tech fencing and surveillance cameras near the border.4

Heightened securitization efforts have had egregious human consequences. While failing to curb illicit entries, forward deployment strategies have instead forced migrants into the unforgiving desert, and mountain terrain of Southern Arizona. As a result, the number of deaths due to dehydration, drowning, and exposure has drastically increased.5 Since 1994 over 5,000 migrants have perished in transit; this is likely a conservative estimate given the vast desert landscape likely holds hundreds, if not thousands, of more bodies.6 Although often labelled ‘unintended consequences’ (Cornelius 2001), given current policies’ stated intent of escalating the risks, dangers, and physical costs associated with illicit entry, migrant fatalities are hardly unanticipated. Additionally, current enforcement efforts rest on an ugly paradox in which the insecurity of the other is justified to protect and foster the life of the social body (Burke 2007; cf Foucault 1990). In depriving migrants of adequate protections while wilfully exposing them to undue environmental risks and dangers, current approaches have turned the border into a zone of abjection—a

3 These measures resulted from the Secure Border Initiative (2006) and Secure Fence Act (2007). Consequently, the Border Patrol is now the largest American police force, with 18,000 agents and a budget of $13 billion (Hagan and Phillips 2008).
4 Since 2006 the Minutemen Civil Defense Corps began offering landowners near the border free perimeter fencing equipped with barbed-wire, fibre-optic sensors and surveillance cameras (Walsh 2008). Additionally, the American Border Patrol managed to deploy remote-controlled spy-planes known as ‘border hawks’ well before the federal government (Cooper 2003).
5 Undocumented entries have continued unabated, and, in increasing the costs of crossing, current policies have transformed otherwise itinerant migrants into a permanently settled underclass. Further, in limiting the capacities for legitimate, legal entry, policies force migrants to rely on unscrupulous coyotes and, thus, have created conditions in which human smuggling, transnational criminal networks, and their consequences have proliferated (Andreas 2000).
6 In the summer months temperatures frequently surpass 110°F, making it physically impossible for travellers to carry enough water to remain hydrated.
place where ‘immigrants are channelled into danger’ and ‘immigrant life is...disavowed to the point of death’ (Inda 2006, 26, 174).

The Indeterminacy of the Gaze: Reconceptualizing Surveillance as an Empowering Practice

As indicated above, the use of surveillance in administering borders and disciplining mobility is already well documented. What has not been sufficiently recorded, however, is surveillance’s ambiguity or double life and employment in undermining borders and their attendant consequences.

Treated as an elite-based phenomenon involving the conscious and coordinated monitoring of individuals and groups to govern their attributes and conduct, surveillance was indicted by much of the early scholarly literature as an innately disciplinary, hierarchical, and intrusive mechanism of social control and moral regulation (Burnham 1983; Dandeker 1990; Ellul 1980; Gandy 1993; Rule 1974). While the field has yet to entirely jettison such assumptions, surveillance studies has made significant strides in challenging one-dimensional and overly pessimistic accounts. Without discounting the status of surveillance as a powerful form of social instrumentation, studies increasingly note that observational technologies and practices are flexible and ‘under-determined’ (Monahan 2008) and can be ‘repurposed’ toward empowering and democratic ends. Their use is inherently situational: ‘By themselves, they are unremarkable tools...as vital to the maintenance of our welfare and freedom as they are to... [despotic] designs’ (Scott 1998, 4).

Applicable to all systems of authority, notions of a ‘dialectic of control’ (Giddens 1987) are especially salient in the present. Through the mass production and dissemination of new technologies (such as camcorders, laptops, and cell phone cameras), surveillance has been ‘democratized’, as anyone with the necessary purchasing power has access to mechanisms of social monitoring (Marx 2003; Pecora 2002). According to Haggerty (2006, 29), with the capacities of watching and monitoring now broadly distributed, ‘traditional hierarchies of visibility are being undermined, ...reconfigured’ and levelled in ways that may empower the watched and those mobilizing on their behalf. Thus, to truly understand surveillance in its various forms, we must approach the concept contextually, with an emphasis on the goals and intentions of its practitioners. Drawing on such insights, Lyon (2001) has argued that surveillance is most fruitfully viewed as an open and processual field defined by the logics of care and control, with the former term referring to humanitarian and protective impulses and the latter to technical and disciplinary ones. While this conceptualization should not be overemphasized as, in many instances, forms of surveillant ‘care’ are hegemonic in nature and entrench prevailing power asymmetries by functioning as tools of legitimation, Lyon’s distinction assists in underscoring the intrinsically protean quality of observational strategies.

Despite growing attention to the ambiguous and multivalent nature of surveillance, research on migration and mobility has continued to assume a framework of border control in which watching and monitoring are aligned with gatekeeping, regulating access, and excluding and expelling unwanted populations (see Inda 2006; Salter 2007; Shamir 2005; Torpey 2000; Walters 2006). Consequently, when studying instances of resistance and empowerment, researchers treat surveillance as a target, rather than tool, of resistance and analysis centres on if and how it may be eliminated. While the impact of official practices of territorial and social boundary maintenance can hardly be overestimated, many of the techniques and tools implicated in the administration of political borders can also be appropriated by opposing actors. In the following discussion I draw on the work of three activist organizations to inform and add complexity to extant scholarship, shifting analysis to forms of border care neglected by scholars interested in surveillance, borders and mobility.

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7 Consequently, in Pima County, Arizona, the epicenter of the border crisis, the medical examiner’s office has had to rent a refrigerated semi-truck to store the surplus of corpses (Becker 2005).
Watching Out for Migrants: Surveillance and Border Activism

Border securitization has received increased scrutiny and criticism from multiple religious and secular activist organizations. Viewing government policies as immoral, ineffective, and complicit in the inexorable rise of deaths in transit, several organizations have employed surveillance technologies and practices to protect and physically help migrants. Focusing on three of the most active and visible – Humane Borders, No More Deaths, and the ACLU – I discuss how each organization has used surveillance to challenge existing policy regimes and effectuate counter-geographies which transcend legal and moral categories of illegality. As the following indicates, in addition to challenging surveillance’s use as a mechanism of control and exclusion all three organizations are also engaged in a deeper counterhegemonic struggle over the nature of border care – what it is, how it is practiced and whom it is directed towards.

Humane Borders
Founded in 2000 by Robin Hoover, a pastor from Tucson, Arizona, Humane Borders is a faith-based humanitarian organization dedicated to ‘taking death out of the migration equation’ and creating a ‘just and humane border environment’ (Humane Borders 2005a). As a coalition of human-rights groups, congregations, and legal advocacy organizations, the group draws on over 10,000 volunteers and, through grants from Pima County, Arizona and private donations, has an annual budget of $200,000.8 The organization is best known for two practices that utilize geospatial surveillance systems: the strategic placement, installation, and maintenance of water stations throughout the Southwest, and the creation and distribution of maps providing their locations and other lifesaving information.

Humane Borders began its construction of water stations in 2001. As of 2009 the group maintains 102 stations across the Southwest, each one stocked with a 100-gallon water tank, food, clothing, and first-aid kits. Marked by a blue flag flown from a thirty-foot pole, each station is visible from a considerable distance. The flag displays the group’s logo, a drinking gourd with water pouring from it—a direct allusion to the 19th-century antislavery Underground Railroad as well as to the group’s humanitarian mission (Humane Borders 2005a).

To augment these activities, since 2002 Humane Borders has assembled maps to monitor, record, and analyze migratory routes and the rate and spatial distribution of fatalities. Initially these maps were constructed using portable GPS devices, Adobe Photoshop, and information from the Pima County morgue, Border Patrol, and Mexican Consulate in Tucson. Humane Borders used the information on the spatial coordinates of migrant fatalities to make informed operational judgments; upon identifying a cluster of deaths the organization would place water stations a few miles south. However, given the ongoing game of ‘cat and mouse’ between migrants and the Border Patrol, crossing routes required continuous monitoring and such practices became prohibitively inefficient and time-consuming (Humane Borders 2005b).

In 2005 the Environmental Research Systems Institute, a leading commercial vendor of GIS software, donated a license for its ArcView 9.1 program. As electronically mediated forms of ‘dataveillance’, GIS technologies do not simply capture, store, and represent locational data, but also allow clusters of geographic information to be quantitatively analyzed.9 With the assistance of geographers at the University of Georgia, Humane Borders has created a geodatabase of spatial data to uncover statistical correlations between deaths and environmental factors and ‘help…make strategic decisions…about water station placement and…show, in a graphic way, how [they] help mitigate the loss of life’ (Humane Borders 2008c; see figure 1). Mirroring practices of ‘risk-based’ crime control (Haggerty and Ericson 2002), where spatial data is used to assess threats, discern the probability of future events, and minimize their

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8 Funding from the Pima County government was obtained on the grounds the organization assisted in augmenting public safety and security (Humane Borders 2008c).
9 Recent GIS-supported studies conducted by Humane Borders show that deaths are non-randomly clustered further away from water tanks, indicating that the tanks do have some impact (Chamblee et al 2006, 26-27).
occurrence, Humane Borders’ practices also demarcate zones of danger and risk. For the organization however, the monitoring and analysis of locational information is oriented to constructing more compassionate cartographies based on human security. Through their deployment of sophisticated technological infrastructures the geography of the border has been reconstituted. Contra the Border Patrol and DHS, the surveillance systems installed by Humane Borders survey, register and identify bodies and movements to create settings based on unrestricted access and the material and symbolic restoration of life and personhood.

GIS technologies have also been used to construct border maps distributed in communities across Mexico and Central America. Displaying a 60- by 50-mile stretch of the Arizona border, these maps provide: (1) details concerning terrain, cell phone coverage, and locations of border fencing; (2) colour-coded symbols signifying the locations of water stations, Border Patrol rescue beacons and recent fatalities; and (3) three black, concentric rings demonstrating the distance one can expect to cover on foot in one to three days (see figure 2). The maps also provide emergency contact numbers and encourage migrants to travel with someone they trust and bring adequate food and water, the phone numbers of relatives, personal identification, and comfortable shoes.10

Citing ethical notions of informed consent, Hoover argues that the maps are necessary educational devices: ‘Many migrants don’t have any information. [Smugglers] are lying to them. If we can give them information...they could make an informed decision whether to come or not’ (Dellios 2006, 1A). For migrants who decide to come, the maps assist in minimizing risks and securing safe passage. Additionally, given the lack of public discourse concerning the human consequences of government policy, they render visible border securitization and surveillance, calling into question their modus operandi and outcomes.

10 The maps do advise migrants against crossing, asserting: ‘Don’t do it! It’s hard! There’s not enough water!’
Walsh: From Border Control to Border Care

Humane Borders
Fronteras Compasivas
- Water Stations
- Border Patrol
- Rescue Beacons
- Migrant Deaths
Fiscal Year 2004

Figure 2
Although several political officials and media pundits view Humane Border’s actions as tantamount to facilitating illicit entry,\footnote{DHS secretary Michael Chertoff said his department strongly opposed the distribution of border maps, stating that they would ‘entice more people to cross, leading to more migrant deaths and the further enrichment of the criminal human trafficking rings’ (Seper 2006, 1).} the Border Patrol has largely embraced a stance of tacit acquiescence. Although the two entities’ larger objectives of care and control are at odds, the organizations have, to a certain extent, entered a partnership or ‘handshake’ agreement in which Border Patrol officers will not patrol near nor monitor water stations, while activists pledge to provide only water and emergency medical care and to contact the Border Patrol when injured migrants require transportation (Menjivar 2007, 114). Humane Borders says that ‘we are not in an adversarial relationship with the … Border Patrol. They don’t want to pick up dead bodies any more than we do’ (quoted in Cunningham 2002, 190).\footnote{As further evidence of an amicable working relationship, in 2006 the Border Patrol helped to rescue four lost volunteers, and agents have reported that they regularly drink from the water stations when working during the summer (Doty 2006).} The organization even justifies its practices on the grounds that they are cost-effective solutions and augment governmental enforcement, claiming:

\begin{quote}
Our water stations give agents...more time to achieve their objectives of deterrence and apprehension, instead of spending time on search and rescue missions. We provide an extra pair of eyes and ears and we frequently call the … Border Patrol to effect rescue missions (Hoover 2003a, 1).
\end{quote}

The group has also engaged in a series of ‘cooperative moves’ in which ‘efforts to resist surveillance … involve collusion with surveillors’ (Marx 2003, 383). Here, the organization not only obtains the support of government authorities but actively cooperates with them. Specifically, Humane Borders has negotiated the installation of public safety communications equipment on observational towers mandated by the Secure Border Initiative.\footnote{The surveillance towers are part of the DHS’s new ‘virtual fence’ and display radar, CCTVs, and infrared sensors.} Attaching such equipment to the towers permits migrants to contact 911 emergency responders—but nobody else—on their cell phones. Overcoming initial reservations, the group’s leadership noted that, while the government’s strategy was costly and misguided, the vast majority of migrant deaths occurred outside cell phone coverage areas and more than half of all rescues were initiated by migrants using cell phones. Installing emergency response systems, the organization thus concluded, would help to ‘spread an electronic umbrella of safety’ over the borderlands (Humane Borders 2008c, 1).

Such alignments are open to critique on the grounds that linking humanitarian and state practices may create new avenues for cooptation by allowing the government to promote further securitization under the guise of humanitarian impulses. Humane Borders is fully conscious of such issues and has spent considerable time debating its relations with state actors. Ultimately, its leadership has decided that, given the institutional environment in which the group operates as well as the urgency of the situation, communications and alignments with governmental authorities are unavoidable in order to respond effectively to rising migrant fatalities.

First, the group acknowledges and adapts to the legal and political limitations structuring its field of intervention. Alignments with official gatekeepers have largely emerged by virtue of the government’s exclusive control over land-use permits and its knowledge of migratory routes and patterns of fatalities. Thus cooperation with state agents has emerged out of necessity, not out of a desire to endorse existing public policy. As the organization admits, operating in secret or in contravention of the established legal order would interfere with its ability to influence policy, eliminate unjust government practices, and have the broadest possible impact on migrant suffering. By working openly and transparently, the group has attempted to move from ‘disaster relief thinking to institutionalized ministries designed to move nations to structurally adapt to the … defense of human rights’ (Hoover 2008, 10). Citing Habermas’s notions of ‘communicative competence, preparation for discourse and discursive redemption’, (Hoover 2004, 3) Hoover claims that the group understands the constraints imposed in its domain of action. In addition to...
naming the evils of present policy, border activists must by prepared to exercise ‘what little discretion they have’ to understand and navigate ‘the distribution of power … in this particular case’ (Hoover 2004, 4). He also notes that ‘until the dynamics … of the public policy area of interest to a group is understood along with an understanding of public administration…[the] organization should expect limited results’.

On these grounds, the group chooses to speak with anyone possessing ‘warrant and wisdom on the issues’—including the Border Patrol, elected officials, and land managers—‘in a non-adversarial way’ (Hoover 2008, 6).

Second, while recognizing the potential contradictions of their actions, the group’s leaders claim that absolute moral consistency is a luxury that cannot be afforded given the urgency of the border crisis. Specifically, the group’s actions are conceived as an ‘interim moral response’ that ‘invokes the power of immediate remedy’ (Hoover 2004, 2). The first priority of Humane Borders is to restore the migrant’s capacity for physical existence, even if doing so requires cooperating with the very forces that render such existence illegal and precarious. Even though the organization receives some government support, the placement of water in the desert and the distribution of maps that graphically depict the severity of migrant suffering implicitly provide an incisive critique of border securitization. As Hoover has stated, Humane Borders is ‘fully engaged in critical discourse in public’ and guided by the ‘principles of justice, accommodation, dignity and … love’ (Hoover 2008, 3, 6). In this manner, the group’s actions—despite its cooperation with gatekeepers—are ultimately intended to highlight and correct the danger and immorality of ‘[using] the desert as part of a deterrent system’ and ‘herding migrants down death trails’ (Hoover 2004, 3).

No More Deaths

Founded in 2004 by several Tucson-based religious leaders including Catholic Bishop Gerar Kincanas and Presbyterian pastor John Fife, No More Deaths is a diverse ensemble of religious activists and human rights groups dedicated to providing direct humanitarian relief to migrants. Claiming to take the ‘sanctuary of the church to the desert’ (Hagan 2008, 108), the organization believes that ‘around-the-clock, non-violent, physical humanitarian presence …[is] the single most effective response to the tragic crisis’ (No More Deaths 2008a, 6). These activities are conceived as a ‘civil initiative’ in which the nomos of the state and its unjust consequences are challenged through non-violent protest and the ‘conviction that people of conscience must work openly and in community to uphold…human rights’ (No More Deaths 2008b).

No More Deaths began by undertaking Samaritan patrols through the Sonoran desert to locate migrants in need of medical and humanitarian assistance and, if necessary, to evacuate them to a medical facility or turn them over to the Border Patrol’s search and rescue division. Patrol volunteers also leave bottles of water in the desert and distribute ‘know your rights’ cards informing migrants of their legal rights when dealing with the Border Patrol and other authorities. In addition to first aid and basic medical training, the group’s volunteers learn basic tracking techniques, as well as how to use GPS technologies to monitor migrant activity and map the dominant crossing trails (No More Deaths 2008b; 2008d). Such patrols provide a foil to the Minutemen and Border Patrol. Although all three groups engage in direct observation to monitor migrants and render the border region visible or ‘legible’ (Scott 1998), for No More Deaths, rather than disciplining the national landscape and foreign bodies, practices of surveying and tracking are subordinated to caring for the other.

The organization expanded its operations in 2004, establishing biblically inspired ‘Ark of the Covenant’ camps as bases for coordinating search and rescue patrols. Although several exist, the central camp is in Arivaca, Arizona, within a few miles of the Mexican border. These moveable camps are intended to symbolize God’s guiding presence during the Israelites’ sojourn in Egypt and—in addition to providing humane assistance—also serve as sites of religious ceremonies to commemorate the thousands who have lost their lives (Hagan 2008).
Since 2006 volunteers have also begun working in migrant aid centres in Nogales, Agua Prieta, and Naco (three communities in the Mexican state of Sonora) to provide basic care and emotional support to migrants repatriated to Mexico.\textsuperscript{14} Such practices were expanded when it became apparent that migrants were frequently mistreated by Border Patrol officers and by guards at Immigration and Customs Enforcement (ICE) detention facilities. In response, trained volunteers and medical professionals have engaged in watchdog functions to systematically document abuse and mitigate inequality by revealing the inner workings of government institutions. After providing medical care, volunteers will ask migrants if they are willing to complete a voluntary survey detailing their treatment by government agents. Collected information is then classified by category of violation, date, and project site and transferred into a site-specific spreadsheet and encrypted online database. In 2008 this compilation was published through a formal report entitled ‘Crossing the Line’, which documented 345 cases of abuse in the arrest, detention, and repatriation process. Abuses included denial of food, water, and medical care, along with instances of physical and verbal abuse (No More Deaths 2008c).

As demonstrated by its extensive scrutiny of state agents, No More Deaths’ relationship with the Border Patrol is much more contentious than that of Humane Borders. This more adversarial stance derives in part from the organization’s founding by former members of the 1980s sanctuary movement, which sought to provide aid and refuge to Central American migrants denied asylum status by the US government (Cunningham 2002). Although one of its leaders (John Fife) was criminally convicted on charges of harbouring and conspiracy, since its creation No More Deaths has pledged to work openly and legally and not to attempt to evade state agents or directly encourage surreptitious entry. No More Deaths had one serious brush with the law in 2005, when two volunteers were indicted for alien smuggling after they were found transporting three severely dehydrated migrants to a local hospital. The charges, which threatened to criminalize humanitarian aid and legally equated the volunteers with human smugglers, were later dismissed on the grounds that, due to prior meetings with the Border Patrol, the organization reasonably believed its actions were officially sanctioned. However, the presiding US district judge noted that in future instances volunteers ‘could be arrested and charged, at the least, with reckless disregard of the law’ (quoted in Fan 2008, 719). More recently, several members of the organization have been cited and prosecuted for littering after leaving bottled water in the Buenos Aires National Wildlife Refuge without explicit permission.

While the organization has not pursued these actions as intentional forms of civil disobedience, the resulting surveillance and prosecutions have created new political opportunities as they ‘enable the observed to shape the images scrutiny produces’ (Coutin 1995, 565) and promulgate alternative legal and moral claims. Specifically, through hearings, trials, and the extensive press coverage they have garnered, No More Deaths’ has publicized its message in the hopes of mobilizing others and contesting established regimes of ‘legal truth’ (Coutin 1995). Accordingly, the organization argues that government policies have created a ‘public health emergency’ while simultaneously prohibiting established rights of rescue and assistance by requiring individuals and humanitarian organizations to obtain government permission to save lives. In the words of the group’s attorney, Margo Cowan: ‘We have a right to do what we are doing and a moral obligation. We are in the epicenter of a warzone’ (Becker 2005, 3a).

\textit{The American Civil Liberties Union}

The oldest and most famous of the groups in question, the ACLU is a nationwide, non-partisan organization invested in ‘protecting the principles of freedom and equality set forth in the US constitution and civil rights laws’ (ACLU 2008b). Founded, in part, to protect aliens during the Palmer raids of World War I, the group has, historically, been closely allied with the immigrant rights movement. Breaking from traditional technical challenges through ‘impact litigation’, the organization has, since 2004, engaged in direct forms of legal observation along the southern border. Although the ACLU was troubled by claims of abuse by the Border Patrol and local law enforcement, its presence was motivated primarily by the Minuteman Project’s decision to undertake civilian-led border watches in April 2005.\textsuperscript{15}

\footnote{14} Since its creation, the aid station in Nogales alone has served more than 250,000 individuals.
Led by Ray Ybarra, a graduate student at Stanford Law School, the ACLU trained more than 500 volunteers during 2004-2006 in the proper use of video surveillance equipment to monitor vigilante organizations across the Southwest. Known as the Legal Observers Project, this initiative, although targeting different agents and locales, was consciously modelled after Cop-watch and other organizations where ordinary citizens ‘watch the watchers’ by monitoring the actions of on-duty police officers (Ybarra 2007; cf. Huey et al. 2006). Using observational and imaging technologies, including digital cameras, cell phones, and camcorders, legal observers monitor the nation’s gatekeepers and vigilante groups to prevent or document misconduct and brutality. Envisioned as rational and unaffected subjects, participants are to serve as ‘neutral observers’ who ‘should not become involved in crowd control, conflict resolution or speaking for the demonstrators’ (Walker 2007, 172). Thus, the organization employs the objectifying and subjectifying gazes of witnessing and discipline to curb the coercive impulses of vigilantes. First, legal watch-dogging documents violence and abuse to provide potential witnesses and facilitate prosecution. Second, monitoring efforts are intended to prevent events from ever happening, thereby creating a deterrent effect. In the later instance surveillance is not simply exercised over vigilantes but, in facilitating forms of self-control, is exercised through them. As Ybarra has stated: ‘By standing behind someone with a video camera… and [through] communication to others, [vigilantes are] less likely to enact their rage on a migrant’ (Ybarra 2007, 409; see Table 1 for a typology of the three groups).

The ACLU has also engaged in traditional legal contestation, filing open records requests through the Freedom of Information Act to uncover patterns of migrant abuse (Ybarra 2007). These actions are similar to those of No More Deaths but work explicitly through formal legal channels and do not directly document migrant grievances, relying instead on institutional disclosure and compliance. The ACLU is especially concerned with recent spikes in fatalities at ICE holding facilities and notes that its actions should help challenge the institution’s culture of secrecy by rendering the administrative process transparent. In particular it asserts that the ‘DHS must not be allowed to keep information about in-custody deaths secret’, adding the department must ‘be held publicly accountable when it fails to provide...health care mandated by our constitution’ (ACLU 2008). According to reports issued by the group, migrants are routinely subjected to illegal searches, physical and psychological abuse, and deprived food and medical attention; in extreme cases, they have allegedly been murdered.

Table 1: Border-activist Interventions

<table>
<thead>
<tr>
<th>Mode of Intervention</th>
<th>Organization</th>
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<tr>
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<td>Humane Borders</td>
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<tr>
<td>Dominant Observational Strategy</td>
<td>Transformative 'de-bordering'</td>
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<tr>
<td>Tactics of Intervention</td>
<td>Use of GIS to distribute water and border maps</td>
</tr>
<tr>
<td>Cultural Framing of Collective Action</td>
<td>Faith-based/Cosmopolitan</td>
</tr>
<tr>
<td>Relation with State Agents</td>
<td>Non-adversarial</td>
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15 According to the director of the ACLU’s Arizona Chapter, ‘The Minuteman Project has created a powder keg situation with the potential to go beyond harassment and false imprisonment to real violence. We hope that the observer project will … ensure that private citizens do not detain, harass, or humiliate others in violation of the law’ (ACLU 2005: 1).
Reframing the Gaze: Surveillance and Grammars of Resistance

In addition to instrumental objectives, each group’s practices display expressive or interpretive dimensions. In linking surveillance to democratic accountability and humanitarian imperatives rather than technical or regulatory ones, the organizations studied seek to render power visible and transform dominant ‘fields of vision’ on a deeper symbolic level. For social movements the processes of claim-making and framing are central in legitimating their practices and mobilizing public bystanders. More than facilitating collective action, framing is profoundly political and, by constituting and naming certain issues as public concerns, displays independent structure-forming effects (Melucci 1989). According to Coutin (2005, 22), recasting the terms of the immigration debate may help ‘redefine the space occupied by unauthorized migrants by contesting their state-defined status of criminality and…illegal presence’. However, framing constrains as well as facilitates the dynamics of collective action. The cultural idioms and repertoires selected by movements place clear parameters upon their style of protest and structure the perceived desirability of particular alternatives (Benford and Snow 2000). Below, I discuss the different frames employed by each organization and the degree to which they may resonate with the general public and adequately address the needs of the undocumented. As subsequently elaborated, while some of the practices and outlooks in question display limitations, the group’s strategies are most fruitfully viewed as complementary approaches that should be employed in concert to systemically address the border crisis.

Liberal Doctrines of Privacy and Civil Liberties
The ACLU embraces liberal political principles, including a minimalist theory of the state and perceptions of society as an aggregation of free, rights-bearing, rational individuals. The organization’s central goal is to promote formal legal equality and remove illegitimate external constraints and intrusions that violate civil liberties. For migrants the organization’s values and practices are clearly significant. Given their illicit and outsider status, the undocumented are both uniquely vulnerable to abuse and the least likely to report it, or even display awareness of their legal rights and entitlements. Thus, the ACLU’s practices of direct observation and legal contestation help to create a space of protection, visibility, and transparency in which migrants are shielded from discrimination and mistreatment by state authorities and other actors. Specifically, noting that the country’s constitutional and legal doctrines extends basic civil rights (due process, equal protection etc.) to all persons-citizen or otherwise – the organization attempts to ensure that the intended parameters of the nation’s juridical order and protections are upheld. In these regards, despite its attempts to ensure that rights and protections encapsulate more than formal members of the citizen-body, the ACLU fails to articulate a cosmopolitan theory of human rights as it remains wedded to national frameworks of domestic and constitutional law.

When employed uncritically or in isolation from broader public goals, the practices and principles of the ACLU display significant limitations. First, it is questionable whether methods of detached, objective, and impersonal observation targeting individual agents of surveillance can effectively challenge larger, less visible institutional arrangements. Lacking an alternative vision for the future, watching the watchers through existing legal channels is not only unlikely to result in substantive improvements, but may actually prove counterproductive. In particular, scholars have noted that, when subjected to greater scrutiny, institutions frequently implement counter-neutralization strategies (Marx 2009). Upon learning of the ACLU’s plans, the Minutemen toned down their inflammatory rhetoric, implemented a ‘no contact, no engagement’ policy, and conducted background checks for all volunteers. Thus, while reducing the likelihood of direct confrontations, the ACLU’s actions have also inadvertently contributed to the Minutemen’s ‘mainstreaming’ and establishment as a voice in the immigration debate (Chavez 2008). More fundamentally, strategies of legal observation embrace an additive rather than transformative approach to surveillance, believing that oversight from responsible citizens and

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16 Frames are here defined as ‘action oriented sets of meanings and beliefs that inspire and legitimate the activities and campaigns’ of social movements (Benford and Snow 2000, 614).
organizations will inhibit authoritarian impulses. On the contrary, it is entirely plausible that strategies of an ‘eye for an eye’ will breed greater suspicion, secrecy and covertness (Marx 2003, 2009).

Additionally, the group’s agenda incompletely expresses the needs of migrants. Commenting on attempts to reduce questions of surveillance to matters of privacy and non-interference, many scholars argue that an uncritical deference to liberal individualism ignores the importance of substantive citizenship and active, public commitments to justice, egalitarianism, and respect. As observed in John Gilliom’s (2001) study of welfare mothers, privacy advocates’ attempts to establish an autonomous, inaccessible ‘protected [and] non-public zone around the individual’ (120) risk endorsing ‘an uncaring world of neglect in which the most needy...are cut off from the support...of a broader community’ (123). For the subjects of this study—poor migrants whose very existence is ‘unauthorized’—commitments to privacy and personal protections have little relevance to their experiences of marginalization and do little to bring about manifest improvements in their life chances. According to Williams (2007, 31), more than protection from government encroachments, immigrants ‘need a language with which to make a case for their entitlement to...public life’. In this context, to comprehensively address injustice the frameworks of privacy, personal freedom, and other abstract legal principles must be dovetailed into a broader social approach grounded in positive freedoms and collective recognition and obligations (Lyon 2001; Regan 1995). Absent such connections, merely upholding the freedom to be ‘left alone’ risks further entrenching contemporary patterns of social atomization. As the following indicates faith-based movements articulate a broader, more collective approach as they present spiritually grounded forms of cosmopolitanism rooted in human security and dignity.

Spiritually Based Cosmopolitanism
The strategy and outlook of Humane Borders and No More Deaths departs significantly from the secular conception of individual rights. These two organizations’ faith-based approaches provide demonstrable instances of how surveillance practices can be reclaimed and redirected towards ‘re-embodying persons’ and caring for and welcoming others (Lyon 1994). As previously noted, while the two organizations have adopted different approaches vis-à-vis the legal order, this is less a reflection of divergent moral convictions than of the idiosyncrasies of their interventions. Humane Borders’ extensive dependence on information and authorization from government entities in order to operate effectively has necessitated the adoption of less adversarial approaches. In contrast, No More Deaths has exploited the ostensible illegality of some of its practices to directly challenge ‘legal truth’ and to ensure that humanitarian interventions remain permissible. Nonetheless, religious teachings are central in legitimating and orienting both groups’ actions and provide a moral repertoire for critiquing existing policy approaches. Thus, despite following different paths, both groups are guided by commitments to spiritual communality and cosmopolitanism in ways that challenge the state-imposed moral and socio-legal distinctions of citizen, alien, and illegality.

Demonstrating what has been labelled the ‘deprivatization’ of the church (Casanova 1994) publicly engaged interpretations of scripture guide both groups use of surveillance and definition of migration as a social justice issue. As Hoover of Humane Borders states, ‘Sometimes...biblical texts have greater heuristic value than...politics. Even though they are old...they offer...more contemporaneous analysis than otherwise imagined’ (Hoover 2004, 1). Religion’s increased role in connecting public and private morality can, of course, hardly be reduced to causes of social justice or liberation; reactionary groups including the Ku Klux Klan and the Moral Majority have also engaged Christian teachings and symbols. In particular, since the 1970s evangelical movements and the Christian right have advocated for the tightening of traditional cultural and civilization borders associated with, inter alia, marriage, sexuality, nationalism, and patriotism (Wilcox and Larson 2006). Thus, in addition to contesting political notions of sovereignty and security, Humane Borders and No More Deaths are also engaged in a struggle to over symbolic boundaries as they seek to reclaim Christian values and principles in the service of progressive

17At the risk of oversimplification, privacy—specifically its ‘isolationist ethic’ and discourse of ‘abandonment and irresponsibility’ (Gilliom 2001, 122)—is precisely what puts migrants in danger and renders their lives precarious to begin with.
causes. Accordingly, the organizations embrace a ‘social theology’ (Hoover 2004) and ‘faith and moral imperative that transcends borders’ (No More Deaths 2008a).

One central biblical teaching that has inspired both groups is Christ’s identification with and emphasis on responsibility for marginalized groups. This conviction is stressed through frequent allusions to the Good Samaritan, or one who unconditionally cares for strangers and the Parable of the Last Judgment, which includes the following passage: ‘I was thirsty and you gave me drink; I was a stranger and you took me in’ (Matthew 25:35). Additionally, biblical figures and events are viewed as allegories of present circumstances. Individuals from Abraham to Jesus are compared to undocumented migrants, and the exile and sojourn of the Israelites in Egypt provides a reminder of the centrality of displacement and migration in the Judeo-Christian tradition. No More Deaths’ training manual begins with a quotation from the Torah: ‘Know the heart of the stranger for you too were strangers’ (quoted in Hagan 2008, 108), and the Humane Borders website displays the following biblical passage: ‘They will neither hunger nor thirst, nor will the desert heat or sun beat upon them. He who has compassion on them will guide them and lead them beside springs of water’ (Isaiah 49:10). In applying Christian teachings to emergent social dilemmas, both groups demonstrate that religion is capable of challenging accepted narratives and offering the potential of social change.

Furthermore, spiritually based frames are more resilient in the face of counterarguments. According to Hoover (Humane Borders 2005a):

A lot of the so-called rights language discourses have become quite sterile…[and do] not [mobilize] many persons. Our volunteers appeal to more religious language…[and] if law enters…the discussion, it is…expressed in terms of human rights…and conceptions of justice.

Given that the US is the world’s most religious post-industrial society, faith-based frames offer the capacity to broadly resonate with the nation’s prevailing collective memory. Biblical texts are deeply ‘ensconced…in the cultural ethos’ (Hoover 2004) and can confer credibility on causes that might otherwise be received unfavourably. According to Hondagneu-Sotelo (2008, 3): ‘The Abrahamic notions of loving the alien [and] welcoming the stranger…provide ancient admonitions that may temper today’s anti-democratic impulses’.

Finally, by employing surveillance in the service of care and protection, both groups embrace a moral geography of hospitality and recognition lacking amidst the growing suspicion, surveillance and exclusion of strangers. According to Derrida (2000), how strangers are approached and treated defines a group’s position within the world, the values it holds, and the nature and durability of rights, duties, membership and belonging (cf. Bauman 2000). In embracing a ‘transformative faith tradition’ (Hoover 2003b, 6) where ‘justice and compassion cross all borders’ (No More Deaths 2008a), both groups incorporate surveillance practices into global forms of grassroots activism that seek to construct alternative political spaces based on deterritorialized notions of respect, duty, aid, and mercy. Accordingly, both groups reject national borders as ontological givens that prefigure and circumscribe moral action. According to one No More Deaths volunteer:

A reporter asked me …’Why as an American are you doing this?’ That’s always funny to me…it’s a people thing…There’s this imaginary line drawn across the desert. That doesn’t make any sense. For someone to become illegal as soon as they cross that line—they are just people. (Quoted in Cabrera 2008, 84-5)

Hoover similarly highlights the personhood of every individual, regardless of nationality: ‘When we look at the face of the migrant, far too often it is a dead migrant. It is not a person trying to cheat the system, not a person trying to cheat us…When we look at what is going on, we need to see the people and our leaders need to see us looking’ (Humane Borders 2006, 1).
Roxanne Doty has argued that such claims are consistent with a cosmopolitan sense of global community, solidarity, trust, and interdependence in which duty towards the other is unconditional, a primary condition of being human based on relations of moral proximity rather than physical distance, political loyalty, or identity (Doty 2006; cf. Levinas 1994). On a deeper level, by fostering a durable sense of care for the foreign other, the vision of Humane Borders and No More Deaths militates against the underlying divisions and inequalities that perpetuate undocumented migration. As practical solutions, both group’s actions may appear minor and ineffectual, however, in refusing to work within existing logics or systems they enable a transvaluation of surveillance and borders, opening a space for pursuing alternative and more hopeful arrangements. According to Lyon (2001, 153):

To ask what might happen if surveillance were guided by an ontology of peace rather than...violence, an ethic of care rather than control...may appear as a weak alternative. But weak in what sense? Is the only conceivable action to counterpose dominitive power with its equal? If not then, weak solutions might be worth a try.

Conclusion

By detailing and analyzing the use of often sophisticated observational practices by border activists, this article has highlighted interventions and actors left unexplored in extant work on surveillance, borders, and mobility. While the administration of territorial borders remains a significant instantiation of state authority central to the exercise and accumulation of political and symbolic power, treating the state as the exclusive agent of border surveillance or assuming that surveillance is inherently repressive endorses a narrow and undersocialized view of observational techniques and practices. Noting there is more to surveillance than initially meets the eye, this paper has advanced a broader definition, recognizing that observing, locating, and classifying may be conducted in the interest of protecting rights, redressing injustices, enabling democratic participation, buttressing moral criticism, and advocating for alternative practices. Further, this paper calls attention to the need to study surveillance as a dynamic and interactive process in which the boundaries between watcher and watched are often indeterminate and where, despite inequalities of power, subordinates are able to contest and challenge gatekeepers, order enforcers, and other formal authorities. Acknowledging this duality allows the researcher to venture beyond the empirically obvious, challenge excessively authoritarian accounts, and, most importantly, advance a publicly engaged brand of scholarship that explores surveillance’s empowering potential.

Examining the collective actions and cultural framings of border activists provides a window into the uses of surveillance in constructing counter-geographies of hope, and promoting a more inclusive and egalitarian social order. Though I have noted various limitations in these groups’ strategies—including Humane Borders’ reluctant cooperation with the Border Patrol and DHS, and the ACLU’s neutral monitoring of authority or ideational frameworks based on grammars of privacy and liberal individualism—I do not mean to imply that activists should dispense with their practices. Their efforts are best conceived as complementary approaches and components of a multi-pronged challenge to the emergent ‘homeland security state’. Using surveillance to assist migrants and monitor authority is unlikely to bring a halt to the tragic border crisis but they are certainly stops in the right direction. In opposing the criminalization and securitization of migration activists face daunting and seemingly insurmountable obstacles, but, as Weber (1946, 128) reminded us, ‘All historical experience confirms…that man [sic] would not have attained the possible unless time and again he had reached out for the impossible’.

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18 This argument is also applicable to terrorism (see Burke 2007).
Chamblee. An earlier version of this paper was delivered in May 2010 for the ‘Security and Citizens in Surveillance Societies’ panel at the annual Law and Society Association meeting in Chicago.

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